

# SHIRE OF SHARK BAY MINUTES

29 April 2020

## ORDINARY COUNCIL MEETING



ANZAC MEMORIAL – SHARK BAY



29 APRIL 2020



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# MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

The minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 29 April 2020 commencing at 3.09 pm.

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**1.0 DECLARATION OF OPENING**

The President declared the meeting open at 3.09 pm.

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

ATTENDANCES

Cr C Cowell	President
Cr E Fenny	Deputy President
Cr L Bellottie	
Cr J Burton	
Cr G Ridgley	
Cr M Smith	
Cr P Stubberfield	

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

APOLOGIES

VISITORS

1 Visitor

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

There are no public questions on notice.

**4.0 PUBLIC QUESTION TIME**

The President opened public question time at 3.09 pm.

Mr Hargreaves queried if the Council was considering a petition regarding the Steep Point Road and memorial.

The Chief Executive Officer advised that the Council was not considering a petition on this matter.

Mr Hargreaves expounded on the benefits of memorial to the German sailors and the Komoran and asked Council if it would give consideration to a proposal of this nature.

The President advised Mr Hargreaves to put his proposal in writing, including any possible funding options for Council to give consideration at a future meeting.

Mr Hargreaves spoke about the realignment of his property boundary in Durlacher Street and the costs that have accumulated in excess of original estimates and asked Council could consider contributing to this expense.

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The Shire President advised Mr Hargreaves to put his request in writing to Council detailing the expenditure for Council to give consideration of the matter at a future meeting.

With no further question put forward the President closed public question time at 3.28 pm.

### **5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

There are no applications for leave of absence.

### **6.0 PETITIONS**

There were no petitions presented to the April 2020 Ordinary Council meeting.

### **7.0 CONFIRMATION OF MINUTES**

#### **7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 MARCH 2020**

Moved           Cr Stubberfield  
Seconded       Cr Fenny

#### **Council Resolution**

**That the minutes of the Ordinary Council meeting held on 25 March 2020, as circulated to all Councillors, be confirmed as a true and accurate record.**

**7/0 CARRIED**

### **8.0 ANNOUNCEMENTS BY THE CHAIR**

The President spoke about the Governance and Organisational Services Policy Team meeting held as an eMeeting today at 2.00pm and updated council on the following issues;

COVID-19 emergency Local Government Act and regulation amendments including the lifting of the tender threshold from \$150,000 to \$250,000, the proposed Financial Hardship policy for the 2020/2021 financial year being developed and the variation to the instalment interest rates from 5.5% to 2% and late payment interest penalties from 11% to 5% .

Cr Burton left the Council Chamber at 3.35pm and returned at 3.36pm.

### **9.0 PRESIDENT'S REPORT**

GV00002

#### **Council Committee Membership**

Member	Audit Committee
Member	Development Assessment Panel
Member (Chair)	Local Emergency Management Advisory Committee
Member (Chair)	Western Australian Local Government Association – Gascoyne Zone
Deputy Delegate	The Aviation Community Consultation Group
Ministerial Appointment	Gascoyne Development Commission

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Meeting Attendance

25 March 2020	Department of Emergency and Fires Services Award Presentations
31	Gascoyne Development Commission Board teleconference
3 April	Western Australian Local Government Association Webinar – Minister Local Government, Deputy Police Commissioner – Covid-19
9	Western Australian Local Government Association Webinar – Ministers for Environment and Local Government – Covid-19 crisis
14	Gascoyne Development Commission Audit and Risk Committee teleconference
24	Gascoyne Development Commission Board teleconference Western Australian Local Government Association Webinar – Minister Local Government, Deputy Police Commissioner – Covid-19
29	Western Australian Local Government Association eMeeting – Governance and Organisational Services Policy Team
29	April Council meeting

Signatures

Councillor	<i>Councillor Cowell</i>
Date of Report	13 April 2020

Moved	Cr Stubberfield
Seconded	Cr Ridgley

Council Resolution

**That the President's activity report for April 2020 be received.**

**7/0 CARRIED**

**10.0 COUNCILLORS' REPORTS**

10.1 CR RIDGLEY  
GV00008

Committee Membership

Member	Audit Committee
Member	Shark Bay Business and Tourism Association
Deputy Delegate	Local Emergency Management Advisory Committee

Meeting Attendance

3 April 2020	Attended the Western Australian Local Government Webinar
9	Attended the Western Australian Local Government Webinar

Signatures

Councillor	<i>Councillor Ridgley</i>
Date of Report	9 April 2020

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29 APRIL 2020

Moved Cr Fenny  
Seconded Cr Burton

**Council Resolution**

**That Councillor Ridgley's April 2020 report on activities as Council representative be received.**

**7/0 CARRIED**

10.2 CR FENNY  
GV00017  
Nil report for the April 2020 Ordinary Council meeting.

10.3 CR SMITH  
GV000  
Nil report for the April 2020 Ordinary Council meeting.

10.4 CR STUBBERFIELD  
GV000  
Nil report for the April 2020 Ordinary Council meeting.

10.5 CR BURTON  
GV00018

**Committee Membership**

Member	Audit Committee
Member	Shark Bay Arts Council
Proxy Delegate	Development Assessment Panel for Councillor Fenny

**Meeting Attendance**

3 April 2020	Attended the Western Australian Local Government Covid-19 webinar
9	Attended the Western Australian Local Government Covid-19 Webinar

**Signatures**

Councillor	<i>Councillor Burton</i>
Date of Report	9 April 2020

Moved Cr Ridgley  
Seconded Cr Fenny

**Council Resolution**

**That Councillor Burton's April 2020 report on activities as Council representative be received.**

**7/0 CARRIED**

10.6 CR BELLOTTIE  
GV00010  
Nil report for the April 2020 Ordinary Council meeting.

29 APRIL 2020

**11.0 AUDIT COMMITTEE REPORTS**

11.1 SIGNIFICANT ADVERSE TREND IN FINANCIAL POSITION  
FM00003

AUTHOR

EXECUTIVE MANAGER FINANCE AND ADMINISTRATION

DISCLOSURE OF ANY INTEREST

Nil

Moved           Cr Ridgley  
Seconded       Cr Burton

**Council Resolution**

**That Council:**

- 1. Accept and endorse the action detailed within the Significant Adverse Trend in Financial Position Report for the financial year ended 30 June 2019, presented to the Audit Committee by the Council's Administration, and**
- 2. Forward a copy of the report and Council Resolution to the Department of Local Government as a true and correct record of the information contained therein.**

**7/0 CARRIED**

BACKGROUND

In the Moore Stephens Independent Auditor's Report to the Councillors of Shark Bay for the financial year ended 30 June 2019 they detailed that:

In their opinion, there is a significant adverse trend in the financial position of the Shire as the Operating Surplus Ratio has been below the Department of Local Government, Sport and Cultural Industries Standard for the past 3 years.

This is a significant matter that is required to be reported to the Audit Committee along with a detailed report outlining what actions the local government has or proposes to take in respect of the matter raised.

COMMENT

At the Audit Committee Meeting held on the 12 February 2020 Mr Greg Godwin of Moore Stephens advised members of the significant adverse trend in the financial position of the Shire due to the Operating Surplus Ratio being below the Department of Local Government, Sport and Cultural Industries Standard for the past 3 years.

However he also outlined the overall positive findings of the audit process and acknowledged that there has been an improvement in the Operating Surplus Ratio which had been noted on page 51 of the Financial Statements for the year ended 30 June 2019. For your information the note is detailed below:



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Ratios	Formula	\$	2019	\$	2018	\$	2016/17	\$	2016/17	Comments
Liquidity & Solvency										
										<i>Abnormal Items Removed from Operating Income and Reimbursements and Recoveries</i>
	Operating Revenue Minus Operating Expense	( 954,853)		( 1,245,454)		( 1,076,522)		( 1,795,232)		
	Net Result	+ ( 436,180)		( 388,216)		1,443,193		724,483		
	- less: Non-Operating grants, Subsidies and contributions	- ( 519,673)	( 954,853)	( 857,238)	( 1,245,454)	(2,519,715)	( 1,076,522)	(2,519,715)	( 1,795,232)	
			-0.303			-0.433		-0.290		-0.600
OPERATING SURPLUS RATIO	Own Source Operating Revenue	3,147,731	3,147,731	2,873,428	2,873,428	3,711,788	3,711,788	2,993,078	2,993,078	
	- add: rates	+ 1,279,210		1,248,087		1,190,882		1,190,882		
	- add: fees and user charges	+ 1,587,982		1,509,057		1,554,203		1,554,203		
	- add: service charges	+ 0		0		0		0		
	- add: interest income	+ 64,894		64,093		66,987		66,987		
	- add: profit on disposal of assets	+ 21,608		0		0		0		
	- add: reimbursements and recoveries	+ 194,027		52,189		899,715		181,006		
	Reimbursements and Recoveries									
	Abnormal Items in 2016/17									
	DOT Reimbursement for Foreshore					\$ 621,928.29				
	Transfer from Trust Account					\$ 96,781.24				
						\$ 718,709.53				

**Notes:**

(1) - During the 2016/17 financial year \$718,710 of abnormal items, which were included in Operating Revenue, effected the Operating Surplus Ratio result of -0.29% displayed above. After adjusting for these abnormal items the adjusted ratio is -0.60% which reflects the downward trend and councils efforts to reduce this significant adverse deficit.

It is acknowledged by both the auditors and the Councillors, that due to the size of its ratebase, our Council is dependent on Grant Commission Funding as this is the major cause of the operating surplus ratio being below the Department of Local Government, Sport and Cultural Industries Standard. As most Regional Local Governments are having to report on the same significant matter the Operating Surplus Ratio needs to be reviewed to acknowledge and address this situation.

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The Department of Local Government, Sport and Cultural Industries advise that the current prescribed financial ratios are being reviewed as part of the Local Government Review. However until this work has been finalised and any amendments endorsed, the existing ratios will remain.

### ACTION

The Shire will continue with the Strategies implemented to reduce expenditure and improve the Operating Surplus Ratio as its successful implementation has proven fruitful over the last three years.

### LEGAL IMPLICATIONS

If the Auditor General or a local government's appointed auditor reports a significant matter in an audit report, section 7.12A of the Local Government Act 1995 requires:

1. Upon receipt of the auditor's report, the local government must prepare a report for its Audit Committee to address the significant matters raised and outline what action(s) the local government has taken or intends to take in respect of each of the matters raised.
2. The Audit Committee minutes and the report to the Minister are referred to Council for proper review and endorsement of any proposed actions.
3. Within 3 months of receipt of the auditor's report, a copy of the Council-endorsed report must be provided to the Minister.
4. Within 14 days of providing a copy of the report to the Minister, a copy must be published on the local government's website.

A local government is not considered compliant with its statutory obligations until all of the above actions have been completed.

### POLICY IMPLICATIONS

There are no policy implications relative to this report.

### FINANCIAL IMPLICATIONS

There are no financial implications relative to this report.

### STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

### RISK MANAGEMENT

Should the Local Government not comply with the Legal implications listed above the Council will be in contravention of the Local Government Act 1995 and will be deemed non compliant with its statutory obligations.

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Author  
Chief Executive Officer  
Date of Report

*A Pears*  
*P Anderson*  
23 April 2020

29 APRIL 2020

**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 Burton

Seconded Cr Fenny

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$508,208.96 be accepted.**

**7/0 CARRIED**

Comment

The schedules of accounts for payment covering -

Municipal fund credit card direct debits for the month of March 2020 totalling \$4,633.24

Municipal fund account cheque numbers 26919 to 26920 totalling \$208.40

Municipal fund direct debits to Council for the month of March 2020 totalling \$30,441.88

Municipal fund account electronic payment numbers MUNI 26389 to 26410, 26413 to 26433, 26441 to 26460 and 26463 to 26479 totalling \$258,785.55

Municipal fund account for March 2020 payroll totalling \$178,420.00

No Trust fund account cheque numbers were issued for March 2020

Trust fund Police Licensing for March 2020 transaction number 192009 totalling \$14,402.55

Trust fund account electronic payment numbers 26411 to 26412, 26461 to 26462 and 26528 to 26546 totalling \$21,317.34

The schedule of accounts submitted to each member of Council on 24 April 2020 has been checked and are fully supported by vouchers and invoices. All vouchers and invoices have been duly certified as to the receipt of goods and services and the cost of goods and services received.

LEGAL IMPLICATIONS

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

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POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The payments listed have been disbursed throughout the month.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

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

Voting Requirements

Simple Majority Required

Signature

Author	<i>A Pears</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	21 April 2020

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**SHIRE OF SHARK BAY – CREDIT CARD  
PERIOD – MARCH 2020**

**CREDIT CARD TOTAL \$4,633.24**

**CEO**

<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
27/02/2020	NOVOTEL PERTH MURRAY ST	ACCOMMODATION CR.COWELL WALGA STATE COUNCIL MEETING	-373.50
2/03/2020	BUNNINGS BUILDING SUPPLIES	SHOWER HEAD AND ARM FOR CEO HOUSE	-68.75
9/03/2020	OPENPAY PTY LTD	CREDIT ADJUSTMENT – REFUND	53.95
9/03/2020	OPENPAY PTY LTD	CREDIT ADJUSTMENT – REFUND	2.08

**\$386.22**

**EMFA**

<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
17/02/2020	RUBBER MONKEY SALES	HDMI EDID MANAGER FOR RECREATION CENTRE COMPUTER TO ENABLE COMPUTER TO DETECT DISPLAYS THAT ARE CONNECTED TO IT, ENABLING PLUG AND PLAY CAPABILITIES FOR HDMI CONNECTIONS LONGER THAN 2 METRES	-145.88
24/02/2020	ACMA	SHIRE RADIO BROADCASTING CHANNELS YEARLY FEE	-270.00
27/02/2020	BELONG	MONTHLY 1GB TELEVISION WITH N-COMM	-10.00
27/02/2020	REGIONAL EXPRESS DIRECT	AIRFARE FOR CHRISSANA LOCKE – INTERIM AUDIT	-708.26
27/02/2020	REGIONAL EXPRESS DIRECT	AIRFARE AMENDMENT FOR CHRISSANA LOCKE – INTERIM AUDIT	-33.72
27/02/2020	REGIONAL EXPRESS DIRECT	AIRFARE FOR IRRMA ASTUTI – INTERIM AUDIT	-504.78
27/02/2020	UTEK PACIFIC PTY LTD	USB ADAPTER FOR DEPOT AND OFFICE	-11.49
27/02/2020	LINDY CONNECTION PERFECTION	2 X HDMI 18G EDID EMULATOR FOR LAPTOPS TO DETECT DISPLAYS THAT ARE CONNECTED TO IT, ENABLING PLUG AND PLAY CAPABILITIES FOR HDMI CONNECTIONS LONGER THAN 2 METRES	-118.00
11/03/2020	LIBERTY ROADHOUSE	FUEL EMFA VEHICLE	-60.13
11/03/2020	CROWN PROMENADE PERTH	LOCAL GOVERNMENT PROFESSIONALS WA FINANCE CONFERENCE – ACCOMMODATION A.PEARS	-826.80
11/03/2020	CROWN PROMENADE PERTH	LOCAL GOVERNMENT PROFESSIONALS WA FINANCE CONFERENCE – MEALS REFUND A.PEARS	32.38

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11/03/2020	CROWN PROMENADE PERTH	LOCAL GOVERNMENT PROFESSIONALS WA FINANCE CONFERENCE – PARKING A.PEARS	-60.72
			<b>\$2,717.40</b>

**EMCD**

DATE	NAME	DESCRIPTION	AMOUNT
4/03/2020	REGIONAL EXPRESS DIRECT	AIRFARES WINTER FESTIVAL MARKETS ENTERTAINER	-1369.32
12/03/2020	SHARK BAY SEAFRONT APPARTMENTS	ACCOMMODATION GASCOYNE SPORTS MODELLING AND ACTIVATION PLANNING PRESENTATION TO COUNCIL	-156.00
			<b>\$1,525.32</b>

**BILLING MASTER CARD**

DATE	NAME	DESCRIPTION	AMOUNT
17/02/2020	BANKWEST	FOREIGN TRANSACTION FEE FOR RUBBER MONKEY SALES – HDMI EDID MANAGER	-4.30
			<b>\$4.30</b>

**SHIRE OF SHARK BAY – MUNI CHQ**

**MARCH 2020  
CHEQUE # 26919, 26920**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
26919	11/03/2020	WATER CORPORATION - OSBORNE PARK	WATER SERVICE CHARGES KNIGHT TERRACE	-87.40
26920	12/03/2020	RODNEY BRIAN NICHOLS	RATES REFUND FOR ASSESSMENT A1280 4 HOULT STREET DENHAM 6537	-121.00
			<b>TOTAL</b>	<b>\$208.40</b>

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**SHIRE OF SHARK BAY – MUNI DIRECT DEBITS  
MARCH 2020**

<b>DD #</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
DD15376.1	01/03/2020	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-3760.64
DD15376.2	01/03/2020	COLONIAL FIRST STATE SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-434.15
DD15376.3	01/03/2020	REST SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-355.75
DD15376.4	01/03/2020	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-232.44
DD15376.5	01/03/2020	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.86
DD15376.6	01/03/2020	THE TRUSTEE FOR REYNOLDS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	-216.17
DD15376.7	01/03/2020	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-405.04
DD15376.8	01/03/2020	CBUS SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-603.72
DD15376.9	01/03/2020	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-540.68
DD15387.1	20/03/2020	VIVA ENERGY AUSTRALIA	VIVA FUEL ACCOUNT - FEBRUARY 2020	-122.36
DD15402.1	15/03/2020	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-3672.37
DD15402.2	15/03/2020	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-213.77
DD15402.3	15/03/2020	COLONIAL FIRST STATE SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-434.15
DD15402.4	15/03/2020	REST SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-342.91
DD15402.5	15/03/2020	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-206.22
DD15402.6	15/03/2020	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-523.86
DD15402.7	15/03/2020	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-405.02
DD15402.8	15/03/2020	CBUS SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-603.72
DD15402.9	15/03/2020	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-639.66
DD15405.1	30/03/2020	EXETEL PTY LTD	MONTHLY INTERNET ACCOUNT - APRIL 2020	-374.97
DD15420.1	29/03/2020	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-3654.84
DD15420.2	29/03/2020	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-213.77
DD15420.3	29/03/2020	COLONIAL FIRST STATE SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-434.15
DD15420.4	29/03/2020	REST SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-319.99
DD15420.5	29/03/2020	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-258.66
DD15420.6	29/03/2020	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.86
DD15420.7	29/03/2020	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-181.19

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DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD15420.8	29/03/2020	CBUS SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-603.72
DD15420.9	29/03/2020	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-536.25
DD15376.10	01/03/2020	HOSTPLUS PTY LTD SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-707.54
DD15376.11	01/03/2020	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1591.72
DD15376.12	01/03/2020	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-80.46
DD15376.13	01/03/2020	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-394.07
DD15376.14	01/03/2020	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-191.62
DD15376.15	01/03/2020	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-213.76
DD15402.10	15/03/2020	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-935.04
DD15402.11	15/03/2020	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1587.55
DD15402.12	15/03/2020	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-51.81
DD15402.13	15/03/2020	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-45.51
DD15402.14	15/03/2020	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-202.45
DD15402.15	15/03/2020	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-237.89
DD15420.10	29/03/2020	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-954.09
DD15420.11	29/03/2020	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1585.39
DD15420.12	29/03/2020	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-88.27
DD15420.13	29/03/2020	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-22.75
DD15420.14	29/03/2020	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-202.45
DD15420.15	29/03/2020	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-191.62
			<b>TOTAL</b>	<b>\$30,441.88</b>



MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY – MUNI EFT

MARCH 2020

EFT 26389-26410, 26413-26433, 26441-26460, 26463-26479

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26389	06/03/2020	SHARK BAY AVIATION	CHARTER FLIGHT - SHARK BAY TO CARNARVON - WALGA ZONE MEETING	-800.00
EFT26390	06/03/2020	BOC LIMITED	FEBRUARY 2020 DEPOT GAS CONTAINER RENTAL	-44.90
EFT26391	06/03/2020	BATAVIA MARINE & INDUSTRIAL	PAINT FOR GALLA MAINTENANCE	-1588.07
EFT26392	06/03/2020	DELLROY PTY LTD	DRILLING SUPERVISION OF TOWN OVAL BORE AS PER TENDER TE2018-19-02	-77800.00
EFT26393	06/03/2020	DENHAM IGA X-PRESS	FEBRUARY 2020 SHIRE ACCOUNT	-526.34
EFT26394	06/03/2020	SHARK BAY SUPERMARKET	FEBRUARY 2020 SHIRE ACCOUNT	-43.69
EFT26395	06/03/2020	FIREY PRODUCTIONS	TV PRODUCTION FILMING CARAVAN AND CAMPING SEGMENT	-5500.00
EFT26396	06/03/2020	REFUEL AUSTRALIA (formerly GERALDTON FUEL COMPANY)	FEBRUARY 2020 MONTHLY FUEL ACCOUNT, BULK FUEL AND SHIRE MANAGERS FUEL FOR WORK VEHICLES	-9820.48
EFT26397	06/03/2020	HORIZON POWER	SHIRE STREET LIGHTING FEBRUARY 2020	-3486.15
EFT26398	06/03/2020	LANDGATE (WA LAND INFORMATION AUTHORITY)	GROSS RENTAL VALUATIONS OCTOBER 2019 TO JANUARY 2020	-67.85
EFT26399	06/03/2020	MCLEODS BARRISTERS AND SOLICITORS	LEGAL MATTER 36996 PROPERTY LOCAL LAW LEGAL FEES	-927.41
EFT26400	06/03/2020	TRUE VALUE HARDWARE	FEBRUARY 2020 SHIRE ACCOUNT	-1289.55
EFT26401	06/03/2020	NATURALISTE PLUMBING PTY LTD	INSTALL NEW WATER FILTER AT SHARK BAY DISCOVERY CENTRE, REPLACE HOT WATER UNIT VALVE AND FIX CISTERN IN MENS TOILET	-890.00
EFT26402	06/03/2020	PATRICIA ANDREW	SHARK BAY DISCOVERY CENTRE MERCHANDISE	-360.00
EFT26403	06/03/2020	PROFESSIONAL PC SUPPORT	3 X COMPUTER UPGRADES SHIRE OFFICE	-792.00
EFT26404	06/03/2020	PAPER PLUS OFFICE NATIONAL	SHIRE OFFICE STATIONERY	-118.57

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26405	06/03/2020	LYONS ENTERPRISES-SHARK BAY CAR HIRE	FEBRUARY 2020 CAR HIRE FOR VISITING MEDICAL STAFF FROM CARNARVON	-710.16
EFT26406	06/03/2020	SHARK BAY CLEANING SERVICE	SHIRE MONTHLY CLEANING ACCOUNT - FEBRUARY 2020	-21146.53
EFT26407	06/03/2020	MCKELL FAMILY TRUST	FEBRUARY 2020 DENHAM RUBBISH COLLECTION AND STREET SWEEPING	-13852.74
EFT26408	06/03/2020	TOWN PLANNING INNOVATIONS	GENERAL AND PLANNING PROFESSIONAL SERVICES FEBRUARY 2020	-4455.00
EFT26409	06/03/2020	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	2 DAYS ONSITE COUNCILLOR TRAINING - SERVING ON COUNCIL AND MEETING PROCEDURES	-8000.00
EFT26410	06/03/2020	WATER TECHNOLOGY	DENHAM TOWNSITE COASTAL MONITORING PLAN - PROFESSIONAL SERVICES PROVIDED	-2237.52
EFT26413	21/03/2020	AUSTRALIAN TAXATION OFFICE	SHIRE BUSINESS ACTIVITY STATEMENT – FEBRUARY 2020	-20207.00
EFT26414	11/03/2020	ARENA CLAUSON ENGINEERING GROUP PTY LTD	STRUCTURAL DRAWINGS FOR DEPOT OFFICE AWNING	-660.00
EFT26415	11/03/2020	AUSTRALIA POST	SHIRE POSTAGE FOR FEBRUARY AND POST OFFICE BOX RENTAL	-262.62
EFT26416	11/03/2020	AIYANA JOAN CHRISTIE WRIGHT	REIMBURSEMENT FOR HAND SANITISER / SOAP FOR SHARK BAY DISCOVERY CENTRE	-10.00
EFT26417	11/03/2020	BOOKEASY AUSTRALIA PTY LTD	FEBRUARY 2020 BOOKING FEE CHARGES	-275.00
EFT26418	11/03/2020	BATAVIA MARINE & INDUSTRIAL	MATERIALS FOR GALLA REPAIRS	-573.10
EFT26419	11/03/2020	BOCCHETTA PLUSH TOYS	SHARK BAY DISCOVERY CENTRE MERCHANDISE	-707.85
EFT26420	11/03/2020	DENHAM MEATS	BBQ SAUSAGES FOR CLEAN UP AUSTRALIA DAY BBQ	-49.38
EFT26421	11/03/2020	DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS	SHARK BAY DISCOVERY CENTRE MERCHANDISE	-448.50
EFT26422	11/03/2020	C.M & G.D BELL	CONTRACT LABOUR HIRE MAIN ROADS SHOULDER MAINTENANCE	-4785.00
EFT26423	11/03/2020	HOSE MANIA	PARTS REQUIRED FOR MACHINERY ON MAIN ROADS SHARK BAY ROAD PROJECT (FLANGES AND GASKETS)	-495.15
EFT26424	11/03/2020	MCLEODS BARRISTERS AND SOLICITORS	DIRK HARTOG ISLAND - FORESHORE MANAGEMENT PLAN - LEGAL FEES	-1156.54

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26425	11/03/2020	NATURALISTE PLUMBING PTY LTD	UNBLOCK DRAIN AT DUMP POINT	-150.00
EFT26426	11/03/2020	PAPER PLUS OFFICE NATIONAL	OFFICE STATIONERY	-199.04
EFT26427	11/03/2020	SHARK BAY BAKERY	HOT DOG ROLLS FOR AUSTRALIA DAY CLEANUP BBQ	-40.00
EFT26428	11/03/2020	SHARK BAY TOURISM ASSOCIATION	SHARK BAY HOLIDAY PLANNER ADVERTISING	-2400.00
EFT26429	11/03/2020	SHARK BAY SERVICES	BATTERY FOR WATER PUMP (P143)	-155.00
EFT26430	11/03/2020	SHARK BAY COMMUNITY RESOURCE CENTRE	FEBRUARY 2020 MANAGEMENT OF RECREATION CENTRE	-5250.75
EFT26431	11/03/2020	SHARK BAY SKIPPER SERVICES	CONTRACT LABOUR HIRE MAIN ROADS SHOULDER MAINTENANCE	-3802.50
EFT26432	11/03/2020	URL NETWORKS PTY LTD	FEBRUARY / MARCH SHIRE VOIP PHONE CALL CHARGES	-207.88
EFT26433	11/03/2020	VISIT GROUP PTY LTD	SHARK BAY DISCOVERY CENTRE MERCHANDISE	-1408.00
EFT26441	19/03/2020	CANDICE USZKO	SALARY SACRIFICE COMMUNICATION	-79.00
EFT26442	19/03/2020	ELGAS LIMITED	BBQ GAS BOTTLE REFILL FOR DEPOT	-35.08
EFT26443	19/03/2020	GERALDTON MOWER & REPAIRS SPECIALISTS	AIR CLEANERS FOR WHIPPER SNIPPER (PP076)	-53.20
EFT26444	19/03/2020	HOSE MANIA	CAMLOCKS FOR MACHINERY - MAIN ROADS WORK	-276.02
EFT26445	19/03/2020	HORIZON POWER	ELECTRICITY CHARGES FOR SES AND ST JOHNS BUILDING	-590.43
EFT26446	19/03/2020	TOLL IPEC PTY LTD	FREIGHT ALLIGHTS MATERIALS	-11.15
EFT26447	19/03/2020	JURIDA DESIGNS	SHARK BAY DISCOVERY CENTRE MERCHANDISE	-936.40
EFT26448	19/03/2020	MARKET FORCE PTY LTD	ADVERTISING SPECIAL COUNCIL MEETING FEBRUARY 2020	-349.97
EFT26449	19/03/2020	OUTBACK COAST AUTOMOTIVES AND RADIATORS	EXCESS CHARGES FOR INSURANCE CLAIM - EMCD VEHICLE	-300.00
EFT26450	19/03/2020	PEMCO DIESEL PTY LTD	REPAIRS TO COMMUNITY BUS (P077) IN GERALDTON	-411.62
EFT26451	19/03/2020	PROFESSIONAL PC SUPPORT	NEW COMPUTER NETWORK SWITCH SHARK BAY DISCOVERY CENTRE AND 2 MONTHLY SERVER MAINTENANCE	-411.40
EFT26452	19/03/2020	R & L COURIERS	FREIGHT FOR FEBRUARY - BUNNINGS, HARVEY NORMAN, BRIDGESTONE, OFFICE NATIONAL, BATAVIA MARINE, PROFESSIONAL PC SUPPORT	-1240.25

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26453	19/03/2020	SHARK BAY BAKERY	MORNING TEA/LUNCH FOR WALGA COUNCILLOR TRAINING 12-13 MARCH 2020	-346.00
EFT26454	19/03/2020	SHARK BAY CLEANING SERVICE	TOILET ROLLS AND PAPER TOWELS FOR SHIRE OFFICE	-74.80
EFT26455	19/03/2020	SHARK BAY SKIPS	SUPPLY AND LIFT OF SKIP BINS FEBRUARY 2020 – DOT AND MAIN ROADS CONTRACTS	-2728.00
EFT26456	19/03/2020	SUMMER GYPSEA	SHARK BAY DISCOVERY CENTRE MERCHANDISE	-310.00
EFT26457	19/03/2020	MOORE STEPHENS	INTEGRATED PLANNING AND REPORTING SERVICES	-27359.52
EFT26458	19/03/2020	SHARK BAY SKIPPER SERVICES	CONTRACT LABOUR HIRE MAIN ROADS SHOULDER MAINTENANCE	-2632.50
EFT26459	19/03/2020	TELSTRA CORPORATION LTD	REFUSE SITE MOBILE PHONE CHARGES	-25.00
EFT26460	24/03/2020	MURCHISON REGION ABORIGINAL CORPORATION	RATES REFUND FOR ASSESSMENT A1203 82 DURLACHER STREET DENHAM 6537	-203.20
EFT26463	27/03/2020	ANDREA PEARS	REIMBURSEMENT FOR MEALS AT LGPA FINANCE CONFERENCE	-32.38
EFT26464	27/03/2020	BATAVIA MARINE & INDUSTRIAL	EPIFILL FOR GALLA MAINTENANCE	-104.50
EFT26465	27/03/2020	CAROLINE BALDWIN	REIMBURSEMENT FOR HAND SANITISER FOR SHIRE OFFICE	-41.98
EFT26466	27/03/2020	DENHAM MEATS	BBQ MEAT FOR STAFF FUNCTION AT DEPOT	-66.40
EFT26467	27/03/2020	GALVINS PLUMBING SUPPLIES	EZY PUSH SERVICE KIT FOR FISH CLEANING FACILITY	-158.36
EFT26468	27/03/2020	HORIZON POWER	MARCH 2020 SHIRE PREMISES ELECTRICITY CHARGES	-10992.11
EFT26469	27/03/2020	HERITAGE RESORT	REFRESHMENTS STAFF FUNCTION AT DEPOT	-211.92
EFT26470	27/03/2020	LANE RAVEN	GYM REFUND ON CONCESSION OVERPAYMENT	-31.00
EFT26471	27/03/2020	MIDWEST FIRE PROTECTION SERVICE	SHARK BAY RECREATION CENTRE AND SHARK BAY DISCOVERY CENTRE MARCH QUARTERLY ALARM SERVICE	-1809.28
EFT26472	27/03/2020	NICK THAKE PHOTOGRAPHY	SHARK BAY DISCOVERY CENTRE MERCHANDISE	-1735.80
EFT26473	27/03/2020	PROFESSIONAL PC SUPPORT	WEBROOT SECURE ANYWHERE BUSINESS ENDPOINT PROTECTION FOR APRIL 2020	-1409.87
EFT26474	27/03/2020	REPCO	GARAGE JACK FOR DEPOT	-777.11
EFT26475	27/03/2020	STATEWIDE BEARINGS	GRUB SCREW FOR JOHN DEERE SKID LOADER (P161)	-82.50

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26476	27/03/2020	MCKELL FAMILY TRUST	CPI INCREASE FOR JANUARY AND FEBRUARY RUBBISH COLLECTION AND STREET SWEEPING	-686.91
EFT26477	27/03/2020	TELSTRA CORPORATION LTD	SHIRE MOBILE PHONE ACCOUNTS - MARCH 2020	-385.00
EFT26478	27/03/2020	TOTAL UNIFORMS	SHIRE STAFF UNIFORMS	-2367.67
EFT26479	27/03/2020	YOGA EVERYWHERE	SHARK BAY DISCOVERY CENTRE MERCHANDISE	-1818.95
			<b>TOTAL</b>	<b>\$258,785.55</b>

**SHIRE OF SHARK BAY – MUNI  
ELECTRONIC PAYROLL TRANSACTIONS  
MARCH 2020**

DATE	NAME	DESCRIPTION	AMOUNT
3/03/2020	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 1 MARCH 2020	61,532.00
17/03/2020	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 15 MARCH 2020	59,963.00
31/03/2020	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 29 MARCH 2020	56,925.00
		<b>TOTAL</b>	<b>\$178,420.00</b>

**SHIRE OF SHARK BAY – TRUST TRANSACTION  
MARCH 2020  
TRUST POLICE LICENSING TRANSACTION # 192009**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
192009	31/03/2020	COMMISSIONER OF POLICE	POLICE LICENSING MARCH 2020	-14402.55
			<b>TOTAL</b>	<b>\$14,402.55</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY – TRUST EFT

MARCH 2020

EFT 26411-26412, 26461-26462, 26528-26546

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26411	09/03/2020	HANA TACHIBANA	GYM CARD DEPOSIT REFUND	-20.00
EFT26412	09/03/2020	VINCENT DENOIS	LIBRARY CARD DEPOSIT REFUND	-70.00
EFT26461	24/03/2020	KATIE GATES	GYM CARD DEPOSIT REFUND	-20.00
EFT26462	24/03/2020	MOLLY ALTSCHWAGER	GYM CARD DEPOSIT REFUND	-20.00
EFT26528	31/03/2020	SHARK BAY AVIATION	BOOKEASY MARCH 2020	-2996.40
EFT26529	31/03/2020	BLUE LAGOON PEARLS	BOOKEASY MARCH 2020	-64.00
EFT26530	31/03/2020	HOWARD COCK	BOOKEASY MARCH 2020	-23.96
EFT26531	31/03/2020	SHARK BAY COASTAL TOURS	BOOKEASY MARCH 2020	-1848.00
EFT26532	31/03/2020	DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY	BSL MARCH 20 LOT3090 USELESS LOOP RD CARRARANG	-56.65
EFT26533	31/03/2020	DENHAM SEASIDE CARAVAN PARK	BOOKEASY MARCH 2020	-190.08
EFT26534	31/03/2020	EXMOUTH DIVE CENTRE	BOOKEASY MARCH 2020	-1058.25
EFT26535	31/03/2020	INTEGRITY COACH LINES (AUST) PTY LTD	BOOKEASY MARCH 2020	-107.10
EFT26536	31/03/2020	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	FAREHARBOR MARCH 2020	-2358.00
EFT26537	31/03/2020	MONKEYMIA WILDSIGHTS	MONKEY MIA WILDSIGHTS MARCH 2020	-4598.66
EFT26538	31/03/2020	DENHAM NATURETIME - 4WD TOURS/PHOTOGRAPHY TOURS	BOOKEASY MARCH 2020	-580.80
EFT26539	31/03/2020	OCEANSIDE VILLAGE	BOOKEASY MARCH 2020	-422.40
EFT26540	31/03/2020	RAC TOURISM ASSETS P/L T/A MONKEY MIA DOLPHIN RESORT	BOOKEASY MARCH 2020	-1034.88
EFT26541	31/03/2020	SHARK BAY CARAVAN PARK	BOOKEASY MARCH 2020	-595.76
EFT26542	31/03/2020	SHARK BAY 4WD TOURS	FAREHARBOUR MARCH 2020	-1057.80
EFT26543	31/03/2020	SHARK BAY HOLIDAY COTTAGES	BOOKEASY MARCH 2020	-158.40

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

<b>CHQ/EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT26544	31/03/2020	SHIRE OF SHARK BAY	SHARK BAY DISCOVERY CENTRE COMMISSION MARCH 2020	-2416.70
EFT26545	31/03/2020	THREE ISLANDS WHALE SHARK DIVE	BOOKEASY MARCH 2020	-671.50
EFT26546	31/03/2020	WULA GURA NYINDA ECO ADVENTURES	FAREHARBOR MARCH 2020	-948.00
			<b>TOTAL</b>	<b>\$21,317.34</b>

29 APRIL 2020

12.2 FINANCIAL REPORTS TO 31 MARCH 2020  
CM00017

Author  
Executive Manager Finance and Administration

Disclosure of Any Interest  
Nil

Moved           Cr Smith  
Seconded       Cr Ridgley

**Council Resolution**

**That the monthly financial report to 31 March 2020 as attached be received.**  
**7/0 CARRIED**

Comment

As per the requirements of Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government Accounting (Financial Management) Regulations 1996*, the following monthly financial reports to **31 March 2020** are attached.

VARIANCE ANALYSIS

Operating Revenue was below the year to date budget by \$147,907. The major contributor was the Main Roads Private Works due to timing of the year to date budget being in advance of year to date actual. This should be resolved by the end of financial year.

Operating Expenditure is under the year to date budget by \$694,514 and is due to an overall underspend in expenditure and the reduction of depreciation due to Plant and Equipment Fair Valuation review.

Capital Revenue is in line with year to date budget resulting in a nil variance.

Capital Expenditure is under the year to date budget by \$190,789. This has been contributed to by savings in the purchase of the two Dual Cabs and Prime Mover amounting to \$64,000. The Town Bore project is near completion with the old bore still to be decommissioned. The Records Room relocation is underway and is due to be completed by May 2020.

The Shire has been successful in obtaining a loan of \$800,000 for the Town Bore from Western Australian Treasury Corporation on the 17 April 2020. The term of the loan is 20 years with bi-annual repayments of \$24,923.34 (\$49,846.68 Annually) with a fixed interest rate of 2.24% with repayments commencing in the 2020/2021 financial year.

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.



MINUTES OF THE ORDINARY COUNCIL MEETING

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29 APRIL 2020

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

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

Voting Requirements

Simple Majority Required

Signature

Author  
Chief Executive Officer  
Date of Report

*A Pears*  
*P Anderson*  
22 April 2020

<b>SHIRE OF SHARK BAY</b>					
<b>MONTHLY FINANCIAL REPORT</b>					
<b>For the Period Ended 31 March 2020</b>					
<b>LOCAL GOVERNMENT ACT 1995</b>					
<b>LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996</b>					
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MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 31 March 2020							
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
<b>Operating Revenues</b>		\$	\$	\$	\$	%	
Governance		10,502	10,174	8,366	(1,808)	(17.77%)	▼
General Purpose Funding - Rates	9	1,446,133	1,446,133	1,446,550	417	0.03%	▲
General Purpose Funding - Other		984,171	743,513	744,206	693	0.1%	▲
Law, Order and Public Safety		109,773	94,095	90,961	(3,134)	(3%)	▼
Health		2,250	2,250	1,432	(818)	(36.36%)	▼
Housing		129,105	96,547	100,431	3,884	4.0%	▲
Community Amenities		341,446	318,116	331,674	13,558	4.26%	▲
Recreation and Culture		317,273	241,434	241,681	247	0.1%	▲
Transport		527,620	446,123	436,491	(9,632)	(2.2%)	▼
Economic Services		919,782	840,817	646,132	(194,685)	(23.2%)	▼
Other Property and Services		38,000	28,503	71,874	43,371	152.2%	▲
<b>Total Operating Revenue</b>		<b>4,826,055</b>	<b>4,267,705</b>	<b>4,119,798</b>	<b>(147,907)</b>	<b>(3.47%)</b>	
<b>Operating Expense</b>							
Governance		(288,326)	(227,300)	(194,268)	33,031	(14.5%)	▲
General Purpose Funding		(115,631)	(86,724)	(73,385)	13,339	(15.4%)	▲
Law, Order and Public Safety		(319,668)	(256,611)	(210,102)	46,509	(18.1%)	▲
Health		(80,865)	(53,097)	(40,710)	12,387	(23.3%)	▲
Housing		(231,263)	(176,548)	(159,950)	16,598	(9.4%)	▲
Community Amenities		(738,587)	(558,094)	(470,253)	87,841	(15.7%)	▲
Recreation and Culture		(2,234,519)	(1,683,538)	(1,646,408)	37,130	(2.2%)	▲
Transport		(1,853,094)	(1,304,964)	(1,161,982)	142,982	(11.0%)	▲
Economic Services		(1,117,222)	(841,834)	(693,003)	148,831	(17.7%)	▲
Other Property and Services		(37,500)	(23,156)	132,711	155,867	(673.1%)	▲
<b>Total Operating Expenditure</b>		<b>(7,016,675)</b>	<b>(5,211,866)</b>	<b>(4,517,352)</b>	<b>694,514</b>	<b>(13.3%)</b>	
<b>Funding Balance Adjustments</b>							
Add back Depreciation		2,015,110	1,512,694	1,336,312	(176,382)		
Adjust (Profit)/Loss on Asset Disposal	8	66,878	59,089	40,273	(18,816)		
Adjust in Pensioner Rates Non Current		0	0	0	0		
Adjust Provisions and Accruals		0	0	0	0		
<b>Net Cash from Operations</b>		<b>(108,632)</b>	<b>627,622</b>	<b>979,031</b>	<b>351,409</b>		
<b>Capital Revenues</b>							
Grants, Subsidies and Contributions	11	527,462	393,018	393,018	0	0.0%	▲
Proceeds from Disposal of Assets	8	232,636	162,727	162,727	0	0.0%	
<b>Total Capital Revenues</b>		<b>760,098</b>	<b>555,745</b>	<b>555,745</b>	<b>0</b>	<b>0.0%</b>	
<b>Capital Expenses</b>							
Land and Buildings	13	(360,000)	(103,741)	(24,423)	79,318	0.0%	▲
Infrastructure - Roads	13	(795,325)	(255,324)	(275,569)	(20,245)	0.0%	▼
Infrastructure - Public Facilities	13	(934,500)	(852,990)	(784,564)	68,426	0.0%	▲
Infrastructure - Footpaths	13	(50,000)	(25,000)	(24,913)	87	0.0%	▲
Plant and Equipment	13	(490,513)	(400,516)	(336,529)	63,987	0.0%	▲
Furniture and Equipment	13	(20,000)	(20,000)	(20,784)	(784)	0.0%	▼
<b>Total Capital Expenditure</b>		<b>(2,650,338)</b>	<b>(1,657,571)</b>	<b>(1,466,782)</b>	<b>190,789</b>	<b>11.5%</b>	
<b>Net Cash from Capital Activities</b>		<b>(1,890,240)</b>	<b>(1,101,826)</b>	<b>(911,036)</b>	<b>190,789</b>	<b>17.32%</b>	
<b>Financing</b>							
Proceeds from Loans		800,000	0	0	0	0.0%	
Transfer from Reserves	7	1,096,255	606,490	606,490	0	0.0%	
Repayment of Debentures	10	(50,599)	(40,986)	(40,986)	0	0.0%	
Transfer to Reserves	7	(1,617,002)	(6,359)	(6,359)	(0)	0.0%	
<b>Net Cash from Financing Activities</b>		<b>228,654</b>	<b>559,145</b>	<b>559,145</b>	<b>0</b>	<b>0.0%</b>	
<b>Net Operations, Capital and Financing</b>		<b>(1,770,218)</b>	<b>84,941</b>	<b>627,139</b>	<b>542,198</b>	<b>(638.32%)</b>	<b>▲</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>1,770,218</b>	<b>1,767,832</b>	<b>1,770,218</b>	<b>2,386</b>		
<b>Closing Funding Surplus(Deficit)</b>	3	<b>0</b>	<b>1,852,773</b>	<b>2,397,357</b>	<b>544,584</b>		<b>▲</b>

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

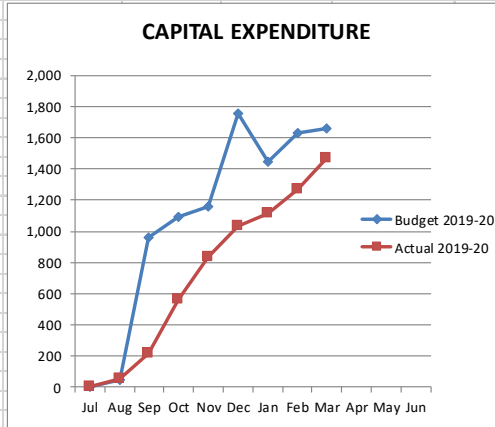
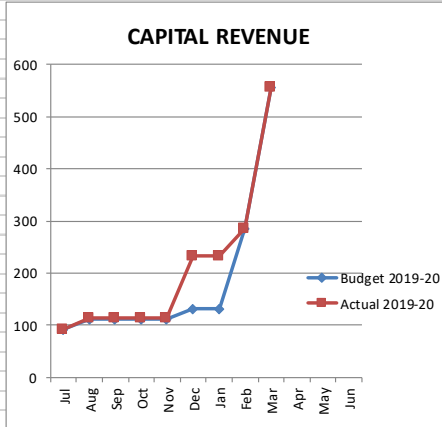
29 APRIL 2020

SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 31 March 2020				
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)
<b>Operating Revenues</b>		\$	\$	\$
Rates	9	1,446,133	1,446,133	1,446,550
Operating Grants, Subsidies and Contributions	11	1,511,795	1,202,344	1,198,186
Fees and Charges		1,691,156	1,492,761	1,302,456
Interest Earnings		26,405	19,800	20,073
Other Revenue		138,264	107,115	149,627
Profit on Disposal of Assets	8	12,302	12,302	2,906
<b>Total Operating Revenue</b>		<b>4,826,055</b>	<b>4,280,455</b>	<b>4,119,798</b>
<b>Operating Expense</b>				
Employee Costs		(2,277,223)	(1,647,300)	(1,584,466)
Materials and Contracts		(2,096,582)	(1,599,368)	(1,119,382)
Utility Charges		(187,510)	(140,743)	(126,419)
Depreciation on Non-Current Assets		(2,015,110)	(1,512,694)	(1,336,312)
Interest Expenses		(7,210)	(4,871)	(4,865)
Insurance Expenses		(156,295)	(156,294)	(153,625)
Other Expenditure		(197,565)	(142,807)	(149,102)
Loss on Disposal of Assets	8	(79,180)	(7,789)	(43,182)
<b>Total Operating Expenditure</b>		<b>(7,016,675)</b>	<b>(5,211,866)</b>	<b>(4,517,352)</b>
<b>Funding Balance Adjustments</b>				
Add back Depreciation		2,015,110	1,512,694	1,336,312
Adjust (Profit)/Loss on Asset Disposal	8	66,878	(8,898)	40,273
Adjust in Pensioner Rates Non Current		0	0	0
Adjust Provisions and Accruals		0	0	0
<b>Net Cash from Operations</b>		<b>(108,632)</b>	<b>572,385</b>	<b>979,031</b>
<b>Capital Revenues</b>				
Grants, Subsidies and Contributions	11	527,462	393,018	393,018
Proceeds from Disposal of Assets	8	232,636	162,727	162,727
<b>Total Capital Revenues</b>		<b>760,098</b>	<b>555,745</b>	<b>555,745</b>
<b>Capital Expenses</b>				
Land and Buildings	13	(360,000)	(103,741)	(24,423)
Infrastructure - Roads	13	(795,325)	(255,324)	(275,569)
Infrastructure - Public Facilities	13	(934,500)	(852,990)	(784,564)
Infrastructure - Footpaths	13	(50,000)	(25,000)	(24,913)
Infrastructure - Drainage	13	0	0	0
Plant and Equipment	13	(490,513)	(400,516)	(336,529)
Furniture and Equipment	13	(20,000)	(20,000)	(20,784)
<b>Total Capital Expenditure</b>		<b>(2,650,338)</b>	<b>(1,657,571)</b>	<b>(1,466,782)</b>
<b>Net Cash from Capital Activities</b>		<b>(1,890,240)</b>	<b>(1,101,826)</b>	<b>(911,036)</b>
<b>Financing</b>				
Proceeds from Loans		800,000	0	0
Transfer from Reserves	7	1,096,255	606,490	606,490
Repayment of Debentures	10	(50,599)	(40,986)	(40,986)
Transfer to Reserves	7	(1,617,002)	(6,359)	(6,359)
<b>Net Cash from Financing Activities</b>		<b>228,654</b>	<b>559,145</b>	<b>559,145</b>
<b>Net Operations, Capital and Financing</b>		<b>(1,770,218)</b>	<b>29,704</b>	<b>627,139</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>1,770,218</b>	<b>1,767,832</b>	<b>1,770,218</b>
<b>Closing Funding Surplus(Deficit)</b>	3	<b>0</b>	<b>1,797,536</b>	<b>2,397,357</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY							
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING							
For the Period Ended 31 March 2020							
Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Annual Budget	Variance (d) - (c)
		\$	\$	\$	\$	\$	\$
Land and Buildings	13	7,527	16,895	24,423	103,741	360,000	79,318
Infrastructure Assets - Roads	13	0	275,569	275,569	255,324	795,325	(20,245)
Infrastructure Assets - Public Facilities	13	29,311	755,254	784,564	852,990	934,500	68,426
Infrastructure Assets - Footpaths	13	24,913	0	24,913	25,000	50,000	87
Infrastructure Assets - Drainage	13	0	0	0	0	0	0
Infrastructure Assets - Streetscapes	13	0	0	0	0	0	0
Plant and Equipment	13	0	336,529	336,529	400,516	490,513	63,987
Furniture and Equipment	13	0	20,784	20,784	20,000	20,000	(784)
<b>Capital Expenditure Totals</b>		<b>61,751</b>	<b>1,405,031</b>	<b>1,466,782</b>	<b>1,657,571</b>	<b>2,650,338</b>	<b>190,789</b>



MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 March 2020	
<b>1. SIGNIFICANT ACCOUNTING POLICIES</b>	
<b>(a) Basis of Preparation</b>	
	This report has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this budget are presented below and have been consistently applied unless stated otherwise.
	Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.
	<b>The Local Government Reporting Entity</b>
	All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this budget.
	In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.
	All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 16 to this budget document.
<b>(b) Rounding Off Figures</b>	
	All figures shown in this report, other than a rate in the dollar, are rounded to the nearest dollar.
<b>(c) Rates, Grants, Donations and Other Contributions</b>	
	Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.
	Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.
<b>(d) Goods and Services Tax (GST)</b>	
	Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).
	Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.
	Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.
<b>(e) Superannuation</b>	
	The Council contributes to a number of Superannuation Funds on behalf of employees. All funds to which the Council contributes are defined contribution plans.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 March 2020	
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>	
<b>(f) Cash and Cash Equivalents</b>	
	Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.
	Bank overdrafts are shown as short term borrowings in current liabilities in the statement of financial position.
<b>(g) Trade and Other Receivables</b>	
	Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.
	Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.
	Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.
<b>(h) Inventories</b>	
	<b>General</b>
	Inventories are measured at the lower of cost and net realisable value.
	Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.
	<b>Land Held for Resale</b>
	Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.
	Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.
	Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.
<b>(i) Fixed Assets</b>	
	Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.
	<b>Mandatory Requirement to Revalue Non-Current Assets</b>
	Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 March 2020				
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
<b>(j) Fixed Assets (Continued)</b>				
<b><i>Land Under Control</i></b>				
In accordance with Local Government (Financial Management) Regulation 16(a), the Council was required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of state or regional significance.				
Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note.				
Whilst they were initially recorded at cost (being fair value at the date of acquisition (deemed cost) as per AASB 116) they were revalued along with other items of Land and Buildings at 30 June 2014.				
<b><i>Initial Recognition and Measurement between Mandatory Revaluation Dates</i></b>				
All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.				
In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.				
Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation of the next anniversary date in accordance with the mandatory measurement framework.				



MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 March 2020				
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>			
	<b>(j) Fixed Assets (Continued)</b>			
	<b>Revaluation</b>			
	Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.			
	<b>Transitional Arrangement</b>			
	During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.			
	Those assets carried at cost will be carried in accordance with the policy detailed in the <b>Initial Recognition</b> section as detailed above.			
	Those assets carried at fair value will be carried in accordance with the <b>Revaluation Methodology</b> section as detailed above.			
	<b>Land Under Roads</b>			
	In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.			
	Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.			
	In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.			
	Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.			
	Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.			
	<b>Depreciation</b>			
	The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.			

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 31 March 2020			
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>			
<b>(j) Fixed Assets (Continued)</b>			
Major depreciation periods used for each class of depreciable asset are:			
Buildings			10 to 50 years
Furniture and Equipment			5 to 10 years
Plant and Equipment			5 to 10 years
Heritage			25 to 100 years
Sealed Roads and Streets			
- Subgrade			Not Depreciated
- Pavement			80 to 100 years
- Seal	Bituminous Seals		15 to 22 years
	Asphalt Surfaces		30 years
Formed Roads (Unsealed)			
- Subgrade			Not Depreciated
- Pavement			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.			
<b>Capitalisation Threshold</b>			
Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.			
<b>(k) Fair Value of Assets and Liabilities</b>			
When performing a revaluation, the Council uses a mix of both independent and management valuations using the following as a guide:			
Fair Value is the price that Council would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.			

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 March 2020	
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>
<b>(k)</b>	<b>Fair Value of Assets and Liabilities (Continued)</b>
	As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.
	To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).
	For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.
	<b>Fair Value Hierarchy</b>
	AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:
	<b>Level 1</b>
	Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.
	<b>Level 2</b>
	Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.
	<b>Level 3</b>
	Measurements based on unobservable inputs for the asset or liability.
	The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.
	<b>Valuation techniques</b>
	The Council selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Council are consistent with one or more of the following valuation approaches:
	<b>Market approach</b>
	Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 March 2020	
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>	
<b>(k) Fair Value of Assets and Liabilities (Continued)</b>	
<b>Income approach</b>	
Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.	
<b>Cost approach</b>	
Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.	
Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Council gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.	
As detailed above, the mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.	
<b>(l) Financial Instruments</b>	
<b>Initial Recognition and Measurement</b>	
Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).	
Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.	
<b>Classification and Subsequent Measurement</b>	
Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost.	
Amortised cost is calculated as:	
(a) the amount in which the financial asset or financial liability is measured at initial recognition;	
(b) less principal repayments and any reduction for impairment; and	
(c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.	

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 March 2020	
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>
<b>(I)</b>	<b>Financial Instruments (Continued)</b>
	The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.
	<i>(i) Financial assets at fair value through profit and loss</i>
	Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.
	<i>(ii) Loans and receivables</i>
	Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.
	Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.
	<i>(iii) Held-to-maturity investments</i>
	Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.
	Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.
	<i>(iv) Available-for-sale financial assets</i>
	Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.
	They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.
	Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available for sale financial assets are classified as non-current.
	<i>(v) Financial liabilities</i>
	Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 March 2020	
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>	
<b>(l) Financial Instruments (Continued)</b>	
<b><i>Impairment</i></b>	
A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a "loss event") having occurred, which has an impact on the estimated future cash flows of the financial asset(s).	
In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.	
In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.	
For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.	
<b><i>Derecognition</i></b>	
Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.	
Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.	
<b>(m) Impairment of Assets</b>	
In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.	
Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.	
Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.	

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 March 2020					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(m) Impairment of Assets (Continued)</b>					
For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.					
<b>(n) Trade and Other Payables</b>					
Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.					
<b>(o) Employee Benefits</b>					
<b>Short-Term Employee Benefits</b>					
Provision is made for the Council's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.					
The Council's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Council's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.					
<b>Other Long-Term Employee Benefits</b>					
Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.					
The Council's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Council does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.					

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 March 2020				
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
<b>(p) Borrowing Costs</b>				
Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.				
<b>(q) Provisions</b>				
Provisions are recognised when the Council has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.				
Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.				
<b>(r) Current and Non-Current Classification</b>				
In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Council's intentions to release for sale.				



MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 31 March 2020					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
Governance	(1,808)	(17.8%)	▼	Timing	No Reportable Variance
General Purpose Funding - Rates	417	0.0%	▲	Timing	No Reportable Variance
General Purpose Funding - Other	693	0.1%	▲	Timing	No Reportable Variance
Law, Order and Public Safety	(3,134)	(3.3%)	▼	Timing	No Reportable Variance
Health	(818)	(36.4%)	▼	Timing	No Reportable Variance
Housing	3,884	4.0%	▲	Timing	No Reportable Variance
Community Amenities	13,558	4.3%	▲	Timing	Refuse Site Fees, Development and Structure Plan Fees in excess of YTD Budget
Recreation and Culture	247	0.1%	▲	Timing	No Reportable Variance
Transport	(9,632)	(2.2%)	▼	Timing	Profit on Sale of Assets less than budgeted
Economic Services	(194,685)	(23.2%)	▼	Timing	Main Road Private Works Income behind timing of YTD budget
Other Property and Services	43,371	152.2%	▲	Timing	Refunds Income, Diesel Fuel Rebate and CDP Employment Incentive Funding in excess of YTD Budget
<b>Operating Expense</b>					
Governance	33,031	(14.5%)	▲	Timing	Overall underspend in Administration Staff Costs and Shire Office Maintenance
General Purpose Funding	13,339	(15.4%)	▲	Timing	Underspend in Governance Overhead allocations
Law, Order and Public Safety	46,509	(18.1%)	▲	Timing	Overall underspend in Coastal Hazards Identification, Adaptation and Protection Expenses, and Emergency Management Consultant.
Health	12,387	(23.3%)	▲	Timing	Underspend in Governance Overhead allocations and Health Consultant and Travel Expenses
Housing	16,598	(9.4%)	▲	Timing	Overall underspend in maintenance and governance overhead expenses
Community Amenities	87,841	(15.7%)	▲	Timing	Underspend in Recycling Expenses, Refuse Site Operations, Town Planning Schemes and Governance Overhead Expenses compared to YTD budget
Recreation and Culture	37,130	(2.2%)	▲	Timing	Underspend Council Assistance Programs, maintenance on Multi-purpose courts, SBDC Utilities, Shop Equipment and Furniture under \$5K and Inventory on Hand movement to December 2019.
Transport	142,982	(11.0%)	▲	Timing	Overall underspend in expenses compared to YTD Budget
Economic Services	148,831	(17.7%)	▲	Timing	Overall underspend in expenses compared to YTD budget
Other Property and Services	155,867	(673.1%)	▲	Timing	Overall increase in Public Work Overheads and Plant Costs Recovery compared to YTD Budget as a result of Fair Valuation of Plant and Equipment
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	0	0.0%	▲	Timing	No Reportable Variance
Proceeds from Disposal of Assets	0	0.0%	▲	Timing	No Reportable Variance
<b>Capital Expenses</b>					
Land and Buildings	79,318	0.0%	▲	Timing	Staff and Pensioner Capital Works have yet to commence
Infrastructure - Roads	(20,245)	0.0%	▼	Timing	RRG Useless Loop Road is in excess of YTD Budget
Infrastructure - Public Facilities	68,426	0.0%	▲	Timing	Town Oval Bore and Little Lagoon Signs and Barriers YTD Budget in advance of YTD Actual Expenditure
Infrastructure - Footpaths	87	0.0%	▲	Timing	No Reportable Variance
Plant and Equipment	63,987	0.0%	▲	Timing	Prime Mover and Dual Cabs purchased for less than budgeted expenditure.
<b>Financing</b>					
Loan Principal	0	0.0%	▼	Timing	No reportable variance.

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

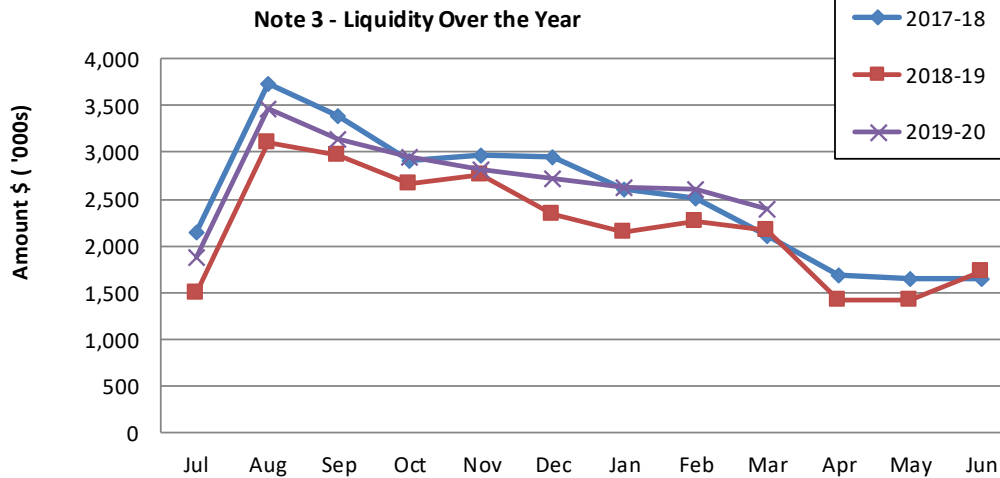
MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

**Shire of Shark Bay**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 31 March 2020**

**Note 3: NET CURRENT FUNDING POSITION**

	Note	Positive=Surplus (Negative=Deficit)	
		31 March 2020	31 March 2019
		\$	\$
<b>Current Assets</b>			
Cash Unrestricted	4	2,439,454	2,198,961
Cash Restricted	4	1,304,264	1,570,193
Receivables - Rates	6	228,383	170,263
Receivables -Other	6	46,628	51,675
Interest / ATO Receivable		33,259	29,731
Inventories		131,104	113,037
		<b>4,183,092</b>	<b>4,203,369</b>
<b>Less: Current Liabilities</b>			
Payables		(258,319)	(136,395)
Provisions		(208,068)	(252,431)
Bond Liability (Formally Trust Account)		(15,084)	0
		<b>(481,471)</b>	<b>(388,826)</b>
Less: Cash Reserves	7	(1,304,264)	(1,570,193)
<b>Net Current Funding Position</b>		<b>2,397,356</b>	<b>2,174,840</b>



**Comments - Net Current Funding Position**

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 March 2020							
<b>Note 4: CASH AND INVESTMENTS</b>							
	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
<b>(a) Cash Deposits</b>							
Municipal Bank Account	0.10%	131,584			131,584	Bankwest	At Call
Reserve Bank Account	0.00%		179		179	Bankwest	At Call
Reserve Telenet Saver Account	0.25%		1,304,086		1,304,086	Bankwest	At Call
Telenet Saver	0.50%	2,306,970			2,306,970	Bankwest	At Call
Trust Bank Account	0.00%			0	0	Bankwest	At Call
Cash On Hand		900			900		On Hand
<b>(b) Term Deposits</b>							
Municipal Investment					0		
Municipal Investment					0		
Reserve Investment					0		
<b>Total</b>		2,439,454	1,304,264	0	3,743,718		
<b>Comments/Notes - Investments</b>							
Surplus funds invested for terms conducive to cashflow requirements.							

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 March 2020				
<b>Note 6: RECEIVABLES</b>				
<b>Receivables - Rates Receivable</b>	<b>31 March 2020</b>	<b>30 June 2019</b>	<b>Receivables - General</b>	<b>Current</b> <b>30 Days</b> <b>60 Days</b> <b>90+Days</b>
	\$	\$		\$   \$   \$   \$
Opening Arrears Previous Years	31,927	36,581	Receivables - General	33,603   11,259   186   290
Levied this year	1,783,496	1,742,151	<b>Total Receivables General Outstanding</b>	<b>45,338</b>
less Collections to date	(1,587,039)	(1,746,805)	<b>Amounts shown above include GST (where applicable)</b>	
Equals Current Outstanding	<b>228,383</b>	<b>31,927</b>		
<b>Net Rates Collectable</b>	<b>228,383</b>	<b>31,927</b>		
% Collected	87.42%	98.21%		

Month	2018-19	2019-20
Jul	50	50
Aug	1700	1700
Sep	1100	1100
Oct	700	700
Nov	550	550
Dec	450	450
Jan	350	350
Feb	250	250
Mar	200	200
Apr	100	100
May	50	50
Jun	50	50

Category	Percentage
Current	74%
30 Days	25%
60 Days	0%
90+Days	1%

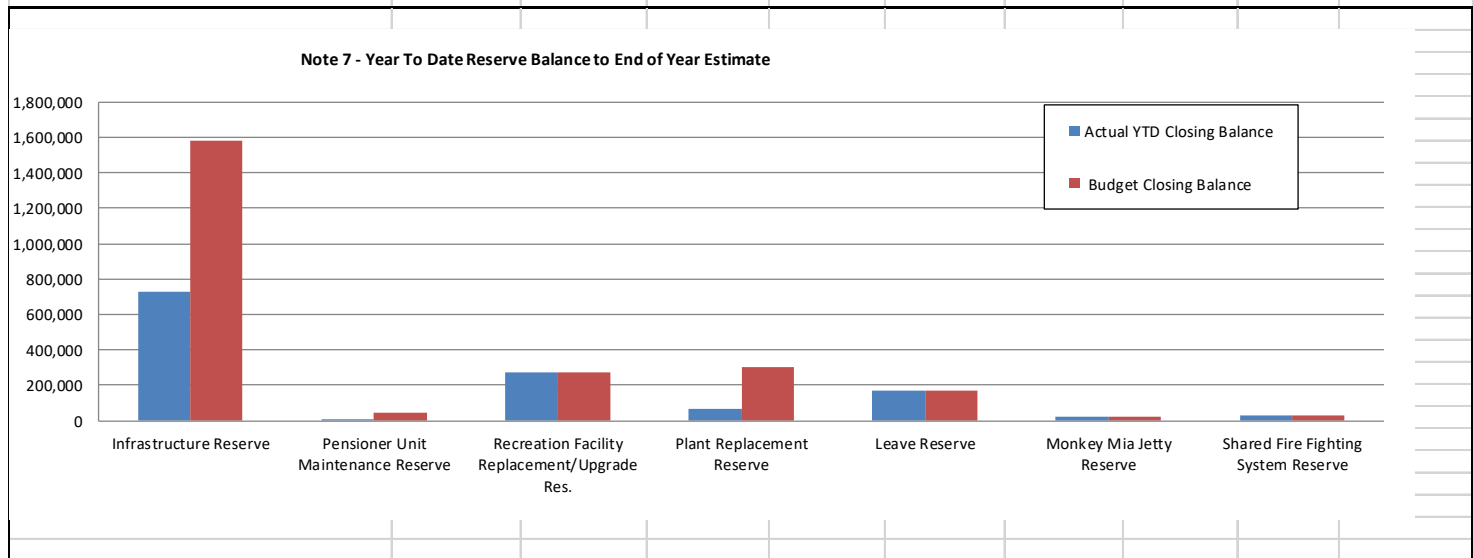
  

Comments/Notes - Receivables Rates	No major issues at this time

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 31 March 2020									
<u>Note 7: Cash Backed Reserve</u>									
2019-20									
Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Infrastructure Reserve	1,332,164	7,800	3,920	869,168	0	(625,255)	(606,490)	1,583,877	729,594
Pensioner Unit Maintenance Reserve	10,916	65	47	116,143	0	(85,000)	0	42,124	10,963
Recreation Facility Replacement/Upgrade Res.	269,466	1,400	1,148	52,000	0	(50,000)	0	272,866	270,615
Plant Replacement Reserve	70,302	500	300	568,636	0	(336,000)	0	303,438	70,601
Leave Reserve	170,156	1,000	725	0	0	0	0	171,156	170,882
Monkey Mia Jetty Reserve	21,977	120	94	0	0	0	0	22,097	22,071
Shared Fire Fighting System Reserve	29,413	170	125	0	0	0	0	29,583	29,539
	<b>1,904,395</b>	<b>11,055</b>	<b>6,359</b>	<b>1,605,947</b>	<b>0</b>	<b>(1,096,255)</b>	<b>(606,490)</b>	<b>2,425,142</b>	<b>1,304,264</b>



MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 March 2020							
Note 8 CAPITAL DISPOSALS							
Actual YTD Profit/(Loss) of Asset Disposal					Annual Budget		
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 31 03 2020		
\$	\$	\$	\$		Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance
				<b>Plant and Equipment</b>	\$	\$	\$
				<b>Governance</b>			
			0	CEO Vehicle	(3,925)	0	3,925
24,000	0	21,364	(2,636)	EMFA Vehicle	3,000	(2,636)	(5,636)
21,000	0	17,727	(3,273)	EMCD Vehicle	(5,141)	(3,273)	1,868
45,000	0	39,091	(5,909)		(6,066)	(5,909)	157
				<b>Transport</b>			
24,000	0	25,000	1,000	Dual Cab Ute - Ranger	4,594	1,000	(3,594)
24,000	0	25,909	1,909	Dual Cab Ute - Gardner	4,708	1,909	(2,799)
110,000	0	72,727	(37,273)	Prime Mover	(66,250)	(37,273)	28,977
			0	Vibration Roller - Sale Proceeds	(3,864)	0	3,864
134,000	0	123,636	(34,364)		(60,812)	(34,364)	26,448
179,000	0	162,727	(40,273)		(66,878)	(40,273)	26,605
<b>Comments - Capital Disposal/Replacements</b>							

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 31 March 2020											
Note 9: RATING INFORMATION	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2019/20 Budget Rate Revenue \$	2019/20 Budget Interim Rate \$	2019/20 Budget Back Rate \$	2019/20 Budget Total Revenue \$
RATE TYPE											
<b>Differential General Rate</b>											
GRV Residential	0.102840	316	3,761,841	386,871	2,241	1,047	390,160	386,871	1,825	1,047	389,743
GRV Commercial	0.105690	42	2,114,558	223,477			223,477	223,477			223,477
GRV Vacant	0.102840	18	360,100	37,033			37,033	37,033			37,033
GRV Rural Commercial	0.106880	5	306,280	32,736	973		33,709	32,736	973		33,709
GRV Industrial/Residential	0.113800	46	629,944	71,689			71,689	71,689			71,689
GRV Industrial/Residential Vaca	0.102840	2	10,400	1,070	-10		1,060	1,070	-10		1,060
GRV Rural Resort	0.112820	3	1,132,800	127,805	24,144	19,266	171,214	127,805	24,144	19,266	171,215
UV General	0.207090	7	827,678	171,402			171,402	171,402			171,402
UV Pastoral	0.141820	11	617,360	87,556			87,556	87,556			87,556
UV Mining	0.282450	1	7,947	2,245			2,245	2,245			2,245
UV Exploration	0.271580	2	764,435	207,605	-1,098	8,025	214,532	207,604	-1,098	8,025	214,531
<b>Sub-Totals</b>		453	10,533,343	1,349,490	26,249	28,339	1,404,077	1,349,488	25,834	28,338	1,403,660
<b>Minimum Payment</b>											
GRV Residential	876.00	52	384,173	45,552			45,552	45,552			45,552
GRV Commercial	876.00	17	93,832	14,892			14,892	14,892			14,892
GRV Vacant	876.00	83	271,090	72,708			72,708	72,708			72,708
GRV Rural Commercial	876.00	0	0	0			0	0			0
GRV Industrial/Residential	876.00	3	19,440	2,628			2,628	2,628			2,628
GRV Industrial/Residential Vaca	546.00	0	0	0			0	0			0
GRV Rural Resort	876.00	0	0	0			0	0			0
UV General	735.00	6	9,262	4,410			4,410	4,410			4,410
UV Pastoral	920.00	0	0	0			0	0			0
UV Mining	920.00	1	654	920			920	920			920
UV Exploration	920.00	2	4,080	1,840			1,840	1,840			1,840
<b>Sub-Totals</b>		164	782,531	142,950	0	0	142,950	142,950	0	0	142,950
Concessions							(139,394)				(139,394)
<b>Amount from General Rates</b>							<b>1,407,633</b>				<b>1,407,216</b>
Specified Area Rates							38,917				38,917
<b>Totals</b>							<b>1,446,550</b>				<b>1,446,133</b>

Comments - Rating Information

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 March 2020								
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 Budget	2019/20 Actual	2019/20 Budget	2019/20 Actual	2019/20 Budget
			\$	\$	\$	\$	\$	\$
Loan 57 Monkey Mia Bore	134,616	0	31,653	31,653	102,963	102,963	4,083	5,654
Loan 56 - Staff Housing	28,847	0	9,333	18,946	19,513	9,901	783	1,556
Loan - Town Oval Bore	0	800,000	0	0	0	800,000	0	0
	163,463	800,000	40,986	50,599	122,477	912,864	4,865	7,210

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



MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 March 2020								
Note 11: GRANTS AND CONTRIBUTIONS								
Program/Details	Grant Provider	Approval	2019-20 Annual Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received/Invoiced	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
<b>GENERAL PURPOSE FUNDING</b>								
Grants Commission - General	WALGGC	Y	692,157	0	692,157	0	519,118	173,039
Grants Commission - Roads	WALGGC	Y	226,736	0	226,736	0	170,052	56,684
LGIS Surplus Share Dividend Distribution	LGIS	Y	16,761	0	16,761	0	16,761	0
<b>LAW, ORDER, PUBLIC SAFETY</b>								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Services	Y	8,133	0	8,133	0	10,274	0
Grant FESA - SES	Dept. of Fire & Emergency Services	Y	46,590	0	46,590	0	46,590	0
Coastal Hazard Risk Management & Adaption Plan	WA Planning Commission	Y	32,500	0	32,500	0	19,500	13,000
Coastal Adaptation and Protection	Department of Transport	Y	11,000	0	11,000	0	0	11,000
Gascoyne Sports Modelling	Department of Local Government Sport and Cultural Industries	Y	5,000	0	5,000	0	5,000	0
<b>RECREATION AND CULTURE</b>								
Contributions - HMAS Sydney Exhibit	Visitors to Discovery Centre	Y	200	0	200	0	246	0
Laser Tag	Miscellaneous revenue	Y	0	0	0	0	123	0
<b>ECONOMIC SERVICES</b>								
Thank a Volunteer	Dept of Communities	Y	700	0	700	0	700	0
BBRF Community Investment	Department of Industry, Innovation and Science	Y	20,000	0	20,000	0	20,000	0
<b>TRANSPORT</b>								
Road Preservation Grant	State Initiative - Main Roads WA	Y	113,118	0	113,118	0	113,118	0
Useless Loop Road - Mtce	Main Roads WA	Y	330,000	0	330,000	0	264,000	66,000
Contributions - Road Projects	Pipeline	Y	8,900	0	8,900	0	12,705	0
Roads To Recovery Grant - Cap	Roads to Recovery	Y	297,245	0	0	297,245	198,163	99,082
RRG Grants - Capital Projects	Regional Road Group	Y	230,217	0	0	230,217	194,855	35,362
<b>TOTALS</b>			<b>2,039,257</b>	<b>0</b>	<b>1,511,795</b>	<b>527,462</b>	<b>1,591,204</b>	<b>454,167</b>
			Operating		1,511,795		1,198,186	
			Non-operating		527,462		393,018	
			<b>2,039,257</b>				<b>1,591,204</b>	
<b>Comments - Operating and Non Operating Grants</b>								

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 March 2020				
<b>Note 12: BOND LIABILITY</b>				
Funds held at balance date over which the Shire has no control and which are included in Note 3 of this statement are as follows:				
Description	Opening Balance 1 Jul 19	Amount Received	Amount Paid	Closing Balance 31-Mar-20
	\$	\$	\$	\$
CITF Levy	\$ -	6,170	(6,170)	0
Library Card Bond	\$ 250	200	(300)	150
Bookeasy- Sales	\$ -	313,027	(309,872)	3,155
Kerb/Footpath Deposit	\$ 3,800	1,000		4,800
Bond Key	\$ 3,420	1,390	(880)	3,930
Hall Bond	\$ -	550	(275)	275
Police Licensing	\$ 997	170,555	(171,347)	205
Election Deposit	\$ -	800	(800)	0
Marquee Deposit	\$ -			0
Building Licence Levy	\$ -	5,435	(5,373)	62
Road Reserve - Hughes Street	\$ 2,298			2,298
Tour Sales	\$ -			0
Property Rental Bonds	\$ -			0
Rates Unidentified Deposit	\$ 210			210
	<b>10,974</b>	<b>499,127</b>	<b>(495,017)</b>	<b>15,084</b>

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CAPITAL WORKS PROGRAM 2019/20								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Over)/Under	YTD Actual (Renewal Exp)	Comment
<b>Land and Buildings</b>								
<b>Governance</b>								
Asbestos Removal - Shire Office	2.2.1	WKSM	(75,000)	0	0	0	0	
Records Room	4.2.2	CEO	(30,000)	(30,000)	(16,895)	13,105	16,895	Due to be complete in May 2020
<b>Governance Total</b>			<b>(105,000)</b>	<b>(30,000)</b>	<b>(16,895)</b>	<b>13,105</b>	<b>16,895</b>	
<b>Housing</b>								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	2.2.1	CEO	(10,000)	(7,497)	0	7,497	0	
Staff Housing - 65 Brockman St	2.2.1	EMCD	(10,000)	(7,497)	0	7,497	0	
Staff Housing - 51 Durlacher St	2.2.1	EMFA	(10,000)	(7,497)	0	7,497	0	
Staff Housing - 80 Durlacher St	2.2.1	EMCD	(10,000)	(7,497)	0	7,497	0	
Pensioner Units Capital	2.2.1	EMCD	(35,000)	(26,253)	0	26,253	0	
Pensioner Units Door/Water Pipe Replacement	2.2.1	EMCD	(10,000)	(10,000)	0	10,000	0	
<b>Housing Total</b>			<b>(85,000)</b>	<b>(66,241)</b>	<b>0</b>	<b>66,241</b>	<b>0</b>	
<b>Community Amenities</b>								
<b>Buildings</b>								
Morgue	2.2.1	CEO	(20,000)	0	0	0	0	
<b>Community Amenities Total</b>			<b>(20,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Recreation</b>								
<b>Buildings</b>								
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	To commence April 2020
<b>Recreation Total</b>			<b>(125,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Transport</b>								
<b>Buildings</b>								
Depot - Office Awning	4.2.2	WKSM	(10,000)	0	(600)	(600)	0	
Depot - Boundary Fencing	4.2.2	WKSM	(15,000)	(7,500)	(6,927)	573	0	
<b>Transport Total</b>			<b>(25,000)</b>	<b>(7,500)</b>	<b>(7,527)</b>	<b>(27)</b>	<b>0</b>	
<b>Land and Buildings Total</b>			<b>(360,000)</b>	<b>(103,741)</b>	<b>(24,423)</b>	<b>79,318</b>	<b>16,895</b>	
<b>Footpaths</b>								
<b>Infrastructure</b>								
Footpath Construction-Denham Footpath Plan	1.1.1/2.2.1	WKSM	(50,000)	(25,000)	(24,913)	87	0	
<b>Footpaths Total</b>			<b>(50,000)</b>	<b>(25,000)</b>	<b>(24,913)</b>	<b>87</b>	<b>0</b>	

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Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Drainage</b>								
<b>Transport</b>								
Drainage/Sump Construction	1.1.1	WKSM	0	0	0	0	0	
<b>Transport Total</b>			0	0	0	0	0	
<b>Drainage Total</b>			0	0	0	0	0	
<b>Furniture &amp; Office Equip.</b>								
<b>Governance</b>								
Server and Program Upgrade	4.2.2	EMFA	(20,000)	(20,000)	(20,784)	(784)	20,784	Complete
<b>Governance Total</b>			(20,000)	(20,000)	(20,784)	(784)	20,784	
<b>Furniture &amp; Office Equip. Total</b>			(20,000)	(20,000)	(20,784)	(784)	20,784	
<b>Plant , Equipment and Vehicles</b>								
<b>Governance</b>								
CEO Vehicle	2.2.1	CEO	(65,000)	0	0	0	0	Due May 2020
EMFA Vehicle	2.2.1	EMFA	(27,793)	(27,793)	(27,374)	419	27,374	Complete
EMCD Vehicle	2.2.1	EMCD	(27,720)	(27,720)	(27,449)	271	27,449	Complete
<b>Total Governance</b>			(120,513)	(55,513)	(54,824)	689	54,824	
<b>Transport</b>								
Major Plant Items	4.2.2	WKSM	(20,000)	(15,003)	0	15,003	0	
Excavator	4.2.2	WKSM	0	0	(11,109)	(11,109)	11,109	Capital Works to Extend Useful Life
Dual Cab Ute - Town Gardener	4.2.2	WKSM	(45,000)	(45,000)	(39,780)	5,220	39,780	Complete
Dual Cab Ute - Ranger	4.2.2	WKSM	(45,000)	(45,000)	(39,780)	5,220	39,780	Complete
Prime Mover	4.2.2	WKSM	(240,000)	(240,000)	(191,036)	48,964	191,036	Complete
<b>Transport Total</b>			(350,000)	(345,003)	(281,705)	63,298	281,705	
<b>Denham Marine Facilities</b>								
Boat Jinker Brake System Upgrade	4.2.2	WKSM	(20,000)	0	0	0	0	
<b>Denham Marine Facilities Total</b>			(20,000)	0	0	0	0	
<b>Plant , Equipment and Vehicles Total</b>			(490,513)	(400,516)	(336,529)	63,987	336,529	

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Infrastructure Assets	Strategic Plan Reference	Responsible Officer	2016/17 Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Public Facilities</b>								
<b>Community Amenities</b>								
Cemetery Shade	2.4.2	WKSM	(5,000)	0	0	0	0	
Hamelin Pool Carpark	2.2.1	WKSM	(10,000)	0	0	0	0	
<b>Community Amenities Total</b>			<b>(15,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Recreation And Culture</b>								
West End Toilet Roof Replacement	2.2.1	WKSM	(15,000)	0	0	0	0	
Town Oval Bore	2.2.1	WKSM	(800,000)	(800,000)	(750,219)	49,781	750,219	Project awaiting completion
Town Bore Fence Extensions	2.2.1	WKSM	(7,500)	0	0	0	0	
Town Oval Fountain	2.2.1	WKSM	(7,000)	(7,000)	(5,035)	1,965	5,035	Complete
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)	(45,990)	(29,311)	16,680	0	
<b>Recreation And Culture Total</b>			<b>(919,500)</b>	<b>(852,990)</b>	<b>(784,564)</b>	<b>68,426</b>	<b>755,254</b>	
<b>Public Facilities Total</b>			<b>(934,500)</b>	<b>(852,990)</b>	<b>(784,564)</b>	<b>68,426</b>	<b>755,254</b>	

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Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Roads (Non Town)</b>								
<b>Transport</b>								
R2R Projects 19-20 Brockman Street	1.1.1	WKSM	(450,000)	0	0	0	0	Commenced March billed April
Useless Loop Road - RRG 19-20	1.1.1	WKSM	(255,325)	(255,324)	(275,569)	(20,245)	275,569	Commenced
Eagle Bluff - RRG 19-20	1.1.1	WKSM	(90,000)	0	0	0	0	Due to commence April 2020
<b>Transport Total</b>			<b>(795,325)</b>	<b>(255,324)</b>	<b>(275,569)</b>	<b>(20,245)</b>	<b>275,569</b>	
<b>Roads (Non Town) Total</b>			<b>(795,325)</b>	<b>(255,324)</b>	<b>(275,569)</b>	<b>(20,245)</b>	<b>275,569</b>	
<b>Capital Expenditure Total</b>			<b>(2,650,338)</b>	<b>(1,657,571)</b>	<b>(1,466,782)</b>	<b>190,789</b>	<b>1,405,031</b>	

29 APRIL 2020

12.3 LEASES – ANNUAL PAYMENT REQUEST  
RES 40344, RES 40771, RES29363

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Disclosure of Interest: Cr Burton

Nature of Interest: Impartiality Interest as on Shark Bay Speedway Committee

Disclosure of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as on the Shark Bay Pistol Club Committee

Officer Recommendation

That Council:-

1. Charge the Shark Bay Bowling Club an amount of \$150 for the 2020/2021 financial year in accordance with its lease agreement; and
2. Charge the Shark Bay Speedway Club an amount of \$150 for the 2020/2021 financial year in accordance with its lease agreement.
3. Charge the Shark Bay Pistol Club an amount of \$150 for the 2020/2021 financial year in accordance with its lease agreement.

OR

That the Council:

Not demand lease payments from the following lease agreements for the 2020/2021 financial year:

1. Shark Bay Bowling Club
2. Shark Bay Speedway Club: and
3. Shark Bay Pistol Club

Moved Cr Stubberfield

Seconded Cr Fenny

Council Resolution

That Council:-

1. **Charge the Shark Bay Bowling Club an amount of \$150 for the 2020/2021 financial year in accordance with its lease agreement; and**
2. **Charge the Shark Bay Speedway Club an amount of \$150 for the 2020/2021 financial year in accordance with its lease agreement.**
3. **Charge the Shark Bay Pistol Club an amount of \$150 for the 2020/2021 financial year in accordance with its lease agreement.**

**7/0 CARRIED**

Background

Council has in place lease agreements with the Shark Bay Bowling Club, the Shark Bay Speedway Club and the Shark Bay Pistol Club which provides for Council to impose lease payments for the use of the land on an “on demand” basis.

Therefore, each year Council needs to determine whether the payment should be charged. Over the last 15 years charges have been applied as follows:

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Year	Shark Bay Speedway	Shark Bay Bowling Club	Shark Bay Pistol Club
2019-2020	Paid	Paid	Paid
2018-2019	Paid	Paid	Paid
2017-2018	Paid	Paid	Paid
2016-2017	Paid	Paid	N/A
2015-2016	Paid	Paid	N/A
2014-2015	Paid	Paid	N/A
2013-2014	Waived	Waived	N/A
2012-2013	Not Raised	Not Raised	N/A
2011-2012	Not Raised	Not Raised	N/A
2010-2011	Paid	Paid	N/A
2009-2010	Paid	Paid	N/A
2008-2009	Paid	Paid	N/A
2007-2008	Paid	Paid	N/A
2006-2007	Paid	Paid	N/A
2005-2006	Paid	Paid	N/A

Legal Implications

There are no legal implications associated with this item. Leases are in place with these organisations.

Policy Implications

There are no policy implications associated with this item.

Financial Implications

The imposition of these charges will generate an increase in revenue of \$450 which is due to be included in the 2020/2021 budget. Should the council waive these fees the financial loss will be \$450.

Strategic Implications

There are no strategic implications associated with this report.

Risk Management

This item is low risk as the lessees have existing leases in place.

Voting Requirements

Simple Majority Required

Signatures

Author  
Chief Executive Officer  
Date of Report

*A Pears*  
*P Anderson*  
8 April 2020



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12.4 COUNCILLOR FEES, ALLOWANCES AND EXPENSES  
FM00055

AUTHOR

Executive Manager Finance and Administration

DISCLOSURE OF ANY INTEREST

Nil

Moved           Cr Cowell  
Seconded       Cr Ridgley

**Council Resolution**

**That Council:**

- 1. Adopt, in accordance with section 5.98, 5.99 and 5.99A of the *Local Government Act 1995*, annual attendance fees be paid to all Councillors in lieu of meeting fees and annual allowances in lieu of reimbursement of expenses;**
- 2. Approve for inclusion in the 2020/2021 budget, the following entitlements for the 2020/2021 financial year payable three months in advance from 1 January 2021:**
  - a. An annual attendance fee for the Shire President of \$5,831.50 in accordance with section 5.99 of the *Local Government Act 1995*;**
  - b. An annual attendance fee for council members' of \$2,836.50 in accordance with section 5.99 of the *Local Government Act 1995*;**
  - c. An annual allowance for the Shire President of \$5,989.00 in accordance with section 5.98(5) of the *Local Government Act 1995*;**
  - d. An annual allowance for the Deputy Shire President of \$1,497.50 in accordance with section 5.98A of the *Local Government Act 1995*;**
  - e. An annual Information, Communication and Technology allowance for all council members' of \$1,071.50 in accordance with section 5.99A of the *Local Government Act 1995*;**
- 3. Approve the reimbursement of expenses incurred by a council member in accordance with section 5.98(2)(b) and (3) of the Act and regulation 32 of the Local Government (Administration) Regulations 1996;**
- 4. Approve the reimbursement of travel costs incurred by a council member in accordance with regulation 31(1)(b) of the Local Government (Administration) Regulations 1996;**
- 5. Approve the reimbursement of childcare costs incurred by a council member in accordance with regulation 31(1)(b) and regulation 32(1) of the Local Government (Administration) Regulations 1996; and**
- 6. Include the proposed expenses in the 2020/2021 Draft budget.**

**7/0 CARRIED**

MINUTES OF THE ORDINARY COUNCIL MEETING

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BACKGROUND

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

The Tribunal determination finalised on the 8 April 2020 that there will be no increase in the remuneration, fees, expenses or allowances ranges provided to Chief Executive Officer's and elected members.

However they also mention that each council retains the capacity to provide an increase within the current band parameters as long as they satisfy itself and provide public justification for any increase within their allotted bank in the current economic climate.

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

	2017/ 2018	2018/ 2019	2019/ 2020
Annual Attendance Fees			
President	\$11,663	\$11,663	\$11,663
Councillors	\$5,673	\$5,673	\$5,673
Annual Allowances			
President	\$11,978	\$11,978	\$11,978
Deputy President (25% of President)	\$2,995	\$2,995	\$2,995
Other Allowances			
Information Technology	\$2,143	\$2,143	\$2,143

COMMENT

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

The Council has previously set its Councillor fees and allowances at a mid-range of Band 4 of the Tribunals Determination. At the Ordinary Council meeting held on the 25 March 2020, Council indicated that a cut of 50% to all Councillor fees should be adopted for the 2020/2021 financial year budget due to the economic crisis.

The chart below indicates the minimum Fees and Allowances applicable to a Regional Local Government and what Council determined the payment would be in 2020/2021.

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Councillor Fees and Allowances 2019/2020				
Band 4 Local Government	Shark Bay			
	Min	Max	Full 100% Payment 2020/2021	Proposed 50% Payment Reduction 2020/2021
Annual Attendance Fees				
President	\$1,795	\$15,839	\$11,663	\$5,831.50
Councillors	\$1,795	\$10,560	\$5,673	\$2,836.50
Annual Allowances				
President	\$513	\$20,063	\$11,978	\$5,989.00
Deputy President (25% of President)	\$127	\$4,966	\$2,995	\$1,497.50
Other Allowances				
Information Technology	\$500	\$3,500	\$2,143	\$1,071.50

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

This allows the payment on expenses to council members while on Council business such as meal and accommodation costs or taxi costs; the payment of travel costs such as mileage for the attendance at Council meetings; and the reimbursement of childcare costs to a maximum of \$30 per hour.

LEGAL IMPLICATIONS

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

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

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

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

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

Local Government (Administration) Regulations 1996

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

POLICY IMPLICATIONS

There are no policy implications associated with this item.

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FINANCIAL IMPLICATIONS

Any increase in Councillor Fees would need to be included in the 2020/2021 draft budget considerations.

STRATEGIC IMPLICATIONS

Outcome 4.1/4.2 A strategically focused, unified Council, functioning efficiently and is an efficient and effective organisation.

RISK MANAGEMENT

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

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Executive Manager

Finance and Administration

*A Pears*

Chief Executive Officer

*P Anderson*

Date of Report

9 April 2020

29 APRIL 2020

12.5 RATES - DIFFERENTIAL RATES  
FM00055

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Fenny  
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:**

- 1. Advertise in The West Australian the Shire of Shark Bay's Notice of Intention to Levy the following Differential Rates in accordance with Section 6.36 of the *Local Government Act 1995*.**

<b>Rates Category</b>	<b>Minimum Rates (\$)</b>	<b>Rate in the Dollar (¢)</b>
<b>Gross Rental Value (GRV)</b>		
- Residential	876.00	10.2841
- Commercial	876.00	10.5685
- Industrial/Residential	876.00	11.3803
- Vacant	876.00	10.2841
- Rural Commercial	876.00	10.6884
- Industrial/Residential Vacant	546.00	10.2841
- Rural Resort	876.00	11.2822
<b>Unimproved Value (UV)</b>		
- General	735.00	20.7088
- Pastoral *	920.00	14.1824
- Mining	920.00	28.2452
- Exploration *	920.00	27.1579

\* Note – concessions have not been applied to these categories and will be considered as part of the budget process.

- 2. Adopt the Objects and Reasons for each differential rate and minimum payment as attached.**

**7/0 CARRIED**

Background

The current structure of the Shires Rating categories is based on differential rating and requires the Shire of Shark to give local public notice as per Section 1.7 of the *Local Government Act 1995* of its intention within the period of two (2) months proceeding the commencement of the financial year (ie on or after 1 May).

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The differential rating structure was introduced to recognise the differing use of each property rather than assigning one general rate to a number of different properties uses and zoning in accordance with the Town Planning Scheme.

An elector or ratepayer is invited to lodge a submission in respect of the proposed rate or minimum payment within twenty-one (21) days of the notice being published. The Local Government is required to consider any submissions received before imposing the proposed rate.

A differential rate is defined under Section 6.33 (1) of the *Local Government Act 1995* -

*“A local government may impose differential general rates according to any, or a combination, of the following characteristics-*

*(a) the purpose for which the land is zoned under a town planning scheme in force under the Town Planning and Development Act 1928.*

*(b) The predominant purpose for which the land is held or used as determined by the local government.*

*(c) Whether or not the land is vacant land; or*

*(d) Any other characteristic or combination of characteristics prescribed.”*

The Shire of Shark Bay has previously imposed a differential rate in accordance with Section 6.35(6)(c) *Local Government Act 1995*. If the Shire wishes to impose a differential rate again this year, local public notice must be given and contain the following information -

(a) details of each rate or minimum payment the Local Government intends to impose.

(b) an invitation for submissions to be made by an elector or ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days of the notice: and

(c) any further information in relation to matters specified in the above which may be prescribed.

The council at the ordinary meeting held on 25 March 2020 resolved the following

***The council instruct the administration to draft the 2020/2021 budget with no increase to the rate in the dollar and no increases to fees and charges***

#### Comment

#### Rating

In line with the Councils resolution the rate on the dollar proposed is the same as the amounts adopted by council in the 2019/2020 budget.

There were minimal variations to individual property values during the year which will marginally increase the 2020/2021 rate revenue in excess of the 2019/2020 budget.

These properties will see an increase in the rates payable from 2019/2020 due to the full annual impact of these interim valuations.

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The Valuer General has advised that there will be a general valuation of the Gross Rental Values being undertaken during the 2020/2021 financial year with the revised values coming into effect on 1 July 2021.

The impact of the revaluation will be in the 2021/2022 financial year budget.

Details of the draft proposal of rates for 2020/2021 (same as the rates adopted by the council in 2019/2020) are as follows -

Rates Category	Minimum Rates	Rate in the Dollar	
		(\$)	(¢)
<b>Gross Rental Value (GRV)</b>			
- Residential	876.00	10.2841	
- Commercial	876.00	10.5685	
- Industrial/Residential	876.00	11.3803	
- Vacant	876.00	10.2841	
- Rural Commercial	876.00	10.6884	
- Industrial/Commercial Vacant	546.00	10.2841	
- Rural Resort	876.00	11.2822	
<b>Unimproved Value (UV)</b>			
- General	735.00	20.7088	
- Pastoral *	920.00	14.1824	
- Mining	920.00	28.2452	
- Exploration *	920.00	27.1579	

**\* Note – concessions have not been applied to these categories and will be considered as part of the budget process.**

The Council also resolved that a concession was to be applied and resolved the amount of concession that will be applied in the 2020/2021 year.

Given there is no increase in the rate in the dollar the council could also leave the concessions at the same level as the 2019/2020 year to achieve an nil increase in individual rate assessments, with the exclusion of any interim valuation increases, for the 2020/2021 financial year.

There is also a specified area rate that the council applies to repay the loan repayments for the Monkey Mia bore. The rate in the dollar is adjusted to ensure the full amount of the loan is recouped.

These differential rates result in the rates revenue model including concessions and a specified area rate below -

*Rate in the Dollar*

Land Category	Rate in the Dollar (cents)	Number Of Properties	Rates Levied \$
GRV			
- Residential	10.2841	335	429,610

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- Commercial	10.5685	42	222,420
- Industrial/Residential	11.3803	46	72,860
- Rural Commercial	10.6884	5	33,709
- Rural Resort	11.2822	3	151,949
UV			
- General	20.7088	7	171,402
- Pastoral	14.1824	11	87,556
- Mining	28.2452	1	2,244
- Exploration	27.1579	9	206,865
<b>Total</b>		<b>462</b>	<b>\$1,378,615</b>

*Minimum Rates*

Land Category	Minimum \$	Number of Properties	Rates Levied \$
GRV - all categories except Industrial/Residential - Vacant	876	152	133,152
GRV – Ind/Residential Vacant	546	0	0
UV – all categories except UV General	920	2	1,840
UV – General	735	6	4,410
<b>Total</b>		<b>160</b>	<b>\$139,402</b>
<b>Total proposed Rates</b>			<b>\$1,518,017</b>
<b>Less Concessions</b>			<b>(\$138,834)</b>
<b>Total Amount from General Rates</b>			<b>\$1,379,183</b>
<b>Add Specified Area Rate</b>			<b>\$38,917</b>
<b>Total Rate Yield</b>			<b>\$1,418,100</b>

Total rates levied at the adoption of the 2019/2020 budget nett of concessions and including the specified area rate was \$1,391,961 with interim rates raised during the year bring this total to \$1,418,210.

The proposed rate yield varies slightly due to valuations being applied at differing times during the financial years and the imposition of a back rate from the 2018/19 year.

There also may an issue if property owners object to their individual rate values to the Valuer general in regard to their individual valuations, given the current climate there may be reductions given in valuations of properties. This would result in a possible refund of any rates raised based on the revaluation.

However, the Valuer General may consider that any reduction would be reflected in the 2020/2021 valuation and make the adjustments to apply from 01 July 2021.



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The council has previously applied the concessions to ensure compliance with the Local Government Act

Under the Local Government Act there can be no more than 50% of properties on the minimum rate for each differential rate.

This poses problems especially where there have been revaluations and the need to maintain relativity with previous years rate yield. This was predominantly in the unimproved valuations UV applied to the pastoral and mining properties.

The application of the concession addressed the issue of compliance and the equity between these properties

Council should note that, when adopting the budget, it may resolve to impose different rates to the above. In this case, readvertising of the adopted rates is not necessary.

### Objects and Reasons

Council, in adopting the intention to implement differential rates, is required to develop a document describing the objects of, and reasons for, each proposed rate and minimum payment. In the notice of intention to levy rates, Council is to advise electors and ratepayers of the time and place where this document can be inspected. Attached is the objects and reasons for Council's consideration.

### Legal Implications

Subdivision 2 of Division 6 under Part 6 of the *Local Government Act 1995*, Section 1.7 and Section 6.36 of the *Local Government Act 1995*.

### Policy Implications

There are no policy implications relative to this report.

### Financial Implications

Council needs to ensure that rate revenue remains at a level where the Shire can maintain its present level of service to ratepayers.

### Strategic Implications

Outcome 4.1/4.2 A strategically focused, unified Council, functioning efficiently and is an efficient and effective organisation.

### Risk Management

This is a high-risk item. Failure to adopt a motion for this would delay the adoption of the budget and be in contravention of the *Local Government Act 1995*.

### Voting Requirements

Simple Majority Required.

### Signatures

Author	<i>A Pears</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	22 April 2020

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SHIRE OF SHARK BAY  
2020/2021 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.

The following are the estimated Differential Rates and Minimum Payments for the Shire of Shark Bay for the 2020/2021 financial year.

<b>Rating Category</b>	<b>Minimum Rate</b>	<b>Rate in the Dollar (cents)</b>
GRV – Residential	\$876	10.2841
GRV – Commercial	\$876	10.5685
GRV – Industrial/Residential	\$876	11.3803
GRV – Vacant	\$876	10.2841

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GRV – Rural Commercial	\$876	10.6884
GRV - Industrial/Residential Vacant	\$546	10.2841
GRV – Rural Resort	\$876	11.2822
UV General	\$735	20.7088
UV Pastoral	\$920	14.1824
UV Mining	\$920	28.2452
UV Exploration	\$920	27.1579

**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.

**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

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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 rate 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.

Submissions are invited from any Elector or Ratepayer with respect to the proposed differential rate within 21 days of the date of the notice of intention.

All submissions in writing should be forwarded to the Shire of Shark Bay no later than 4.00pm on 28 May 2020.

Paul Anderson  
**CHIEF EXECUTIVE OFFICER**

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12.6 DISCRETIONARY FEES AND CHARGES 2020/2021  
FM00055

AUTHOR

Executive Manager Finance and Administration

DISCLOSURE OF ANY INTEREST

NIL

Moved           Cr Ridgely  
Seconded       Cr Fenny

**Council Resolution**

**That Council:**

- 1. Endorse the attached Schedule of Discretionary Fees and Charges effective from 1 July 2020; and**
- 2. Incorporate these fees and charges into the 2020/2021 budget document.**

**7/0 CARRIED**

BACKGROUND

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

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

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

COMMENT

The attached fees and charges document reflect the proposed fees to be charged in 2020/2021. This document discusses the discretionary fees and charges only, as the Council does not have any control over legislative fees and charges. If any changes do occur after this date then it will be incorporated into fees and charges and will be presented to Council for adoption with the budget.

In line with Councils direction there has been no proposed increase in fees and charges due the Worldwide Coronavirus pandemic.

However we have included the following new proposed fees and charges:

1. Waste Disposal – Miscellaneous Refuse Site fees for a Mattress \$5 per item
2. Waste Disposal – Miscellaneous Refuse Site fees for 200L Drums (Empty) \$2 per item

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3. Waste Disposal – Miscellaneous Refuse Site fees for a Hot Water System \$5 per item
4. Venue Hire – Cleaning Deposit to be renamed to Bond to incorporate any damages to facilities
5. Venue Hire – Shark Bay Recreation Centre – Fee for Multi-day events – Refresh/Reset once a day \$75 per day (Refreshed and reset once per day) Cannot be waived
6. Venue Hire – Shark Bay Recreation Centre – Fee for events using the Venue’s Cutlery, Crockery and Glassware – Cleaning fee per day \$75 per day (cleared and cleaned once per day) Cannot be waived
7. Equipment Hire – Hire of Lectern with Inbuilt Microphone \$10 per day
8. Equipment Hire – Hire of A Frame Power Box \$10 per day
9. Equipment Hire – Hire of Electronic Street Signage (Speed Awareness Monitor) \$10 per day
10. Gymnasium Membership – Casual (Concession Card Holder) \$20 monthly fee (no pro-rata)

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

Fees and charges revenue made up approximately 28 percent of the Shires operating revenue in 2018/2019 and provides a means for the Shire to recover the costs of providing services on a user pay basis.

STRATEGIC IMPLICATIONS

Outcome 4.1.1, 4.2.1 and 4.2.2

Shark Bay Council is a strategically focused, unified Council, functioning efficiently whilst encouraging and supporting community engagement and providing appropriate services to the community.

RISK MANAGEMENT

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

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Executive Manager Finance and Administration	<i>A Peary</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	22 April 20

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<b>Shire of Shark Bay</b>					
<b><u>Fees and Charges 2020/2021</u></b>					
Building Services					
Town Planning					
Health					
Housing					
Cemetery					
Sanitation					
Waste Disposal					
Animal Control					
Other Law, Order and Public Safety					
Venue Hire					
Equipment Hire					
Accommodation, Caravan Parks and Camping					
Library					
Shark Bay Discovery Centre					
Visitor Centre Fees and Commission					
Marine Facility					
Sundry Income and Enquiry					
Building Supplies					
Reinstatements and Private Works					

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<i>Particulars</i>	<i>Type</i>	<i>GST</i>	<i>Charges where Applicable</i>	<i>Charges where Applicable</i>	<i>Frequency</i>
<b>Building</b>					
Search Fees - Property Enquiries	Council	Y	19.20	19.20	Per Property
Application for copies of building permits and certificates	Council	Y	54.70	54.70	Per Permit/Application
Application for residential design code compliance certification - Private Certification	Council	Y	109.40	109.40	Per Hour
Single copies at photocopy rates below (to a maximum of 4 A4 pages)					
<i>Printing/Scanning/Photocopying</i>					
A4 black and white	Council	Y	1.80	1.80	Per Sheet
A4 black and white double-sided	Council	Y	2.80	2.80	Per Sheet
A4 colour	Council	Y	4.00	4.00	Per Sheet
A4 colour double-sided	Council	Y	5.00	5.00	Per Sheet
A4 laminate	Council	Y	5.00	5.00	Per Sheet
A3 black and white	Council	Y	2.80	2.80	Per Sheet
A3 black and white double-sided	Council	Y	3.50	3.50	Per Sheet
A3 colour	Council	Y	7.60	7.60	Per Sheet
A3 colour double-sided	Council	Y	8.70	8.70	Per Sheet
<b>Town Planning Services</b>					
Search Fee - Planning Approvals	Council	Y	19.20	19.20	Per Property
Applications for copies of Planning Approvals	Council	Y	54.70	54.70	Per Approval
Single page copy of Planning Approval - at photocopy rates below					
<i>Printing/Scanning/Photocopying</i>					
A4 black and white	Council	Y	1.80	1.80	Per Sheet
A4 black and white double-sided	Council	Y	2.80	2.80	Per Sheet
A4 colour	Council	Y	4.00	4.00	Per Sheet
A4 colour double-sided	Council	Y	5.00	5.00	Per Sheet
A4 laminate	Council	Y	5.00	5.00	Per Sheet
A3 black and white	Council	Y	2.80	2.80	Per Sheet
A3 black and white double-sided	Council	Y	3.50	3.50	Per Sheet
A3 colour	Council	Y	7.60	7.60	Per Sheet
A3 colour double-sided	Council	Y	8.70	8.70	Per Sheet
<b>Health</b>					
<i>Septic Tanks</i>					
Search Fee	Council	Y	19.20	19.20	Per Request
Copies of Septic Applications	Council	Y	54.70	54.70	Per Copy of Plan
Septic Tank Plans at photocopy rates below					
<i>Printing/Scanning/Photocopying</i>					
A4 black and white	Council	Y	1.80	1.80	Per Sheet
A4 black and white double-sided	Council	Y	2.80	2.80	Per Sheet
A4 colour	Council	Y	4.00	4.00	Per Sheet
A4 colour double-sided	Council	Y	5.00	5.00	Per Sheet
A4 laminate	Council	Y	5.00	5.00	Per Sheet
A3 black and white	Council	Y	2.80	2.80	Per Sheet
A3 black and white double-sided	Council	Y	3.50	3.50	Per Sheet
A3 colour	Council	Y	7.60	7.60	Per Sheet
A3 colour double-sided	Council	Y	8.70	8.70	Per Sheet



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<b>Housing</b>					
<i>(Aligned with Centrelinks Rental Assistance Eligibility Requirements)</i>					
<b>Pensioner Units</b>					
Rental - Single	Council	N	125.00	125.00	Per Week based on lease
Rental - Double	Council	N	196.20	196.20	Per Week based on lease
<b>Cemetery Charges</b>					
<b>Burial Fees</b>					
Application Fee (Plot Reservation)	Council	Y	52.00	52.00	Per Application
Burials - Weekday	Council	Y	1050.00	1050.00	Per Occurrence
Burials - Weekend/Public Holidays	Council	Y	1850.00	1850.00	Per Occurrence
<b>Niche Wall Internments</b>					
- First Internment	Council	Y	54.20	54.20	Per Occurrence
- Second Internment	Council	Y	54.20	54.20	Per Occurrence
- Application Fee (Reservation)	Council	Y	55.10	55.10	Per Reservation
<b>Other Cemetery Charges</b>					
Permit to Construct Tombstone	Council	N	31.50	31.50	Per Occurrence
Cast Bronze Plaques and Engraving	Council	Y	Cost + 10%	Cost + 10%	Per request
Application for placement of Monumental Plaques along Cemetery fence	Council	N	67.40	67.40	Per Application
Internment of Ashes into Existing Grave	Council	Y	Cost + 10%	Cost + 10%	Per Occurrence
Exhumation	Council	Y	Cost + 10%	Cost + 10%	Per Occurrence
Funeral Directors Licence	Council	N	Free	Free	Yearly Permit

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Sanitation					
Rubbish Bins – Green 240 litre	Council	Y	cost + 15%	cost + 15%	Per Bin
Rubbish Lids	Council	Y	cost + 15%	cost + 15%	Per Bin
Rubbish Bin Wheels	Council	Y	cost + 15%	cost + 15%	Per Bin
Rubbish Bin Axles	Council	Y	cost + 15%	cost + 15%	Per Bin
Rubbish Bin Lid Pins	Council	Y	cost + 15%	cost + 15%	Per Bin
Waste Disposal					
Refuse removal (Charged via Rates Notice)					
120 or 240 litre Rubbish Bins collected Twice Weekly					
Domestic	Council	N	414.00	414.00	Per Bin Per Annum
Commercial & Industrial Properties	Council	N	470.00	470.00	Per Bin Per Annum
Non Rateable Property	Council	N	670.00	670.00	Per Bin Per Annum
Domestic Charges (General Waste) At Refuse Site					
Domestic utes, vans, wagons or trailers per M3 (Minimum charge \$5.50)	Council	Y	5.50	5.50	Per Cubic Metre or part thereof
Domestic clean green waste including grass clippings and sawdust	Council	Y	No Charge	No Charge	Per Cubic Metre or part thereof
Domestic contaminated green waste (Green waste mixed with other waste) (Minimum charge \$5.50)	Council	Y	5.50	5.50	Per Cubic Metre or part thereof
Commercial Charges (General Waste) At Refuse Site					
Commercial utes, vans, wagons or trailers per M3 (Minimum charge \$15.50)	Council	Y	15.00	15.00	Per Cubic Metre or part thereof
Commercial clean green waste including grass clippings and sawdust (Minimum charge \$5.50)	Council	Y	5.50	5.50	Per Cubic Metre or part thereof
other waste) (Minimum Charge \$15.00)	Council	Y	15.00	15.00	Per Cubic Metre or part
Commercial cardboard (Minimum Charge \$5.50)	Council	Y	5.50	5.50	Per Cubic Metre or part
Liquid Waste At Refuse Site					
Including grease trap, sewage and offal	Council	Y	50.00	50.00	Per Kiloitre or part thereof
Used Oil Per 20L Container of part thereof	Council	Y	5.00	5.00	20 Litres or part thereof (20L Container)
Used Oil Per 200L Container or part thereof	Council	Y	50.00	50.00	200 Litres or part thereof
Oil and Fuel Filters	Council	Y	2.00	2.00	Per Filter
Miscellaneous Charges At Refuse Site					
Car / light truck tyres	Council	Y	10.00	10.00	Per Tyre
Truck / tractor tyres	Council	Y	20.00	20.00	Per Tyre
Car batteries	Council	Y	Free	Free	Per Item
Gas bottles	Council	Y	Free	Free	Per Item
Gassed refrigeration unit (De-gassing of refrigeration units are regulated and is a specialised service)	Council	Y	50.00	50.00	Per Item
De-gassed refrigeration unit (Certification of Degassing by a Licenced Provider required)	Council	Y	8.00	8.00	Per Item
White Goods	Council	Y	6.00	6.00	Per Item
Electronic waste	Council	Y	2.00	2.00	Per Item
Car bodies, trailers, small boats, caravans	Council	Y	40.00	40.00	Per Item
Truck bodies, large equipment	Council	Y	60.00	60.00	Per Item
Wheeie Bin 240L - Domestic	Council	Y	5.50	5.50	Per Bin
Wheeie Bin 240L - Commercial	Council	Y	15.00	15.00	Per Bin
Mattress	Council	Y	5.00	5.00	Per Item
200L Drums (Empty)	Council	Y	2.00	2.00	Per Item
Hot Water System	Council	Y	5.00	5.00	Per Item
Site					
Asbestos per kg up to 20Kg	Council	Y	0.25	0.25	Per KG
Asbestos per sheet	Council	Y	2.50	2.50	Per sheet or part thereof
Flat fee: Inclusive of tipping, plant and labour fees	Council	Y	85.00	85.00	Per Cubic Metre
Animal remains inclusive of Offal (Not liquid)	Council	Y	5.00	5.00	Per Cubic Metre or part thereof
Closed Fee At Refuse Site					
Refuse Site closed additional fee	Council	Y	10.50	10.50	Per Visit

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<b>Animal Control</b>					
<i>Infringement Notices</i>					
As prescribed by Regulations					Per Infringement
Release Fees	Council	N	50.00	50.00	Per Animal
Sustenance Fees	Council	N	5.00	5.00	Per Day
<b>Other Law, Order and Public Safety</b>					
<i>Impounding Fees - Vehicles</i>					
Administration Fee	Council	N	143.00	143.00	Per Infringement
Daily Storage Fee	Council	N	20.50	20.50	Per Day
Towing Charge	Council	Y	At Cost	At Cost	As per Invoice from Towing Company
<i>Advertising Signs on Thoroughfares</i>					
<i>Signs - Permits</i>					
Policy Assessable Signs	Council	N	154.00	154.00	Per Sign
Impact Assessable Signs	Council	N	154.00	154.00	Per Sign
<i>Footpath Signs - Permits</i>					
Application Fee	Council	N	154.00	154.00	Per Sign
Per annum per sign	Council	N	74.00	74.00	Per Sign
<i>Portable Signs - Permits</i>					
Application Fee	Council	N	154.00	154.00	Per Sign
Per annum per sign	Council	N	74.00	74.00	Per Sign
<i>Impounding Fees - Illegal Signs</i>					
Administration Fee	Council	N	41.00	41.00	Per Infringement
<i>Local Government Property Local Law</i>					
1. Low risk impact -Readily assessable - No advertising	Council	N	255.00	255.00	Per Year or prorata part
2. Medium risk impact/moderate time assessable/With advertising/No objections received	Council	N	765.00	765.00	Per Year or prorata part thereof
3. High risk impact/Difficult assessment/Community objection/With advertising/Monitoring Required	Council	N	1530.00	1530.00	Per Year or prorata part thereof
4. Other, as determined by Council	Council	N			
<i>Mobile Vendors, Street Traders and Temporary Businesses</i>					
Per Week or part thereof up to 2 weeks or alternatively \$200 Per Month up to 6 months	Council	Y	102.00	102.00	Per Week or part thereof up to maximum of 2 weeks
Per month or part thereof up to a maximum of 6 months	Council	Y	204.00	204.00	Per Month or part thereof up to a maximum of 6 months
Per year of part thereof greater than 6 months	Council	Y	2040.00	2040.00	Per Year for a term greater than 6 months
Festivals/Organised Events/Winter Markets Stall Holder Permits (Non Charitable Groups, For Profit Organisations and all individuals)	Council	Y	11.00	11.00	Per Day
Festivals/Organised Events/Winter Markets Stall Holder Permits (Charitable/Non Profit Organisations domiciled in Shark Bay)	Council	N	No Charge	No Charge	
Yadgalah Markets Permit	Council	N	No Charge	No Charge	

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Venue Hire					
<b>Centre (Refer below)</b>					
Functions/Meetings Community Groups (Shark Bay domiciled)					
- Over 5 hours	Council	Y	158.00	158.00	Per Day
- Less than or Equal to 5 hours	Council	Y	26.50	26.50	Per Hour
Functions/Meetings Private					
- Over 5 hours	Council	Y	262.00	262.00	Per Day
- Less than or Equal to 5 hours	Council	Y	50.00	50.00	Per Hour
Bond	Council	N	275.00	275.00	Per Function
Surcharge for Additional Cleaning	Council	Y	At Cost + 10%	At Cost + 10%	Per Function
Long Term Seasonal Users – Community Groups ( Shark Bay domiciled)					
- Once a Week User	Council	Y	427.00	427.00	Annual Charge
- Twice or More a Week User	Council	Y	840.00	840.00	Annual Charge
<b>Shark Bay Recreation Centre Room Hire</b>					
Functions/Meetings Community Groups (Shark Bay domiciled)					
- Over 5 hours	Council	Y	158.00	158.00	Per Day
- Less than or Equal to 5 hours	Council	Y	26.50	26.50	Per Hour
Functions/Meetings Private					
- Over 5 hours	Council	Y	262.00	262.00	Per Day
- Less than or Equal to 5 hours	Council	Y	50.00	50.00	Per Hour
Cleaning Deposit	Council	N	275.00	275.00	Per Function
Surcharge for Additional Cleaning	Council	Y	At Cost + 10%	At Cost + 10%	Per Function
Long Term Seasonal Users – Community Groups ( Shark Bay domiciled)					
- Once a Week User	Council	Y	427.00	427.00	Annual Charge
- Twice or More a Week User	Council	Y	840.00	840.00	Annual Charge
For multi day events, room refresh/reset once per day	Council	Y		75.00	Per Day (Refreshed and reset once per day). Cannot be waived
For events using venue's cutlery, crockery and glassware, cleaning fee per day (No hire charge for use of existing cutlery, crockery and glassware)	Council	Y		75.00	Per Day (Cleared and cleaned once per day). Cannot be waived.
<b>SBDC - Rose de Freycinet Gallery Hire -no kitchen facilities</b>					
Functions/Meetings Community Groups					
- Over 5 hours	Council	Y	148.00	148.00	Per Day
- Less than or Equal to 5 hours	Council	Y	26.80	26.80	Per Hour
Functions/Meetings Private/Corporate					
- Over 5 hours	Council	Y	285.00	285.00	Per Day
- Less than or Equal to 5 hours	Council	Y	44.00	44.00	Per Hour
Cleaning Deposit	Council	N	335.00	335.00	Per Function
Surcharge for Additional Cleaning	Council	Y	At Cost + 10%	At Cost + 10%	Per Function
Additional Charge use of Crockery, media, etc.	Council	Y	74.00	74.00	Per Function
Staff Surcharge for all Functions	Council	Y	At Cost + 10%	At Cost + 10%	Per Staff Member Per Hour
<b>Childcare Centre</b>					
Child Care Programs - whole building and yard	Council	Y	135.00	135.00	Per Month
<b>Denham Oval Hire</b>					
Exclusive use charge (Clubs)	Council	Y	70.00	70.00	Per Day
Exclusive use charge (Carnivals)	Council	Y	535.00	535.00	Per Event
<b>only)</b>					
Licence to Occupy - Non Commercial Use	Council	Y	165.00	165.00	Per annum
Licence to Occupy - Commercial Use	Council	Y	500.00	500.00	Per annum

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Equipment Hire					
Equipment Hire - Deposit	Council	N	200.00	200.00	Per Hire
Trestles (Town Hall - Used)	Council	Y	5.20	5.20	Per unit per day
Chairs (Town Hall - Used)	Council	Y	27.60	27.60	Per 50 chairs per day
Hire of Portable Sound System	Council	Y	50.00	50.00	Per Day
Hire of Portable Stage	Council	Y	71.40	71.40	Per Function
Hire of Lectern with inbuilt Microphone	Council	Y		10.00	Per Day
Hire of A Frame Power Box	Council	Y		10.00	Per Day
Hire of Electronic Street Signage (Speed Awareness Monitor)	Council	Y		10.00	Per Day
Council Staff to Erect/Dismantle	Council	Y	At Cost + 10%	At Cost + 10%	Per Function
<b>Marquee</b>					
Community Groups (domiciled in Shark Bay)	Council	Y	175.00	175.00	Per Event
Other users	Council	Y	780.00	780.00	Per Event
1/2 Marquee or less	Council	Y	50%	50%	Of full charge
Council Staff to Erect/Dismantle	Council	Y	At Cost + 10%	At Cost + 10%	Per Function
Deposit - All Hirers	Council	N	700.00	700.00	Per Function
<b>Air Balloons</b>					
2 x Air Balloons per day hire	Council	Y	30.00	30.00	Per Day
<b>Groups only</b>					
Hire	Council	Y	1.80	1.80	Per Kilometre
In the event of an accident, during the period of Hire, the Hirer will be liable for the Insurance Excess	Council	N	300.00	300.00	Insurance Excess
<b>Hire of Fencing</b>					
Per panel	Council	Y	5.50	5.50	Per Week
Per panel	Council	Y	1.50	1.50	Per Day
Delivery and erection	Council	Y	At Cost + 10%	At Cost + 10%	
<b>Foreshore Events/Fairs</b>					
Bond	Council	N	200.00	200.00	Per Hire
Daily Fee (Non Charitable Organisations)	Council	Y	110.00	110.00	Per Day
<b>Gymnasium Membership</b>					
Adult	Council	Y	170.00	170.00	Per Year /Pro-Rated each Qrt ie Reduction of 25% each Quarter
Pensioner / Concession Card Holder	Council	Y	108.00	108.00	Per Year /Pro-Rated each Qrt ie Reduction of 25% each Quarter
Pensioner/Concession Card Holder Couple	Council	Y	182.00	182.00	Per Year /Pro-Rated each Qrt ie Reduction of 25% each Quarter
Student (12 to 17) Must be accompanied with Adults	Council	Y	52.00	52.00	Per Year /Pro-Rated each Qrt ie Reduction of 25% each Quarter
Couple or Family - 2 Adults and 2 Children 12-17 Years of age	Council	Y	312.00	312.00	Per Year /Pro-Rated each Qrt ie Reduction of 25% each Quarter
Casual	Council	Y	52.00	52.00	Monthly Fee Only (no pro rata)
Casual (concession card holder)	Council	Y		20.00	Monthly Fee Only (no pro rata)
Card Deposit	Council	N	20.00	20.00	Per Card Trust

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Accommodation, Caravan Parks and Camping Charges					
<i>Bed and Breakfast Accommodation (Lodging or Boarding of six (6) or less persons, for not more than 14 consecutive days. More than 6 guests in a deemed to be a lodging house</i>					
Registration	Council	Y	182.50	182.50	Per Application
Annual Renewal	Council	Y	125.00	125.00	Per Annum
<b>Camping</b>					
Within the Shire of Shark Bay at prescribed Sites (Admin fee)	Council	Y	15.00	15.00	Per Vehicle
<b>Overflow Camping (max 2 nights)</b>					
Unpowered Tent (up to 2 persons)	Council	Y	37.50	37.50	Per Day
Caravan (up to 2 persons)	Council	Y	37.50	37.50	Per Day
Additional persons (per person)	Council	Y	7.50	7.50	Per Day
<b>Dirk Hartog Island Lighthouse Keepers Accommodation</b>					
\$10 per person per night for Use of Premises	Council	Y	10.00	10.00	Per Person Per Day
<b>Library</b>					
Library Card Replacement Fee	Council	Y	5.00	5.00	Per Replacement
Library Book Withdrawal Deposit non Shire residents	Council	N	50.00	50.00	Trust
Library Book Damage/Replacement Fee as per LISWA Catalogue	Council	Y	At Cost	At Cost	Per Item
<b>Shark Bay Discovery Centre</b>					
Adult entry	Council	Y	11.00	11.00	Per Entry
Children entry (Must be accompanied by adult)	Council	Y	6.00	6.00	Per Entry
Concession entry	Council	Y	8.00	8.00	Per Entry
Group entry	Council	Y	6.00	6.00	Per Entry
Coach entries	Council	Y	6.00	6.00	Per Entry
Entrance Fee Family (2 Adults & 2 Children)	Council	Y	28.00	28.00	Per Entry
Entrance Fee Locals (Refer Council Policy for Eligibility)	Council	Y	No Charge	No Charge	
Merchandise	Council	Y	Retail Prices	Retail Prices	
<b>Visitor Centre Fees and Commission</b>					
Business - Display only (Outside shire)	Council	Y	60.00	60.00	Per Annum
Pro-rata Business Display Only (Outside Shire) after 31 December	Council	Y	50%	50%	Per Annum
Commission Rates - Locals (Bookeasy Gold / Others)	Council	Y	12%	12%	Per Booking
Commission Rates - (Bookeasy 24hrs)	Council	Y	15%	15%	Per Booking
Commission Rates - Outside Shire (Bookeasy gold Only)	Council	Y	15%	15%	Per Booking

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<b>Marine Facility Charges</b>						
<b>Monkey Mia Jetty Fees</b>						
Annual Fee	Council	Y	87.00	87.00	Per Metre of Vessel Length, No pro rata	
Daily Casual Berthing Fee	Council	Y	7.70	7.70	Per Day Per Metre of Vessel Length	
<b>Jinker Fees - Haulage Fees</b>						
Survey Weekday	Council	Y				
Non Survey Weekday	Council	Y				
Survey Weekend	Council	Y				
Non Survey Weekend	Council	Y				
<b>Holidays</b>						
Slipway Lift Out and In	Council	Y	412.50	412.50	Per Lift	
Slipway Lift Out and In with bow beam	Council	Y	742.50	742.50	Per Lift	
Use of Trailer for Survey of Vessel Only (No Work)	Council	Y	55.00	55.00	Per hour or part thereof	
<b>Jinker Fees - Haulage Fees - Outside of Normal Working Hours</b>						
Slipway Lift Out and In	Council	Y	550.00	550.00	Per Lift	
Slipway Lift Out and In with bow beam	Council	Y	825.00	825.00	Per Lift	
Use of Trailer for Survey of Vessel Only (No Work)	Council	Y	82.50	82.50	Per hour or part thereof	
<b>Jinker Travel</b>						
Travel Fee (Includes Tow Vehicle, Jinker, Lead Vehicle with	Council	Y	220.00	220.00	Per hour or part thereof	
<b>Jinker Area Hardstand</b>						
Hardstand Non Commercial Vessels occupying Marine Facilities Area	Council	Y	34.00	34.00	Per Vessel Per Day or part thereof	
Hardstand Commercial Vessels occupying Marine Facilities Area	Council	Y	19.00	19.00	Per Vessel Per Day or part thereof	
<b>Sundry Income and Enquiry Charges</b>						
<b>Printing/Scanning/Photocopying</b>						
A4 black and white	Council	Y	1.80	1.80	Per Sheet	
A4 black and white double-sided	Council	Y	2.80	2.80	Per Sheet	
A4 colour	Council	Y	4.00	4.00	Per Sheet	
A4 colour double-sided	Council	Y	5.00	5.00	Per Sheet	
A4 laminate	Council	Y	5.00	5.00	Per Sheet	
A3 black and white	Council	Y	2.80	2.80	Per Sheet	
A3 black and white double-sided	Council	Y	3.50	3.50	Per Sheet	
A3 colour	Council	Y	7.60	7.60	Per Sheet	
A3 colour double-sided	Council	Y	8.70	8.70	Per Sheet	
<b>Rates and Property</b>						
Account Enquiry & Advice of Sale (EAS Enquiry)	Council	N	56.00	56.00	Per Enquiry	
Rate Book Enquiry (Non Ratepayer)	Council	N	57.00	57.00	Per Enquiry	
Rate Instalment Fee	Council	N	11.00	11.00	Per Instalment	
Reply to Property Settlement Questionnaire (Orders & Requisitions)	Council	N	82.00	82.00	Per Enquiry	
<b>Freedom of Information</b>						
Charge for duplicating tape, film or computer information	Council	Y	Actual Cost	Actual Cost		
Charge for delivery, packaging and postage	Council	Y	Actual Cost	Actual Cost		

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<b>Building Supplies Charges</b>					
<b>Materials</b>					
Brickies Sand	Council	Y	16.00	16.00	Per Cubic Metre
Gravel	Council	Y	16.00	16.00	Per Cubic Metre
Pindan Sand	Council	Y	7.50	7.50	Per Cubic Metre
Crushed Concrete (Shire use first preference)	Council	Y			To be determined
Mulch (Shire use first preference)	Council	Y			To be determined
<b>Engineering and Works Services</b>					
<b>Private Works / Reinstatement</b>					
All Private Works	Council	Y	Cost Plus 30%	Cost Plus 30%	
Reinstatement of road reserves	Council	Y	Cost Plus 30%	Cost Plus 30%	
CrossOver - Two Coat Seal	Council	Y	60.00	60.00	per square metre
CrossOver - Pavers	Council	Y	70.00	70.00	per square metre
CrossOver - Concrete	Council	Y	95.00	95.00	per square metre
CrossOver Reimbursement	Council	Y	Not to exceed 50% of Cost	Not to exceed 50% of Cost	3m wide and distance from boundary to kerb line (as per policy)
<b>Subdivision Related Fees</b>					
Supervision Fee - % of total value of all road and drainage works other than future lots.	Council	Y			
Consulting Engineer and Clerk of Works fully supervises.	Council	Y	1.50%	1.50%	
Consulting Engineer with no Clerk of Works	Council	Y	3.00%	3.00%	
<b>Subdivision Works – Maintenance Bonds</b>					
% Of total value of all works – held for 12 months from practical completion and until all items are satisfactorily completed.	Council	N			
\$0 - \$100,000	Council	N	5%	5%	
\$100,000 - \$200,000	Council	N	4%	4%	
\$200,000 - \$400,000	Council	N	4%	4%	
\$400,000 - \$600,000	Council	N	3%	3%	
Over \$600,000	Council	N	3%	3%	



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**13.0 TOWN PLANNING REPORT**

**13.1 UPDATE ON LEGISLATIVE CHANGES AND PROPOSED DELEGATION TO CHIEF EXECUTIVE OFFICER – EXEMPTIONS FROM PLANNING APPROVAL FOR TEMPORARY LAND USES LP00002**

AUTHOR  
Liz Bushby

DISCLOSURE OF ANY INTEREST

Declaration of Interest: 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 Smith

**Council Resolution**

**That Council:**

**1. 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;**

**(a) To exercise discretion to exempt temporary land uses from the need for development approval in accordance with Clause 61(2)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**2. Grant the above delegated authority to the Chief Executive Officer for a period of 12 months ceasing on the 15 April 2021 to provide for flexibility during the Coronavirus pandemic.**

**3. Note that an amendment to Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) was published in the *Government Gazette* on the 3 April 2020.**

**The Amendment is an insertion of a new Part 10B to the Deemed Provisions, entitled ‘Exemptions from planning requirements for state of emergency’.**

**It allows flexibility for the Minister, by notice, to exempt specific ‘planning requirements’, for the purposes of ‘facilitating response to, or recovery from’ an emergency declared under the *Emergency Management Act 2005*.**

**4. Note that the Minister for Planning signed the first Notice of Exemption on the 8 April 2020 which will:**

**(i) Automatically increase the term for development approval by 2 years for existing development approval holders who have not yet**

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implemented their approval by substantially commencing development.

- (ii) Exempt certain developments from the need for any planning approval.
- (iii) Exemption from the requirement to provide car parking bays at the ratio required by the relevant planning instrument provided the shortfall is 10 bays or less.

**7/0 CARRIED BY ABSOLUTE MAJORITY**

BACKGROUND

The COVID-19 Coronavirus pandemic has resulted in a number of restrictions for businesses such as the restaurant/ café industry. Further government restrictions may apply in the future.

COMMENT

- *Relevant Legislative Changes*

An amendment to Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) was published in the *Government Gazette* on the 3 April 2020.

The Amendment is the insertion of a new Part 10B to the Deemed Provisions, entitled 'Exemptions from planning requirements for state of emergency'.

The provisions allow the Minister, by notice, to exempt specific 'planning requirements', for the purposes of 'facilitating response to, or recovery from' an emergency declared under the *Emergency Management Act 2005*.

The specific planning requirements that can now be varied by Notice by the Minister are outlined in clause 78H(3), and include –

- A requirement to obtain development approval;
- A requirement to satisfy a condition of a development approval;
- A requirement relating to land use permissibility;
- A requirement to consult or advertise, and in relation to time limits and forms required to be lodged.

A notice becomes effective when published in the *Government Gazette*.

- *Ministerial Notice of Exemption*

The Minister for Planning signed the first Notice of Exemption on the 8 April 2020. The exemptions are summarised in **Attachment 1**.

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The exemptions are not permanent. After the State of Emergency declaration is lifted, there will be a need to either cease the use, or make application for permanent approval, within 90 days.

It is anticipated that the Ministerial exemptions will make it easier for businesses to adapt their business practices or change land uses during the COVID-19 coronavirus pandemic.

For example, one of the exemptions allows certain changes of land uses to occur within commercial zones, without planning approval. This includes shops with a floor area less than 400m<sup>2</sup> Nett Leasable Area, restaurant/cafes, convenience stores, consulting rooms and offices.

- *Proposed Delegation*

Planning Legislation, Regulations and the Shires Local Planning Scheme continue to operate as existing regulatory statutory documents.

Due to the impact of current restrictions, restaurants that were predominantly dine in now have to operate as fast food outlets with food eaten off the premises. This is one example where restrictions are resulting in existing businesses having to look at changing how they operate and implementing new business models.

In response to the situation, restaurants may consider offering liquor to patrons with their take away service. This will allow customers to purchase alcohol with their take away meal, subject to compliance with Liquor Licencing requirements.

The Department of Local Government, Sport and Cultural Industries has announced support for six-month occasional liquor licenses to allow for sale of liquor with takeaway meals. A simplified application form for an occasional liquor licence is available and their processing will be fast tracked.

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* there is an ability for local governments to exempt temporary land uses from the need to obtain any planning approval, for a maximum period of 12 months.

It is recommended that Council grant delegated authority to the Chief Executive Officer so he can apply this exemption where required to assist local businesses during the pandemic.

The delegation may be useful to apply to:

- (1) Any temporary uses which will assist the local community and/or businesses with temporary changes to operations; and
- (2) Where those uses do not fall under the 'exemptions' already implemented by the Minister.

Council can grant the delegation for any stipulated time period. Town Planning Innovations recommends that it be granted for 12 months after which it can be reviewed.

It should be noted the use of the delegation is to the Chief Executive Officers discretion, and any controversial proposal can still be referred to Council.

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LEGAL IMPLICATIONS

*Shire of Shark Bay Local Planning Scheme No 4* – the Scheme will continue to operate however the proposed delegation will provide greater opportunity for the Shire Chief Executive Officer to apply planning exemptions for any temporary land use.

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

Clause 61 of the Regulations lists ‘development for which development approval is not required’. Under Clause 61(2)(d) the local government can exempt any ‘*temporary use which is in existence for less than 48 hours, or a longer period agreed to by the local government, in any 12 month period.*

Clause 82(1) gives the local government the ability to delegate its powers to the Chief Executive Officer. Clause 82(2) requires any delegation to be by Absolute Majority.

Recent changes to the Regulations are explained in the body of this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report.

RISK MANAGEMENT

There are no known risks associated with this report.

VOTING REQUIREMENTS

Absolute Majority Required (for delegation)

SIGNATURES

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	17 April 2020

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**ATTACHMENT 1**

The following is a summary of some of the exemptions set out in the Minister's first Notice. It is a summary only and does not contain all the requirements that need to be met to claim the exemption.

A copy of the Minister's Notice is available on the DPLH website at the following link - <https://www.dplh.wa.gov.au/notice-of-exemptions>

If you ...	You get the following exemptions until 90 days after the State of Emergency Declaration ceases...	Provided you do the following
If you have an existing development approval that has not yet been acted upon OR you obtain a development approval before the State of Emergency declaration is revoked.	The period for substantial commencement is increased by 2 years from the original deadline.	Nothing required – automatic.
If you have property located in a commercial, centre, or mixed use zone	No approval is required for the following <u>uses</u> or <u>temporary works</u> provided these uses are capable of approval under the Scheme (i.e. not X uses) – <ul style="list-style-type: none"> <li>• Shop (provided no larger than 400m<sup>2</sup> NLA)</li> <li>• Restaurant/café</li> <li>• Convenience store (excluding those selling fuel)</li> <li>• Consulting rooms</li> <li>• Office</li> </ul>	Notify the local government within 7 days of the use commencing.
If you have property in an industrial zone	No approval is required for the following <u>uses</u> or <u>temporary works</u> provided these uses are capable of approval under the scheme (i.e. not X uses) – <ul style="list-style-type: none"> <li>• Industry</li> <li>• Industry-light</li> <li>• Trade Supplies</li> <li>• Warehouse / Storage</li> <li>• Transport Depot</li> </ul>	Notify the local government within 7 days of the use commencing.  Any works undertaken will have a deemed approval for 2 years, after which time they must be removed unless a further approval has been obtained.
If you are operating your business from your home	No approval is required for the following <u>uses</u> and <u>temporary works</u> – <ul style="list-style-type: none"> <li>• Home business</li> <li>• Home occupation</li> </ul>	Notify the local government within 7 days of the use commencing.
If you need to park your commercial vehicles	No approval is required for <u>the use</u> and any <u>temporary works</u> for commercial vehicle parking.	Notify the local government within 7 days of the use commencing.

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If you ...	You get the following exemptions until 90 days after the State of Emergency Declaration ceases...	Provided you do the following
If you need to accommodate a workforce	No approval is required for <u>the use</u> and any <u>temporary works</u> for temporary workers' accommodation which is necessary for the construction etc of essential services.	Notify the local government within 7 days of the use commencing.
If you have an existing operation selling goods or fuel which limits the time during which deliveries, loading and unloading may occur.	Your existing development approval is varied to allow loading and unloading and delivery of goods at any time.	Notify the local government within 7 days of varying your operations.
If you have an existing operation that is used for a hotel, tavern, restaurant/café which imposes restrictions on where food is to be consumed (i.e. where food must or must not be consumed)	Your existing development approval is varied to remove these restrictions.	Notify the local government within 7 days of varying your operations.
If you have an existing development approval OR you obtain a development approval for a non-residential development before the State of Emergency declaration is revoked	You receive an exemption from providing up to 10 parking bays	Nothing required – automatic.
If you have an existing development approval with a requirement to pay cash-in-lieu of providing car parking bays for a non-residential development.	You receive an exemption from making payment.	Nothing required – automatic.

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**14.0 WORKS REPORT**

14.1 FIVE (5) YEAR ROAD CAPITAL PLAN 2020/2021 – 2024/2025  
RD00029

Author

Works Manager

Disclosure of Any Interest

Declaration of Interest: Mr Brian Galvin

Nature of Interest: Financial Interest as relative owns property on Brockman Street

Mr Galvin left the Council Chamber at 4.20 pm.

Moved            Cr Ridgley  
Seconded       Cr Fenny

**Council Resolution**

**That the 2020/2021 review of the Five (5) year Road Capital Plan as attached for the years 2020/2021 through to 2024/2025, within the Shire of Shark Bay, be endorsed.**

**That an amount of \$297,245.00, funded solely from Roads to Recovery allocations, be apportioned to Brockman Street in the Draft 2020/2021 budget to facilitate a reseal program.**

**That an amount of \$229,958.00 funded two thirds one third from the Regional Road Group allocations, be apportioned to the Useless Loop Road in the Draft 2020/2021 budget to facilitate a resheet program.**

**That an amount of \$90,000.00 funded two thirds one third from the Regional Road Group allocations, be apportioned to Eagle Bluff Road in the Draft 2020/2021 budget to facilitate a new seal program.**

**That an amount of \$37,774.00 funded two thirds one third from the Regional Road Group 2020/2021 unallocated funds, be apportioned to the Eagle Bluff Road in the Draft 2020/2021 budget to facilitate a new seal program.**

**7/0 CARRIED**

Mr Galvin returned to the Council Chamber at 4.29 pm.

Background

There is an established 5 Year Road Capital Plan for capital works on rural and urban roads within the Shire of Shark Bay.

The five year Road Capital Plan proposed road works schedule contains an estimated capital expenditure on roads within the Shire of Shark Bay for the next 5 years.

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This plan has been put into place to show the projected years that works will be completed and also the sections of those roads that, at this point in time, have been deemed to be in most need for capital works.

As road use changes and given the fact that certain events will occur out of our control, the projected years shown in the inserted spread sheet are estimates of the proposed works and time frames involved.

This Road Capital Plan is a living document and needs to be reviewed annually. This will ensure that capital expenditure will be spent in a most productive manner.

The current Roads to Recovery program concludes 2023/2024. The Shire of Shark Bay will receive \$ 1,486,245.00 over the life of the program. Total yearly expenditure is \$297,245.00. It is unknown if the Roads to Recovery will continue after this time.

Comment

**Regional Road Group**

Included in the 2020/2021 Regional Road Group program is a sealing program for the Eagle Bluff Road.

This inclusion has come about by analysing traffic numbers and the amount of road damage caused by vehicle use.

The Eagle Bluff Road leads to an important tourist destination and is a highly traversed gravel road. It would be prudent to seal this road to enhance the tourist experience and minimise the maintenance required.

The five year capital road program has been modified to reflect an Eagle Bluff sealing program utilising predominantly Regional Road Group funding. ***It should be noted that council has not endorsed this sealing program.***

Costings gained from Super Civil are indicative and are attached at the end of this report. Given the current pricing the sealing program would need to be staged.

As can be seen in the accompanying documentation from Super Civil, if the program was staged over three years then Council will need to spend approximately \$360,000.00 total cost.

Giving that the total yearly cost will be \$120,000.00 and the annual Regional Road Group funding allocated to Eagle Bluff Road is \$90,000.00 there will be a \$30,000.00 short fall.

The Gascoyne Regional Road Group has unallocated funding of \$165,363.00 for 2020/2021.

The unallocated funds have been divided between the four Shires in accordance with the Direct Grant methodology. The Shire of Shark Bay will receive \$25,363.00 extra for 2020/2021. In accordance with the two thirds one third requirements Council will need to contribute \$12,591.00 bringing the total to \$37,774.00.

An email from Main Roads Andrea Pitcher is attached to the end of this report documenting the unallocated funds breakdown.



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Council could decide to allocate the extra Regional Road Funding of \$37,774.00 to the Eagle Bluff new seal program.

Council would need to include an amount of \$30,000.00 in future budgets to facilitate the ongoing sealing program in following years.

Regional Road Group projects also includes the Useless Loop Road. Council is at this stage alternating between resheeting and vertical realignment programs that allow the seal program to progress on the Useless Loop Road.

The 2020/2021 program for the Useless Loop Road is resheeting between SLK 58.6 to SLK 60.0 and 65.7 to 68.7.

### **Roads to Recovery**

The Roads to Recovery program will continue with a termination date of 2023/2024

The Shire of Shark Bay will receive \$1,486,245.00 over the life of the program. Total yearly expenditure is \$297,245.00.

2019/2020 saw the initiation of the Brockman Street Upgrades. This stage of the program will terminate at Talbot Street.

Administration is recommending that the Brockman Street upgrades continue from Talbot Street to Durlacher Street for the Roads to Recovery project in 2020/2021

### Legal Implications

There are no legal implications associated with this report

### Policy Implications

There are no policy implications associated with this report

### Financial Implications

The Regional Road Group funding is based on a two thirds one third contribution from the Shire.

In the 2020/2021 financial year the indicative total Regional Road Group budget for the Shire of Shark bay will be \$319,958.00. The required contribution from Council is one third, this equates to \$106,653.00.

At the time of writing this report, the Regional Road Group has an unallocated funding amount of \$165,363.00 for 2020/2021.

The unallocated funds have been divided between the four Shires in accordance with the Direct Grant methodology. The Shire of Shark Bay will receive an additional \$25,363.00 for 2020/2021. In accordance with the two thirds one third requirements Council will need to contribute \$12,591.00 bringing the total to \$37,774.00.

Roads to Recovery funding does not require any contributions from the Shire. The total spend from Roads to Recovery allocations will be \$297,245.00

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Strategic Implications

Outcome 1.1

1.1.7 Develop and maintain sustainable transport infrastructure.

Outcome 1.2

1.2.5 Allocate resources to deliver economic development and population growth.

RISK MANAGEMENT

There are no risks associated with this report.

Voting Requirements

Simple Majority Required

Signatures

Author

*B Galvin*

Chief Executive Officer

*P Anderson*

Date of Report

14 April 2020



QUOTATION #9767 AS OF 11/3/2020

Eagle Bluff road Shark Bay

Attention : Brian Galvin

This quotation allows for the following:

**Staged into Thirds (10,000m2)**

Prime using 50/50 Cutback Bitumen @

0.6 L/m2

10,000 m2 \$1.77 / m2

*Rates based on entire pavement  
area being ready to seal prior to  
crews arrival*

Two Coat Seal using C170 Bitumen @

2.7 L/m2 (1.5 L/m2 + 1.2 L/m2) and 14

& 10mm Aggregate

10,000 m2 \$8.55 / m2

**Staged into Halves (15,000m2)**

Prime using 50/50 Cutback Bitumen @

0.6 L/m2

15,000 m2 \$1.77 / m2

*Rates based on entire pavement  
area being ready to seal prior to  
crews arrival*

Two Coat Seal using C170 Bitumen @

29 APRIL 2020

2.7 L/m<sup>2</sup> (1.5 L/m<sup>2</sup> + 1.2 L/m<sup>2</sup>) and 14  
& 10mm Aggregate  
15,000 m<sup>2</sup> \$8.55 / m<sup>2</sup>

**Full (30,000m<sup>2</sup>)**

Prime using 50/50 Cutback Bitumen @  
0.6 L/m<sup>2</sup>  
30,000 m<sup>2</sup> \$1.39 / m<sup>2</sup>

*Rates based on entire pavement  
area being ready to seal prior to  
crews arrival*

Two Coat Seal using C170 Bitumen @  
2.7 L/m<sup>2</sup> (1.5 L/m<sup>2</sup> + 1.2 L/m<sup>2</sup>) and 14  
& 10mm Aggregate  
30,000 m<sup>2</sup> \$8.55 / m<sup>2</sup>

**Other Items**

Mobilisation & Demobilisation 1 per visit  
\$13000.00 / lump

By negotiation

*Ex Perth*

*In the event nearer to work site*

Additional Product Used Above

Quoted Binder Application Rates

\$1.51 / litre

\$1.28 / litre

50/50 Prime

C170 Bitumen

*Prime not robust enough to handle traffic – section must be closed / side-tracked until sealed  
following day, otherwise need to consider alternatives, e.g. primerseal.*

*Rates based on indicative product blends & spray application rates etc.*

*Specified 14/10mm not recommend combination, would suggest 14/7mm half-size interlocking  
combination. The 14/10mm more typical of heavy haulage, e.g. mine haul road etc.*

**Conditions of Quotation**

- Supercivil reserves the right to pass on any cost increases as a result of fluctuations in the price of raw materials namely bitumen, kerosene, diesel and aggregate from our suppliers.
- All rates are GST exclusive.
- Prices are valid for 30 days.
- All binder application rates are quoted @ 15 degrees unless otherwise stated.
- A significant change in the quoted area will result in a revision of the unit rates.
- All works as per standard MRWA spec 503.
- All materials as per standard MRWA spec 511.
- A maximum curing period of 24 hours has been allowed in this quotation between applying Prime and applying Seal, rate will be revised if extended curing period is enforced.
- We **have** allowed for:
  - o Supervision, supply & spray, sweeping (rotary broom), loading, precoating, spreading, rolling and ground staff.
  - o Rates include aggregate by Supercivil – priced out of Winchester, Carnamah. In the event that the nominated quarry is unable to supply the aggregate and an alternate supplier is needed, there may be cost implications which will be additional to the rates noted above.
  - o Rates based on road train access for aggregate delivery.
- We **have not** allowed for:

## MINUTES OF THE ORDINARY COUNCIL MEETING

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- Traffic control, pre-wetting and pavement preparation by others.
- All protection of kerbing and existing structures is the responsibility of the customer.
- There is no allowance in the rates above for inductions or other requirements to gain access to site. In the event our personnel must complete inductions, medicals, police clearances or any other site specific requirements to gain access to site all costs including the personnel wages will be recovered through a separate tax invoice to the customer. For works with a value less than \$200,000, induction requirements will be at Supercivils discretion.
- No allowance has been made in this quotation for a suction broom, Supercivil uses truck mounted rotary brooms, please advise if a broom of this nature will not be suitable prior to the crew's arrival onsite.
- This job has been priced on the assumption that there is no more than 5% handwork, if the handwork area exceeds 5% Supercivil reserves the right to revise the unit rate.
- Standby rates will apply for periods where no work is performed for > 4 hours for reasons outside of Supercivils control.
- Stockpile sites to be provided by the client and located no more than 5km from the job site. Unless otherwise noted preparation and rehabilitation of the stockpile sites is the responsibility of the customer.
- Confirmation of seal design including Binder Application Rate (BAR) and binder choice to be provided by the customer prior to the commencement of works.
- Supercivils not responsible for and will not accept any defects liability, liquidated damages, retentions or bank guarantees.
- Payment terms are strictly 30 days from the end of the month in which the invoice was issued, other than by prior agreement interest will be charged at 0.05% per day for any amounts outstanding.
- Works with a value less than \$200,000 will only be completed under the issuing of a works order or purchase order, Supercivil will not enter into sub-contract agreements for works with a value less than this amount.
- Invoicing will be based on actual areas measured, sprayed and signed off by the customer's representative on the day and not from drawings, purchase orders, plans or quoted area.
- Labour rates are based on Supercivils standard pay rates. In the event of a labour rates agreement being required for contractors on site, this quotation may require adjustment.

Please direct any question to Matt McDowell 94528040

### Eagle Bluff Sealing Program Costs

Showing the total cost to seal the Eagle Bluff Road in varying stages.

Road Length	4380 m	Seal Width	7 m	Total Area	30660 m2	Mobe and Demobe	\$13000
	Thirds			Half		Full	
Prime / m2	\$1.77	\$18,089.00		\$1.77	\$27,134.00	\$1,39	\$42,617.40
Seal / m2	\$8.55	\$87,381.00		\$8.55	\$131,071.50	\$8.55	\$262,143.40
Mob Demobe	\$13,000.00	\$13,000.00		\$13,000.00	\$13,000.00	\$13,000.00	\$13,000.00
Per Section		\$118,470.00			\$171,205.60		\$317,760.40
<b>Total</b>		<b>\$355,411.20</b>			<b>\$342,411.20</b>		<b>\$317,760.40</b>

Email sent from Andrea Pitcher on the 9 April 2020 regarding unallocated funds

### Endorsed Gascoyne RRG Unallocated Funds 2020/2021

Good afternoon

As you are aware, an Out of Session endorsement was requested for the 20/21 unallocated funds (\$165,363), with majority voting for the DG methodology split after a change in vote from Exmouth's Cr. Ben Dixon.

The below votes have now been accepted as an "out of session endorsement", no further endorsements are required.

1. Carnarvon – Cr. Burke Maslen – in favour
2. Upper Gascoyne – Cr. Don Hammarquist – in favour
3. Exmouth – Cr. Ben Dixon – in favour
4. Shark Bay – Cr. Ben Bellottie - against

Cr. Maslen's email dated April 2, 2020 which you received showed the breakdown by % allocation based on the DG methodology, please note that grant funding is allocated in the whole dollar – not cents.

Based on the DG methodology and indicative DG Pool amount advised previously the split to each LG would be as follows:

SHIRE	DG POOL	% SPLIT	UNALLOCATED
Carnarvon	329,349	41.484%	68,599
Exmouth	104,919	13.215%	21,853
Shark Bay	120,907	15.229%	25,183

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Upper Gascoyne	238,745	30.072%	49,727
	793,920	100.000%	165,363

Can you please nominate which road project you would like your Council's funds to be allocated to for 20/21 by COB Wednesday 15<sup>th</sup> April.

Please send all responses to myself and I will have the budget amendments completed and an updated 20/21 RRG Finance Report emailed out.

Should you have any queries please do not hesitate in contacting me, our phone systems are back to normal now with landlines working.

Just wanted to wish everyone a very Happy Easter long weekend, although somewhat unconventional this year, make sure that you take time for yourselves and keep your mental health happy.

Stay safe during this period and I look forward to speaking with you all very soon ☺

Kind regards

**Andrea Pitcher**  
CUSTOMER SERVICES MANAGER  
Mid West-Gascoyne Region  
470 Robinson Street | Carnarvon WA 6701  
p: +61 08 9941 0777 | m: +61 419 983 783  
w: [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au)



We're working for  
Western Australia.



MINUTES OF THE ORDINARY COUNCIL MEETING

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Shire of Shark Bay																								
Roads Capital Program 2020/21 to 2024/25																								
Regional Road Group																								
Road	Year	Place		Amount	2020/21				2021/22				2022/23				2023/24				2024/25			
		From	To		Type	Time	By	Cost	Type	Time	By	Cost	Type	Time	By	Cost	Type	Time	By	Cost	Type	Time	By	Cost
Useless Loop	20/21	58.60	63.60	5.00	Resheet	July/20	Shire	\$ 229,000.00																
	21/22	23.00	28.00	5.00					Seal Work	Mar/21	Shire	\$ 229,000.00												
	22/23	61.00	66.00	5.00									Resheet	July/22	Shire	\$ 229,000.00								
	23/24	28.00	33.00	5.00													Sealwork	March/24	Shire	\$ 229,000.00				
	24/25																Sealwork	March/25	Shire	\$ 229,000.00				
Stella Rowley Drive	23/24	0.00	4.30	4.30												Shoulders	Nov/23	Shire	\$ 90,000.00					
Goulet Bluff																					Resheet	Nov/24	Shire	\$ 90,000.00
Eagle Bluff road	20/21	0.00	1.46	1.46	Sealing	March/21	Contractors	\$ 90,000.00	Sealing	March/22	Contractors	\$ 90,000.00	Sealing	March/23	Shire	\$ 90,000.00								
	20/21	0.00	1.46				Contractors	\$ 37,000.00																
<b>Total RRG</b>								<b>\$ 356,000.00</b>				<b>\$ 319,000.00</b>				<b>\$ 319,000.00</b>				<b>\$ 319,000.00</b>				<b>\$ 319,000.00</b>
RRG								\$ 237,333.33				\$ 212,666.67				\$ 212,666.67				\$ 212,666.67				\$ 212,666.67
Balance								-\$ 118,666.67				-\$ 106,333.33				-\$ 106,333.33				-\$ 106,333.33				-\$ 106,333.33
Roads to Recovery																								
Road	Year	Place		Amount	2020/21				2021/22				2022/23				2023/24				2023/24			
		From	To		Type	Time	By	Cost	Type	Time	By	Cost	Type	Time	By	Cost	Type	Time	By	Cost	Type	Time	By	Cost
Useless Loop Road				0.00																				
Eagle Bluff Road				0.00																				
Brockman Street	20/21	0.35	0.75	0.40	Reseal	March 21	Contractors	\$ 297,245.00																
Durlacher Street	21/22	0.00	0.20	0.20					Reseal	March 22	Contractors	\$ 297,245.00												
Durlacher Street	22/23	0.20	0.40	0.20									Reseal	March 23	Contractors	\$ 297,245.00								
Durlacher Street	23/24	0.40	0.60	0.20									Reseal	March 24	Contractors	\$ 297,245.00								
Durlacher Street	24/25	0.60	0.80	0.20													Reseal	March 24	Contractors	\$ -				
<b>Total R2R</b>								<b>\$ 297,245.00</b>				<b>\$ 297,245.00</b>				<b>\$ 297,245.00</b>				<b>\$ 297,245.00</b>				<b>\$ -</b>
R2R																								
<b>Grand Total</b>								<b>\$ 653,245.00</b>				<b>\$ 616,245.00</b>				<b>\$ 616,245.00</b>				<b>\$ 616,245.00</b>				<b>\$ 319,000.00</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

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Eagle Bluff Sealing Program			
Road Length in metres	4380		
Seal width in metres	7		
Total Area m2	30660		
Mobe and Demode per visit	\$13,000.00		
Thirds			
Prime per m2	\$1.77	\$18,089.40	
Seal per m2	\$8.55	\$87,381.00	
Per section	\$118,470.40	\$105,470.40	
Total	\$355,411.20	\$118,470.40	
		\$355,411.20	
Half			
Prime per m2	\$1.77	\$27,134.10	
Seal per m2	\$8.55	\$131,071.50	
Per Section	\$171,205.60	\$158,205.60	
Total	\$342,411.20	\$171,205.60	
		\$342,411.20	
Full			
Prime per m2	\$1.39	\$42,617.40	
Seal per m2	\$8.55	\$262,143.00	
Per Section	\$317,760.40	\$304,760.40	
Total	\$317,760.40	\$317,760.40	



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14.2 PARKING LAWS REVIEW  
LE00006

Author  
Works Manager

Disclosure of Any Interest  
Nil

Officer Recommendation

That Council:

1. Note the correspondence received by Mr Beckett from McLeod's Lawyers.  
And
2. Instruct administration to engage McLeod's Lawyers to undertake amendments to the following clauses of Councils Local Parking Laws to cover the majority of situations including but not limited to the following;
  - Clause 1.5(2) amended to delete 'occupied' and replace with 'managed or controlled'.
  - Clause 2.3 inserted to establish appropriate provisions for ensuring that vehicles must be parked wholly within stalls in parking facilities and parking stations.
  - Clause 2.4 inserted to establish a general requirement to park in accordance with signs in a parking facility or parking station.
  - Review the Local Parking Laws to include the provision for council to limit parking times in areas as and when considered necessary.
  - Review the Local parking laws to include the provision to prevent vehicles being parked on private property without the consent of the owner/occupier of the property.
  - Review and amend clause 3.6 stopping in a loading zone with the addition of the words good to part (b)

OR

- 3 Instruct Administration to terminate the Parking Law review

Moved Cr Ridgely  
Seconded Cr Bellottie

Council Resolution

**Instruct Administration to terminate the Parking Law review**

**4/3 CARRIED**

Background

At the Ordinary Council meeting held on the 25 March 2020 the report **15.2 Parking Laws Review** was presented to Council with the following resolution made:

**AMENDMENT TO OFFICERS RECOMMENDATION**

**Reason:** Council felt it needed an estimate of costing for the changing of the Local Laws prior to proceeding with any changes.

29 APRIL 2020

Moved Cr Ridgely  
Seconded Cr Cowell

**Council Resolution**

**That Council:**

- 1 Note the correspondence received by Mr Beckett from McLeod's Lawyers.**
- 2 Instruct administration to seek costings from McLeod's Lawyers to undertake amendments to the following clauses of Councils Local Parking Laws to cover the majority of situations including but not limited to the following;**
  - **Clause 1.5(2) amended to delete 'occupied' and replace with 'managed or controlled'.**
  - **Clause 2.3 inserted to establish appropriate provisions for ensuring that vehicles must be parked wholly within stalls in parking facilities and parking stations.**
  - **Clause 2.4 inserted to establish a general requirement to park in accordance with signs in a parking facility or parking station.**
  - **Review the Local Parking Laws to include the provision for council to limit parking times in areas as and when considered necessary.**
  - **Review the Local parking laws to include the provision to prevent vehicles being parked on private property without the consent of the owner/occupier of the property.**
  - **Review and amend clause 3.6 stopping in a loading zone with the addition of the words goods to part (b)**

**4/2 CARRIED**

Comment

As instructed by Council, Administration contacted Tim Beckett from McLeod's regarding a cost estimate for the Parking Law Review

The response from Tim Beckett is as follows:

**Monday 30 March 2020**

*Hi Brian*

*Hope you and everyone at the Shire are well!*

*I've had a quick review of the file and I think the estimated costs for preparing the relevant amendment local law is \$1,250-\$2,000 (exclusive of GST). The cost will likely depend on how many versions need to go back and forth between us and the Shire for review.*

*That estimate is for the work of preparing (and reviewing/amending where necessary) that amendment local law for the Shire. If the Shire requires further advice or assistance with (for example) arranging gazettal of the local law or liaising with the Department or the JSC in relation to the local law, I can provide a further cost estimate at that time.*

*Please let me know whether the Shire is happy to proceed on the basis described above.*

*Thanks*

*Tim*

*Tim Beckett*

*Partner*

**McLeods | Barristers & Solicitors**

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Providing there are no significant outcomes with submission, administration believes there will be no need for assistance from McLeod's in the gazettal process.

Previous advertising costs associated with a local law amendment have been in the \$1,200.00 range and costs associated with the gazettal have been around \$1,700.00. It could be assumed that the costs associated with this review would be similar.

### Legal Implications

Clear and decisive Local Laws enable gazetted staff the ability to efficiently decide when an infringement has occurred.

Amendments to Parking local law will enable contested infringements to be taken to court with a positive outcome for the local Council.

### Policy Implications

There are no policy implications relative to this report.

### Financial Implications

Unless otherwise specified, the amount of the modified penalty for an offence against any provision of this Local Law is \$100.

Estimated costs for preparing the relevant amendment local law is \$1,250-\$2,000 (exclusive of GST). The cost will depend on how many versions need to go back and forth between McLeod's and Council for review.

The estimate is for the work of preparing (and reviewing/amending where necessary) that amendment local law for the Shire.

If the Shire requires further advice or assistance with (for example) arranging gazettal of the local law or liaising with the Department or the Joint Standing Committee in relation to the local law, a further cost estimate can be supplied at that time.

Gazettal's and advertising are part of the process and the true cost associated will be unknown until the final lineage is known.

Previous advertising costs associated with a local law amendment have been in the \$1,200.00 range and costs associated with the gazettal have been around \$1,700.00.

A total cost in the vicinity of \$5,000.00 could be expected.

### Strategic Implications

There are no strategic implications relative to this report

### Risk Management Implications

Proposed amendments to the Parking Local Law will reduce the inherent risk associated with contested infringements taken to court.

### Voting Requirements

Simple Majority Required

### Signatures

Author	<i>B Galvin</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	21 April 2020

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**15.0 TOURISM, RECREATION AND CULTURE REPORT**

15.1 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION #SHOWCASE IN PIXELS COMPETITION CANCELLATION  
CR00008

AUTHOR

Executive Manager Community Development

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Burton

Nature of Interest: Impartiality Interest as daughters artwork included in item

Moved Cr Ridgley

Seconded Cr Cowell

**Council Resolution**

- 1. Council note the Western Australian Local Government Association 2020 #Showcase in Pixels competition cancellation due to COVID-19 impact.**
- 2. Council recognise the artistic efforts of Shark Bay School Year 4-6 Class and award first, second and third place:**

**Council awards first place to design number: 16**

**Council awards second place design to design number: 1**

**Council awards third place design to design number: 6**

**7/0 CARRIED**

BACKGROUND

Western Australia Local Government Association runs an annual “Banners in the Terrace” competition, encouraging Local Governments to submit artworks representing their community. Traditionally, entries have been submitted on canvas with the winning banners hung along St Georges and Adelaide Terrace in Perth City.

In 2017 the Shire of Shark Bay entered and was announced as the overall winner of the competition.

In February 2020, Western Australian Local Government Association announced that the competition was moving into the digital realm and been rebranded as the 2020 #Showcase in Pixels competition. This rebranding created an opportunity for greater creativity as it was no longer limited to a physical canvas, and the winning entries were scheduled to be displayed at the iconic digital tower at the heart of Yagan Square.

The Shire’s Community Development Officer engaged with Shark Bay School to submit design entries under the School category, however on 7 April 2020, Western Australian Local Government Association announced the competition has been cancelled due to the COVID-19 impact.

## MINUTES OF THE ORDINARY COUNCIL MEETING

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### COMMENT

Before the announcement that the competition had been cancelled, 18 entries had already been received from Shark Bay School and the designs were scheduled to be presented to Council at the April Ordinary Council meeting, for Council to select one design to represent Shire of Shark Bay in the Western Australian Local Government Association competition.

The students at Shark Bay School have invested a significant amount of time and energy in their entries, creatively using shells and seagrass from Shark Bay foreshore to showcase Shark Bay's nature.

Despite the cancellation of the Western Australian Local Government Association competition, the Shire's Community Development Team still wishes to recognise the brilliant artistic efforts of the students at Shark Bay School Year 4 – 6 class and therefore suggests Council still select a first, second and third place winning designs to be displayed at:

- Noticeboard at Charlie Sappie Park
- Shire of Shark Bay's Website
- Shire of Shark Bay's Facebook
- Future Ordinary Council Meeting agenda, minute and information bulletin documents.

### LEGAL IMPLICATIONS

There are no legal implications associated with this report.

### POLICY IMPLICATIONS

There are no policy implications associated with this report.

### FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

### STRATEGIC IMPLICATIONS

Social Objective: A safe, welcoming and inclusive community

### RISK MANAGEMENT

There is a potential reputational risk to Council in operating a competition. To ensure fairness, the selected winners will align with Western Australian Local Government Association's guidelines and be chosen on the best representation of our community. Council decision is final when selecting the winning designs.

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Executive Manager Community Development	<i>D Wilkes</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	17 April 2020

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**Design No: 1**



**Design No: 2**



**Design No: 3**



**Design No: 4**



**Design No: 5**



**Design No: 6**



**Design No: 7**

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**Design No: 8**



**Design No: 9**



**Design No: 10**



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**Design No: 11**



**Design No: 12**



**Design No: 13**

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**Design No: 14**



**Design No: 15**



**Design No: 16**

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**Design No: 17**



**Design No: 18**

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

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

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

Moved Cr Ridgley

Seconded Cr Fenny

**Council Resolution**

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

**17.1 Rates Instalments – 8 Durlacher Street, 2 Denham Road and 111 Knight Terrace**

**17.2 Rates Instalments – 70 Durlacher Street and 1 Knight Terrace**

**17.3 Retail Shop Leases**

**7/0 CARRIED**

**17.1 RATES INSTALMENTS – 8 DURLACHER STREET, 2 DENHAM ROAD AND 111 KNIGHT TERRACE**

P1168, P4232 AND P4233

**AUTHOR**

Executive Manager Finance and Administration

**DISCLOSURE OF ANY INTEREST**

Nil

**Officer Recommendation**

That Council

1. Note the applicant has paid their rates and Service Charges in full over the past three years and agree to postpone the payment of the 2019/2020 outstanding rates on the following assessments

A1168 – Wildsights Villas, 8 Durlacher Street

A4232 - Offices and Rental Accommodation, 2 Denham Road

A4233 – Residential, 111 Knight Terrace

Until 15 June 2020 with all additional late payment interest fees being applicable/waived.

OR

2. Request further information in relation to the ratepayer's financial position due to insufficient evidence contained within the ratepayer's request to postpone payment of outstanding 2019/2020 levies for a period of 6 months on property assessment:

a. A1168 – Wildsights Villas, 8 Durlacher Street

b. A4232 - Offices and Rental Accommodation, 2 Denham Road

c. A4233 – Residential, 111 Knight Terrace

OR

3. Deny the request to postpone payment of outstanding levies for the 2019/2020 financial year on Property Assessment A1168, A4232 and A4233.

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Moved Cr Fenny  
Seconded Cr Smith

**Council Resolution**  
**That Council**

1. **Note the applicant has paid their rates and Service Charges in full over the past three years and agree to postpone the payment of the 2019/2020 outstanding rates on the following assessments**

**A1168 – Wildsights Villas, 8 Durlacher Street**  
**A4232 - Offices and Rental Accommodation, 2 Denham Road**  
**A4233 – Residential, 111 Knight Terrace**

**Until 15 June 2020 with all additional late payment interest fees being waived.**  
**3 / 4 Lost**

Moved Cr Stubberfield  
Seconded Cr Burton

**Council Resolution**  
**That Council**

1. **Note the applicant has paid their rates and Service Charges in full over the past three years and agree to postpone the payment of the 2019/2020 outstanding rates on the following assessments**

**A1168 – Wildsights Villas, 8 Durlacher Street**  
**A4232 - Offices and Rental Accommodation, 2 Denham Road**  
**A4233 – Residential, 111 Knight Terrace**

**Until 15 June 2020 with all additional late payment interest fees being applicable.**

**5/2 CARRIED**

**BACKGROUND**

An email has been received from Mrs Fran Raven requesting Council postpone the instalments due on the following assessments for the 2019/2020 financial year for a period of 6 months:

A1168 – 8 Durlacher Street for \$2,351.35  
A4232 – 2 Denham Road for \$863.00 and  
A4233 – 111 Knight Terrace for \$553.40.

Property A1168 - Wildsights Villas and A4232 - Offices and Accommodation are both business/ investment related. Property A4233 is a residential property.

The amounts outstanding above include Rates, Rubbish Charge, Emergency Services Levy and Admin Fees. Please note that the Shire has paid all Emergency Services Levies raised for the 2019/2020 financial year to State Revenue as required and is therefore out of pocket until the levies are paid in full by the ratepayer.

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The following is an up to date indication of how rates were paid in the 2019/2020 year and what amount remains outstanding :

Payment Method	Number of assessments	Number of assessments	Amount	
	Paid in Full	Outstanding	Outstanding	
One instalment	400	48	\$66,416.80	
Two instalments	40	4	\$1,231.50	
Four instalments	88	41	\$48,329.00	
<b>Total</b>	<b>513</b>	<b>109</b>	<b>\$115,977.30</b>	

The table above displays that a majority of ratepayers have paid their rates when due and that any arrangements may not appear to be fair and equitable to the community as a whole.

It is important to ensure that this request is given due consideration as it will provide a precedent for future requests especially given the current COVID-19 pandemic.

The email received from Mrs Fran Raven is below for reference.

*Hello Shire of Shark Bay,*

*I refer to the below rates assessments due for the final instalment on the 10th April, 2020:-*

*A1168 for 8 Durlacher Street - \$2,351.35*

*A4232 for 2 Denham Road - 863.00*

*A4233 for 111 Knight Terrace - \$553.40*

*Due to the absolute and sudden hibernation of our tourism businesses namely the Villas, Beach House, Wildlife cruises and 4wd operation, our financial situation is such that at present we have no income coming into any of our businesses. We have a small fortune in refunds amassed from guests cancelling and wanting refunds, which we are endeavouring to handle as best we can, but, as I say, with no income at all, this is proving very tricky.*

*I have been studiously looking in to the assistance being offered to small business by the banks and the government and have been advised that if any assistance is forthcoming, it will not be until May at the earliest.*

*I ask that Council kindly consider putting the above mentioned rates instalments due on hold for a period of 6 months. At such time, hopefully, we will be in a position that we may slowly start to recover from the blow.*

*I appreciate your consideration and await your response.*

*Yours faithfully,  
Fran Raven  
Wildsights*

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

Comment

The ratepayer has paid their levies on A4232, A4233 and A1168 over the last four years as follows:

1. Rates were paid on a 4 payment instalment plan as due during the 2016/17, 2017/2018 and 2018/2019 years. During the 2019/2020 year the ratepayer did not pay their rates as they advised that they had not received their Rates Notices. The Ratepayer then requested that they not be charged interest and to convert to an 4 payment instalment plan. This was presented to Council and the request was declined in relation to the interest charges.
2. Should the outstanding levies be paid by the 15 June 2020 the estimated penalty interest would be :
  - a. A4232, 2 Denham Road \$16.89
  - b. A4233, 111 Knight Terrace \$10.77
  - c. A1168, 8 Durlacher Street \$46.02

In July 2019 a payment arrangement was entered into with the ratepayer for Jinker Services amounting to \$3,227.25. This amount was paid in full by an agreed instalment plan over two months.

The State and Federal governments have and continue to put in place funding packages for business and individuals and without further information it is difficult for council to assess each individual ratepayers/business ability to access any assistance and subsequently pay their rates to their local councils.

LEGAL IMPLICATIONS

Section 6.12 of the Local Government Act 1995 permits Council to defer, grant discounts, waive or write off debts and section 6.49 permits Council to enter into a payment arrangement with the property owner.

6.12. *Power to defer, grant discounts, waive or write off debts*

- (1) *Subject to subsection (2) and any other written law, a local government may —*
  - (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
  - (b) *wave or grant concessions in relation to any amount of money; or*
  - (c) *write off any amount of money,*

*which is owed to the local government.*

*\* Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

*[Section 6.12 amended by No. 64 of 1998 s. 39.]*

29 APRIL 2020

6.49. Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

POLICY IMPLICATIONS

Council has a Debt Collection Policy

1. Payment of rates and service charges is dealt with by the Local Government Act and Regulations. Where rates and service charges are more than 30 days overdue:
  - a. The CEO is to issue a final notice giving a further 21 days for payment.
  - b. If payment is still not forthcoming, the CEO is to take appropriate action in accordance with sections 6.54 – 6.75 of the Local Government Act 1995 to recover the amounts due.
3. The CEO is to take all measures considered necessary to recover miscellaneous debts owed to the Shire including:
  - c. Agreement with a debtor as to a time period to settle a debt;

FINANCIAL IMPLICATIONS

The non payment of rates affects the ongoing cash flow position of the council and may require council to reduce services and staffing levels to its operations.

The council needs to be cognisant of the precedent any deferral of rates that were due and payable in eth 2019/2020 year and future years.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a medium to high risk item to Council even though it is acknowledged that should rates be outstanding for more than 3 years a property can be sold to collect any overdue rates and charges. However it is a long drawn out process with the Council carrying outstanding debt during this period.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author  
Chief Executive Officer  
Date of Report

*A Pears*  
*P Anderson*  
22 April 2020



29 APRIL 2020

17.2 RATES INSTALMENTS – 70 DURLACHER STREET AND 1 KNIGHT TERRACE  
P1198 AND P1052

AUTHOR

Executive Manager Finance and Administration

DISCLOSURE OF ANY INTEREST

NIL

Officer Recommendation

That Council

1. Note the applicant has paid their Rates and Service Charges in full over the past three years and agree to postpone the payment of the 2019/2020 outstanding rates on the following assessments  
A1052 – Shark Bay Supermarket, 1 Knight Terrace – 3<sup>rd</sup> and 4<sup>th</sup> Instalment until 15 June 2020 payable either in full or under a payment plan arrangement with the 15 June 2020 as the final payment date, and  
A1198 – Residential, 70 Durlacher Street – 3<sup>rd</sup> and 4<sup>th</sup> Instalment until 15 May 2020 as requested by the ratepayer,  
with all additional late payment interest fees being applicable/waived.
- OR
2. Deny the request to postpone payment of outstanding levies for the 2019/2020 financial year on Property Assessment A1052 and A1198.

Moved            Cr Ridgley  
Seconded       Cr Stubberfield

Council Resolution

That Council

1. **Note the applicant has paid their Rates and Service Charges in full over the past three years and agree to postpone the payment of the 2019/2020 outstanding rates on the following assessments**  
**A1052 – Shark Bay Supermarket, 1 Knight Terrace – 3<sup>rd</sup> and 4<sup>th</sup> Instalment until 15 June 2020 payable either in full or under a payment plan arrangement with the 15 June 2020 as the final payment date, and**  
**A1198 – Residential, 70 Durlacher Street – 3<sup>rd</sup> and 4<sup>th</sup> Instalment until 15 May 2020 as requested by the ratepayer,**  
**with all additional late payment interest fees being applicable.**
2. **The Chief Executive Officer be authorised to approve any further requests for the payment of outstanding 2019/2020 rates accounts by the 15 June 2020 with applicable interest fees.**

**7/0 CARRIED**

BACKGROUND

An email has been received from Ms Genni Douglas requesting Council to allow further time to pay the instalments due on the following assessments for the 2019/2020 financial year for:

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

A1052 – Shark Bay Supermarket, 1 Knight Terrace for a few more weeks to enable a payment arrangement to be entered into or paid in full – Total Outstanding \$4,153.93, and  
 A1198 – Residential, 70 Durlacher Street for a period of 14 days- Total Outstanding \$783.50.

The amounts outstanding above include Rates, Rubbish Charge, Emergency Services Levy and Admin Fees. Please note that the Shire has paid all Emergency Services Levies raised for the 2019/2020 financial year to State Revenue as required and is therefore out of pocket until the levies are paid in full by the ratepayer.

The following is an up to date indication of how rates were paid in the 2019/2020 year and what amount remains outstanding :

Payment Method	Number of assessments	Number of assessments	Amount	
	Paid in Full	Outstanding	Outstanding	
One instalment	400	48	\$66,416.80	
Two instalments	40	4	\$1,231.50	
Four instalments	88	41	\$48,329.00	
<b>Total</b>	<b>513</b>	<b>109</b>	<b>\$115,977.30</b>	

The table above displays that a majority of ratepayers have paid their rates when due and that any arrangements may not appear to be fair and equitable to the community as a whole.

It is important to ensure that this request is given due consideration as it will provide a precedent for future requests especially given the current COVID-19 pandemic.

The email received from Ms Genni Douglas is below for reference.

**From:** [sharkbaysupermarket@westnet.com.au](mailto:sharkbaysupermarket@westnet.com.au) <[sharkbaysupermarket@westnet.com.au](mailto:sharkbaysupermarket@westnet.com.au)>  
**Sent:** Monday, 27 April 2020 2:05 PM  
**To:** Rhonda Mettam <[Rhonda@sharkbay.wa.gov.au](mailto:Rhonda@sharkbay.wa.gov.au)>  
**Subject:** Overdue Rates Notice

Hi there

*So we have received a Final Rates Notice in the mail for our house and business premises which states that if we do not pay before the above date that legal action will be taken. I have had a look and cannot see what the due date is that we have to get these rates paid, the only Due Date I can see is 04/10/2019. Irrespective of what date we have to get these rates paid, we find ourselves in very difficult times at the moment due to the COVID-19 situation and cannot pay the rates at this time. The fact that we rely heavily on tourism to keep our business operating and that we are currently in a regional lock-down we have very little cash flow to speak of until things start to move again and people can again start visiting our town again and spending money. I can get our personal rates paid within the next 14 days but am unsure as to when I can get the business rates paid. We are doing it extremely hard at the moment and whilst we have applied for a bank loan to inject some cash into the business, this is proving to take longer than we expected as there are a lot of other people out there trying to do the same thing and as people are working from home everything is moving even slower than normal if that is even possible. I would like to be able to offer some kind of payment plan to start reducing the overdue rates but at the moment we*

## MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

*cannot even do that. We are hoping over the coming few weeks we can secure the loan from the bank and pay out any overdue accounts, our rates included.*

*If you could please give us a few more weeks to try and sort some kind of arrangement out it would be very very much appreciated and in the mean time we will get our personal rates paid in the next week or so. If you would like to speak me to personally about this and our situation you can give me a call on my mobile 0400 754 341 or drop me back a reply email to let me know if you can give us the extra few weeks to sort this account out..*

*Look forward to hearing back from you soon and thanks in advance*

*Kind regards*

*Genni  
Shark Bay Supermarket*

### Comment

The ratepayer has paid their levies on A1052 and A1168 over the last four years as follows:

3. Rates were paid on a 4 payment instalment plan for the 2016/2017, 2017/2018 and 2018/2019 years. However as some instalments were paid after the due date penalty interest of \$8.72, \$39.74 and \$65.31 were raised respectively. During the 2019/2020 year the ratepayer opted for a 4 payment instalment plan. To date Instalment one and two have been paid and \$54.33 penalty interest has been raised.
4. Should the outstanding levies be paid by the 15 June 2020 the estimated penalty interest would be:

a. A1198, 70 Durlacher Street	\$16.35
b. A1052, 1 Knight Terrace	\$86.38
5. Other debtors outstanding with the Council totals \$90 for Refuse Site Fees and are outstanding from 31 March 2020.

The State and Federal governments have and continue to put in place funding packages for business and individuals and without further information it is difficult for council to assess each individual ratepayers/business ability to access any assistance and subsequently pay their rates to their local councils.

### LEGAL IMPLICATIONS

Section 6.12 of the Local Government Act 1995 permits Council to defer, grant discounts, waive or write off debts and section 6.49 permits Council to enter into a payment arrangement with the property owner.

6.12. *Power to defer, grant discounts, waive or write off debts*

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
  - (b) *wave or grant concessions in relation to any amount of money; or*
  - (c) *write off any amount of money,*

*which is owed to the local government.*

*\* Absolute majority required.*

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

[Section 6.12 amended by No. 64 of 1998 s. 39.]

6.49. Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

POLICY IMPLICATIONS

Council has a Debt Collection Policy

2. Payment of rates and service charges is dealt with by the Local Government Act and Regulations. Where rates and service charges are more than 30 days overdue:
  - a. The CEO is to issue a final notice giving a further 21 days for payment.
  - b. If payment is still not forthcoming, the CEO is to take appropriate action in accordance with sections 6.54 – 6.75 of the Local Government Act 1995 to recover the amounts due.
4. The CEO is to take all measures considered necessary to recover miscellaneous debts owed to the Shire including:
  - c. Agreement with a debtor as to a time period to settle a debt;

FINANCIAL IMPLICATIONS

The non payment of rates affects the ongoing cash flow position of the council and may require council to reduce services and staffing levels to its operations.

The council needs to be cognisant of the precedent any deferral of rates that were due and payable in eth 2019/2020 year and future years.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a medium to high risk item to Council even though it is acknowledged that should rates be outstanding for more than 3 years a property can be sold to collect any overdue rates and charges. However it is a long drawn out process with the Council carrying outstanding debt during this period.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author  
Chief Executive Officer  
Date of Report

*A Pears*  
*P Anderson*  
22 April 2020

29 APRIL 2020

17.3 RETAIL SHOP LEASES  
LE00020

Author

Chief Executive Officer

Disclosure of Any Interest

Disclosure of Interest: Cr Ridgley

Nature of Interest: Financial Interest as is the lessee

Disclosure of Interest: Cr Burton

Nature of Interest: Financial Interest as Employer is in rental lease with Shire

Cr Ridgley and Cr Burton left the Council Chamber at 5.01pm

Moved Cr Stubberfield

Seconded Cr Bellottie

**Council Resolution**

**That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 5.02 pm for open discussion on item 17.3 – Retail Shop Lease.**

**5/0 CARRIED**

Moved Cr Fenny

Seconded Cr Smith

**Council Resolution**

**That Council reinstate Standing Orders at 5.15 pm.**

**5/0 CARRIED**

Moved Cr Stubberfield

Seconded Cr Fenny

**Council Resolution**

**That the Chief Executive Officer be authorised to negotiate with Shire tenants on retail shop leases in accordance with the *Western Australian Commercial Tenancies (COVID-19) Response Act 2020* and Code of Conduct for Commercial Tenancies (COVID-19) Regulations.**

**The request from Monkey Mia Yacht Charters for a waiver for April, May and June, 2020 for outgoings, including electricity be refused.**

**5/0 CARRIED**

Cr Ridgley and Cr Burton returned to the Council Chamber at 5.19pm.

Background

Monkey Mia Yacht Charters emailed the following request on

*Hi Paul*

29 APRIL 2020

*Due to Covid 19 our business ceased operation on 29 March 2020. We will not have any income until we are advised by Government authorities that tourism is no longer considered non-essential and we can continue to operate.*

*As we have leased the premises at 6/67A Knight Terrace, Denham and consistently paid our rent since 2007 we would appreciate the rent being waived for April 2020. We would then suggest that the situation be revisited month by month considering we do not know when we will be able to recommence business and start earning income. We have consistently paid Monkey Mia Jetty fees since 1997. Due to the Covid 19 outbreak and our cessation of business we would appreciate a pro rata refund for the 3 months jetty fees from 1 April 2020 to 30 June 2020. We have not used the jetty since 29/3/2020 and we are unable to use this facility until the Australian Government advise us otherwise.*

*We appreciate your support in this uncertain commercial environment.*

A further email was received on 28 April 28, 2020 as follows

*Referring to our telephone conversation of 23/4/2020 we were advised by Cheryl Cowell that she would not support waiver of our rent.*

*I have now received some information from the Western Australian Government website: <https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/covid-19-coronavirus-business-and-industry-advice>*

*which is relevant to commercial landlords, and I understand the Shire is a commercial landlord.*

*The following is from the link to the website:*

***“Commercial tenants and landlords***

***Financial relief***

*The WA Government has set aside \$100 million of the new package for land tax relief grants to be paid to commercial landlords.*

*To be eligible, commercial landlords must provide rent relief that equates to a minimum of three months' rent and freeze outgoings to small businesses that have suffered at least a 30 per cent reduction in turnover due to COVID-19.*

*The package adds to the WA Government's previously announced \$1.7 billion stimulus and relief package for businesses and households impacted by the COVID-19 pandemic.*

*It complements the introduction of a six-month freeze on rent increases, the moratorium on evictions from March 30, 2020, and the \$25 million small business rent relief package announced last month.*

*Grants equivalent to 25 per cent of the landlord's land tax bill for 2019-20 for the property in which an eligible tenant is provided relief will be paid to landlords.*

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29 APRIL 2020

*The commercial land tax relief grants will be administered through the Small Business Development Corporation (SBDC). More information on [eligibility criteria and how to apply for the commercial land tax grant](#).*

*Under the tab “Land Tax Assistance for landlords”*

*The eligibility criteria is as follows:*

***Eligibility criteria***

- Is your property subject to land tax?*
- Would one or more of your tenants be considered a small business (As defined by the [Small Business Development Corporation Act 1983](#))?*
- Has your small business tenant(s) suffered a 30 per cent drop in turnover due to the impact of COVID-19 (as defined by the [Australian Taxation Office’s](#) test) and can they confirm this to you in writing?*
- Will you, or have you, fully waived your tenant's rent and outgoings for three months starting from 1 March 2020, or from a date thereafter (but before 31 May 2020)?*
- A condition of applying for this assistance is that you will not seek to recover the rent and outgoings waiver (in whole or in part) from your tenant(s) at the end of the three month period.*

*I agree **required***

*If you have answered yes to all of the above questions and would like to receive more information about this program, please click 'continue' to complete the form and we will contact you soon.”*

*In light of the foregoing we are considered a small business under the Small Business Development Corporation Act 1983;*

*We have suffered over 30% per cent drop in our income for March 2020, our business ceased operation on 29 March 2020. We had a 100 per cent drop in turnover due to the impact of COVID-19 for April, 2020*

*Due to Covid 19 pandemic we will not have any income until we are advised by Government authorities that tourism is no longer considered non-essential and we can continue to operate. Considering there is a three month waiver period we would appreciate a waiver for April, May and June, 2020 for rent and outgoings (including*

MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

*electricity), and when we reopen our business and receive income we would revisit the situation.*

Comment

The current monthly rental of shop 6, 67a Knight Terrace is \$535.60 per month with the lessee paying all outgoings.

Monkey Mia Yacht Charters entered into a lease with the shire for shop 6, 67a Knight Terrace for a term of Five (5) years commencing on 1 July 2014 and expiring on 30 June 2019 with an agreed rental of \$6,073.44 indexed by CPI annually with no further term indicated in the lease. The 2019/2020 annual payment totals \$6,427.20.

The tenancy due to the expiration of the Lease is at this stage and in accordance with the lease clause 23 being treated as a monthly tenant.

While it is acknowledged that Federal and State restrictions have impacted upon the business, no further financial information was presented in the email correspondence for consideration.

Full financial information as to the Taxation Department including all income and outgoings may be requirement to be provided.

The request now includes a request for rent and outgoings including electricity.

Electricity usage is charged on a separate sub meter to the premises and to date the consumption for the 2019/2020 year has been as follows

<b>Electricity charges</b>	
July/August 2019	\$52.03
September 2019	\$24.68
October 2019	\$16.68
November 2019	\$28.68
December 2019	\$50.37
January 2020	\$31.35
February 2020	\$7.34
March 2020	\$31.69
<b>Total</b>	<b>\$242.82</b>

There is currently no requirement for the Council to consider a rebate on the power utilised by the business.

It could be assumed that if the business is not in operation there would be minimal usage of electricity associated with the business. There are no other outgoings associated with the Shop leased by Monkey Mia Yacht Charters.

The Shire does not pay Land Tax and as such the request put forward was unable to be considered in accordance with the current commercial land tax grant being offered by the State Government

The *Commercial Tenancies (COVID-19 Response) Act 2020* that has recently been assented to part 4 clause 13 as at 24 April 2020 refers to regulations that may adopt Code of Conduct and may require the Council to provide relief to tenants.



29 APRIL 2020

At the date of this report the State Government has not adopted a Code of Conduct, however advice from the Small Business Development Corporation follows:

*My understanding is the state legislation as passed will adopt a regulated code of conduct, and the only code currently in existence is the one put out by the Prime Ministers Office on the 3 April (attached). Technically this document is not regulated by the State but is the only reference we have.*

*The property council of WA is suggesting that the states own code of conduct may take another month to draft, and has requested amendments from the code issued by the PM, so we may well see changes to the code, but it is likely these will favour the Landlord based on PC commentary and lobbying.*

*Essentially the code of conduct from the PM's office sets out that rent relief is to be offered to tenants in line with downturn, or anticipated downturn. The relief must be 50% waiver (no or reduced payment) and 50% other i.e. extension of lease. However the code goes on to say that these proportions are flexible if agreeable to both parties.*

The Shire has two other commercial leases being the chemist and hairdresser for which market rentals are applied. Dependant upon their individual business circumstances to COVID-19 the Code of Conduct when adopted may also be applicable.

#### Legal Implications

The lease with Monkey Mia Yacht Charters expired on 30 June 2019 and they have been in occupation of the premises in accordance with Clause 23 Holding Over which states;

*If the lessee remains in possession of the premises after the expiry of the term with the consent of the lessor, the lessee will be a monthly tenant of the lessor at a rent equivalent to one twelfth of the rent for the period immediately preceding expiry of the term and other wise on the same terms and condition of this lease provided that all consents required under this lease or at law have been obtained to the lessee being in possession of the premises as a monthly tenant.*

There has been no request forthcoming from the lessee to negotiate a further term of the lease, and while the Shire advised the lessee in correspondence dated 30 April 2018 that the final expiry date was 30 June 2019, no further correspondence has been entered into and the Shire has allowed the lessee to remain in occupation as a monthly tenant while the lease payments are being paid in accordance with Clause 23.

The lessee has the option, in accordance with the lease to peacefully surrender the premises or could request that a new lease be negotiated and remain as a monthly tenant until such time a new lease is finalised.

#### Policy Implications

There are no policy implications relative to this report.

MINUTES OF THE ORDINARY COUNCIL MEETING

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29 APRIL 2020

Financial Implications

The request from Monkey Mia Yacht Charters would be an initial reduction of income for the Shire of \$535.60 for the month of April.

If the Lessee/Tenant decided to vacate the building there would a loss of income of \$535.60 per month

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

24 April 2020

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29 APRIL 2020



Western Australia

**Commercial Tenancies (COVID-19 Response)  
Act 2020**

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As at 24 Apr 2020

Version 00-b0-00  
Published on [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)

29 APRIL 2020

Western Australia

**Commercial Tenancies (COVID-19 Response)  
Act 2020**

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# MINUTES OF THE ORDINARY COUNCIL MEETING

29 APRIL 2020

## **Commercial Tenancies (COVID-19 Response) Act 2020**

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29 APRIL 2020



Western Australia

**Commercial Tenancies (COVID-19 Response)  
Act 2020**

**An Act to respond to the impact of the COVID-19 pandemic on  
certain commercial leases, and for related purposes.**

The Parliament of Western Australia enacts as follows:

29 APRIL 2020

**Commercial Tenancies (COVID-19 Response) Act 2020**

**Part 1** Preliminary

**s. 1**

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**Part 1 — Preliminary**

**1. Short title**

This is the *Commercial Tenancies (COVID-19 Response) Act 2020*.

**2. Commencement**

This Act comes into operation as follows —

- (a) Part 1 comes into operation on the day on which this Act receives the Royal Assent (*assent day*);
- (b) Parts 2 and 3 are deemed to have come into operation on 30 March 2020;
- (c) the rest of the Act comes into operation on the day after assent day.

**Part 2 — Terms used and application**

**3. Terms used**

In this Act —

***adopted code of conduct*** means a code of conduct adopted by regulations made under section 13;

***emergency period*** means the period —

- (a) beginning on 30 March 2020; and
- (b) ending on —
  - (i) a day prescribed by regulations for the purposes of this paragraph; or
  - (ii) if a day has not been prescribed for the purposes of this paragraph before 29 September 2020 — 29 September 2020;

***land*** includes any part of land;

***landlord*** —

- (a) means the person who, under a lease, grants the tenant the right to occupy the land or premises that are the subject of the lease; and
- (b) includes a personal representative, successor or assignee of a landlord;

***lease*** —

- (a) means any lease, sub-lease, licence or other agreement under which a person grants a right to another person to occupy land or premises —
  - (i) whether or not the right is a right of exclusive occupation; and
  - (ii) whether the lease, sub-lease, licence or agreement is made orally or in writing;

but



**Commercial Tenancies (COVID-19 Response) Act 2020**

**Part 2** Terms used and application

**s. 3**

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- (b) does not include any of the following —
- (i) a long-stay agreement to which the *Residential Parks (Long-stay Tenants) Act 2006* applies;
  - (ii) a residential tenancy agreement to which the *Residential Tenancies Act 1987* applies;
  - (iii) a pastoral lease as defined in the *Land Administration Act 1997* section 3;
  - (iv) a mining tenement as defined in the *Mining Act 1978* section 8;
  - (v) any other lease, sub-lease, licence or other agreement that is of a class prescribed by regulations for the purposes of this paragraph;

**operating expenses** has the meaning given in the *Commercial Tenancy (Retail Shops) Agreements Act 1985* section 12(3);

**premises** includes any part of premises;

**rent** includes any money, goods, services or other valuable consideration in the nature of rent to be paid or supplied under a lease by the tenant;

**small business** has the meaning given in the *Small Business Development Corporation Act 1983* section 3(1);

**small commercial lease** means —

- (a) a retail shop lease as defined in the *Commercial Tenancy (Retail Shops) Agreements Act 1985* section 3(1); or
- (b) a lease where the tenant owns or operates a small business and uses the land or premises that are the subject of the lease for the purpose of carrying on that business; or
- (c) a lease where the tenant is an incorporated association as defined in the *Associations Incorporation Act 2015* section 3; or
- (d) any other lease that is of a class prescribed by regulations for the purposes of this paragraph;

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**Commercial Tenancies (COVID-19 Response) Act 2020**  
Terms used and application **Part 2**

**s. 4**

*tenant* means the person who, under a lease, is entitled to occupy the land or premises that are the subject of the lease.

**4. Act binds Crown**

This Act binds the Crown in right of Western Australia and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

**5. Application**

This Act has effect despite anything to the contrary in any written law.

**6. Leases, contracts and agreements taken to be modified**

The provisions of any lease or any other contract or agreement are taken to be modified to the extent necessary to give effect to the operation of this Act.

**7. No contracting out**

- (1) A lease or any other contract or agreement is of no effect to the extent that it purports to exclude or restrict the operation of this Act.
- (2) A purported waiver of a right, remedy or benefit conferred on a person under this Act is of no effect.

**Commercial Tenancies (COVID-19 Response) Act 2020**

**Part 3** Prohibited actions in respect of small commercial leases and related matters

**s. 8**

**Part 3 — Prohibited actions in respect of small commercial leases and related matters**

**8. Term used: prohibited action**

In this Part —

**prohibited action** means action under, or in respect of, a small commercial lease (including seeking orders, or commencing proceedings, in a court or tribunal) for any of the following —

- (a) eviction of the tenant from the land or premises that are the subject of the small commercial lease;
- (b) exercising a right of re-entry to the land or premises that are the subject of the small commercial lease;
- (c) possession;
- (d) recovery of land;
- (e) distraint of goods;
- (f) forfeiture;
- (g) termination of the small commercial lease;
- (h) damages;
- (i) requiring a payment of interest on unpaid rent or on any other unpaid amount of money payable by the tenant to the landlord under the small commercial lease (including, without limitation, operating expenses);
- (j) recovery of the whole or part of any security for the performance of the tenant's obligations under the small commercial lease (including, without limitation, a security bond);
- (k) performance of obligations by the tenant or any other person under a guarantee given in respect of the small commercial lease (including, without limitation, making a demand on a bank guarantee);
- (l) any other remedy otherwise available to the landlord against the tenant at common law or under a written law.

**Commercial Tenancies (COVID-19 Response) Act 2020**  
Prohibited actions in respect of small commercial leases and  
related matters **Part 3**

**s. 9**

**9. Prohibited action cannot be taken during emergency period**

Except in the circumstances (if any) prescribed by regulations for the purposes of this section, a landlord cannot take prohibited action during the emergency period on the grounds of a breach by the tenant of a small commercial lease that occurs during the emergency period if the breach consists of —

- (a) a failure to pay rent or any other amount of money payable by the tenant to the landlord under the small commercial lease (including, without limitation, a requirement under the lease to pay all or any of the landlord's operating expenses); or
- (b) the land or premises that are the subject of the small commercial lease, or the business carried on there, not being open for business at hours or times specified in the small commercial lease; or
- (c) any act or omission of a kind prescribed by regulations for the purposes of this paragraph.

**10. Acts and omissions of tenants required under law in response to COVID-19 pandemic**

An act or omission of a tenant during the emergency period that is required under a written law in response to the COVID-19 pandemic is not to be regarded as —

- (a) a breach of a small commercial lease; or
- (b) grounds for termination of a small commercial lease; or
- (c) grounds for the taking of any prohibited action under, or in respect of, a small commercial lease.

**11. Rent increases prohibited during emergency period**

Rent payable under a small commercial lease (other than rent or a component of rent determined by reference to turnover) cannot be increased during the emergency period.

**Commercial Tenancies (COVID-19 Response) Act 2020**

**Part 3** Prohibited actions in respect of small commercial leases and related matters

**s. 12**

**12. Prohibited actions taken, and other things occurring, during relevant period**

- (1) In this section —  
*relevant period* means the period —
- (a) beginning on 30 March 2020; and
  - (b) ending on the day on which this Act receives the Royal Assent.
- (2) This section applies if, during the relevant period —
- (a) a landlord has taken or commenced prohibited action (including a prohibited action that has a periodic or ongoing effect); or
  - (b) a landlord has taken or commenced the performance of any other measure (including a measure that has a periodic or ongoing effect) that the landlord would not have been able to undertake or commence during the emergency period by virtue of the operation of this Part; or
  - (c) the operation of the terms of a small commercial lease has had effect, or has a periodic or ongoing effect, contrary to the operation of this Part; or
  - (d) without limiting paragraphs (a) to (c), rent payable under a small commercial lease has been increased contrary to the operation of this Part.
- (3) The prohibited action or other measure is as valid and effective as it would have been had this Part not come into operation but, so far as the prohibited action or other measure remains incomplete or ongoing, or has a periodic or ongoing effect, it is taken to be stayed or suspended until the end of the emergency period.

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**Commercial Tenancies (COVID-19 Response) Act 2020**  
Prohibited actions in respect of small commercial leases and related matters **Part 3**

**s. 12**

- (4) The effect of the operation of the terms of the small commercial lease is as valid and effective as it would have been had this Part not come into operation but, so far as the effect of the operation of those terms remains incomplete or ongoing, or has a periodic or ongoing effect, it is taken to be stayed or suspended until the end of the emergency period.
- (5) The increase in rent is as valid and effective as it would have been had this Part not come into operation but the increase is taken to be stayed or suspended until the end of the emergency period.

**Commercial Tenancies (COVID-19 Response) Act 2020**

**Part 4** Adopted code of conduct

**s. 13**

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**Part 4 — Adopted code of conduct**

**13. Regulations may adopt code of conduct**

- (1) In this section —  
*code of conduct* means a code of conduct relating to small commercial lease principles during the COVID-19 pandemic;  
*specified* means specified in regulations.
- (2) Regulations may adopt, either wholly or in part or with modifications, a code of conduct.
- (3) The adoption may be by —
  - (a) incorporating the code of conduct in the regulations; or
  - (b) incorporating the code of conduct by reference.
- (4) If regulations adopt a code of conduct by reference, then, unless the regulations specify that a particular text is adopted —
  - (a) the code of conduct is adopted as existing when the regulations are made; and
  - (b) any amendments made to the code of conduct after the regulations are made have no legal effect as part of the regulations unless they are specifically adopted by later regulations or a later amendment to the regulations.
- (5) If regulations adopt a code of conduct by reference, the Minister must ensure that a copy of the code of conduct, including any amendments made to it from time to time that have been adopted, is published on a website maintained by or on behalf of the department of the Public Service principally assisting in the administration of this Act.
- (6) Regulations may provide for —
  - (a) an adopted code of conduct to apply to a person who is of a specified class or a small commercial lease that is of a specified class; and

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**Commercial Tenancies (COVID-19 Response) Act 2020**

Adopted code of conduct **Part 4**

**s. 13**

- (b) a person who is of a specified class to comply with an adopted code of conduct; and
- (c) an adopted code of conduct to be complied with in a specified manner.



**Commercial Tenancies (COVID-19 Response) Act 2020**

**Part 5** Resolution of disputes

**s. 14**

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**Part 5 — Resolution of disputes**

**14. Terms used**

(1) In this Part —

*code of conduct dispute* means a dispute that arises out of, or in relation to, the application of the adopted code of conduct in relation to a lease (including, without limitation, a dispute about the waiver or deferral of rent payable under a lease);

*Commissioner* has the meaning given in the *Small Business Development Corporation Act 1983* section 3(1);

*dispute* —

- (a) means a dispute between the parties to a lease, or 1 or more parties to a lease and a person who has given a guarantee in respect of the lease, that arises out of, or in relation to, the operation of this Act; and
- (b) includes —
  - (i) a code of conduct dispute; and
  - (ii) a financial hardship dispute;

*financial hardship*, in relation to a tenant, means financial hardship suffered by the tenant as a result of 1 or more of the following —

- (a) a restriction imposed under a written law in response to the COVID-19 pandemic;
- (b) changes in societal behaviour in response to the COVID-19 pandemic;
- (c) any other consequences of the COVID-19 pandemic;

*party*, in relation to a lease, means the landlord or the tenant under the lease;

*Tribunal* means the State Administrative Tribunal.

**Commercial Tenancies (COVID-19 Response) Act 2020**  
Resolution of disputes **Part 5**

**s. 15**

- (2) For the purposes of this Part, a **financial hardship dispute** is a dispute between the parties to a small commercial lease in the following situation —
- (a) during the emergency period, the tenant has breached the small commercial lease by failing to pay rent or any other amount of money payable by the tenant to the landlord under the small commercial lease (including, without limitation, a requirement under the lease to pay all or any of the landlord's operating expenses); and
  - (b) the landlord claims that the breach was not a result of the tenant suffering financial hardship; and
  - (c) the landlord has not granted the tenant a waiver, deferral or reduction in respect of the unpaid rent or other unpaid amount of money.

**15. Relationship with section 9**

Nothing in section 9 prevents a landlord from making a request to the Commissioner under section 18, or an application to the Tribunal under section 16, in relation to a financial hardship dispute.

**16. Applications to Tribunal**

- (1) A party to a dispute may apply to the Tribunal to have the dispute determined by the Tribunal.
- (2) The application must be made during the emergency period unless the Commissioner has issued a certificate under section 19 in respect of the dispute.
- (3) Subsection (4) applies if the lease to which the dispute relates —
  - (a) is a small commercial lease; or
  - (b) the landlord under the lease owns or operates a small business and the lease is granted in the course of that business.

**Commercial Tenancies (COVID-19 Response) Act 2020**

**Part 5** Resolution of disputes

**s. 17**

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- (4) An application in respect of the dispute cannot be made to the Tribunal under subsection (1) unless —
  - (a) none of the parties to the dispute has made a request to the Commissioner under section 18 in respect of the dispute and the parties agree that the application can be made; or
  - (b) the Commissioner has issued a certificate under section 19 in respect of the dispute.
- (5) Subsection (4) does not apply to a dispute that is of a class prescribed by regulations for the purposes of this subsection.
- (6) A copy of an application under subsection (1) that is required to be given under the *State Administrative Tribunal Act 2004* section 45(1) must be given in the manner and time (if any) prescribed by regulations for the purposes of this subsection.
- (7) Nothing in this section prevents a person making a request to the Commissioner under section 18.

**17. Tribunal's powers to make orders**

- (1) In this section —  
*specified*, in relation to an order, means specified in the order.
- (2) Without limiting any power to make an order that is conferred by the *State Administrative Tribunal Act 2004*, in proceedings under this Act the Tribunal may make any order that it considers appropriate to resolve the dispute or proceedings.
- (3) Without limitation, the orders that can be made by the Tribunal include the following —
  - (a) an order that requires a party to the proceedings to pay money to a specified person;
  - (b) an order for a party to the proceedings to do, or refrain from doing, any specified thing;

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Resolution of disputes **Part 5**

**s. 17**

- (c) if the proceedings relate to a code of conduct dispute — any order that the Tribunal considers appropriate to give effect to the approved code of conduct including, without limitation, 1 or both of the following —
    - (i) an order that a specified amount of rent payable under the lease to which the dispute relates be waived for a specified period;
    - (ii) an order that a specified amount of rent payable under the lease to which the dispute relates be deferred and paid in a specified timeframe;
  - (d) if the proceedings relate to a financial hardship dispute — an order terminating the small commercial lease;
  - (e) an order dismissing the proceedings;
  - (f) any ancillary order that the Tribunal considers necessary for the purpose of enabling an order under this section to have full effect.
- (4) In making an order in proceedings under this Act relating to a code of conduct dispute, the Tribunal must have regard to —
- (a) the financial impact of the COVID-19 pandemic on the tenant's business and capacity to meet the tenant's obligations under the lease; and
  - (b) the landlord's financial capacity; and
  - (c) the principles of proportionality and fairness, and any other relevant principles, set out in the adopted code of conduct.
- (5) In proceedings relating to a financial hardship dispute, the Tribunal —
- (a) cannot make an order under subsection (3)(d), or any other order to the disadvantage of the tenant, unless satisfied that the tenant's breach was not a result of the tenant suffering financial hardship; and

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**Commercial Tenancies (COVID-19 Response) Act 2020**

**Part 5** Resolution of disputes

**s. 18**

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- (b) must make an order under subsection (3)(e) if satisfied that the tenant's breach was a result of the tenant suffering financial hardship.
- (6) In making an order in any proceedings under this Act, including an order under the *State Administrative Tribunal Act 2004* section 87(2), the Tribunal may have regard to a certificate issued under section 19 that relates to the proceedings.
- (7) An order of the Tribunal requiring any thing to be done or discontinued may fix the time within which that thing is to be done or discontinued, as the case may be.
- (8) In proceedings under this Act, the Tribunal may allow any equitable claim or defence, and give any equitable remedy, that the Supreme Court may allow or give.

**18. Requests for resolution of disputes using *Small Business Development Corporation Act 1983* s. 15C or 15E**

- (1) This section applies to a dispute if —
  - (a) the lease to which the dispute relates is a small commercial lease; or
  - (b) the landlord under the lease to which the dispute relates owns or operates a small business and the lease is granted in the course of that business.
- (2) A party to the dispute may, under this Act, request the Commissioner to —
  - (a) provide assistance to attempt to resolve the dispute under the *Small Business Development Corporation Act 1983* section 15C; or
  - (b) undertake alternative dispute resolution in respect of the dispute under the *Small Business Development Corporation Act 1983* section 15E.
- (3) The request must be made during the emergency period.

**Commercial Tenancies (COVID-19 Response) Act 2020**  
Resolution of disputes **Part 5**

**s. 19**

- (4) It is a function of the Commissioner to provide assistance to attempt to resolve disputes to which this section applies.

**19. Commissioner to issue certificate if dispute not resolved**

- (1) If a request is made to the Commissioner under section 18 in relation to a dispute, the Commissioner must, on the request of a party to the dispute, issue a certificate to that person if the Commissioner is satisfied that —
- (a) the dispute is unlikely to be resolved with the assistance of alternative dispute resolution; or
  - (b) it would not be reasonable in the circumstances to commence an alternative dispute resolution proceeding in respect of the dispute; or
  - (c) alternative dispute resolution has failed to resolve the dispute.
- (2) The certificate is to be in a form approved by the Commissioner and may include any information about the conduct of the parties to the dispute that the Commissioner considers appropriate in the circumstances.

**20. Commissioner may intervene in Tribunal proceedings**

The Commissioner may, at any time, intervene in proceedings of the Tribunal in relation to a dispute to which section 18 applies.

**21. Relationship of this Part to *State Administrative Tribunal Act 2004***

Nothing in this Part prevents a dispute from being dealt with through a compulsory conference or mediation process under the *State Administrative Tribunal Act 2004*.

**Commercial Tenancies (COVID-19 Response) Act 2020**

**Part 6** Miscellaneous

**s. 22**

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**Part 6 — Miscellaneous**

**22. Regulations**

The Governor may make regulations prescribing matters —

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for giving effect to this Act.

**23. Regulations may provide Act does not apply, or applies as modified, in certain circumstances or cases**

- (1) The Governor may, on the recommendation of the Minister, make regulations providing that a provision of this Act specified in the regulations does not apply, or applies in a modified manner specified in the regulations, to circumstances or cases specified in the regulations.
- (2) The Minister cannot make a recommendation for the purposes of subsection (1) unless satisfied that the provision is no longer required or should apply in a modified manner, as is relevant, in order to respond to the COVID-19 pandemic.

**24. Transitional regulations**

- (1) In this section —  
*transitional matter* —
  - (a) means a matter of a transitional nature that arises as a result of the enactment of this Act, including the making of any regulations under this Act; and
  - (b) includes a saving or application matter.
- (2) Regulations may prescribe all matters that are required or necessary or convenient to be prescribed for dealing with a transitional matter.

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**Commercial Tenancies (COVID-19 Response) Act 2020**  
Miscellaneous **Part 6**

**s. 25**

**25. Repeal**

This Act is repealed at the end of the period of 12 months that begins on the day after the day on which the emergency period ends.



# MINUTES OF THE ORDINARY COUNCIL MEETING

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## **Commercial Tenancies (COVID-19 Response) Act 2020**

**Notes**                      Compilation table

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### **Notes**

This is a compilation of the *Commercial Tenancies (COVID-19 Response) Act 2020*.  
For provisions that have come into operation see the compilation table.

### **Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Commercial Tenancies (COVID-19 Response) Act 2020</i>	19 of 2020	23 Apr 2020	Pt. 2 and 3: 30 Mar 2020 (see s. 2(b)); Pt. 1: 23 Apr 2020 (see s. 2(a)); Pt. 4-6: 24 Apr 2020 (see s. 2(c))

## **NATIONAL CABINET MANDATORY CODE OF CONDUCT**

### **SME COMMERCIAL LEASING PRINCIPLES DURING COVID-19**

#### **PURPOSE**

The purpose of this Code of Conduct (“the Code”) is to impose a set of good faith leasing principles for application to commercial tenancies (including retail, office and industrial) between owners/operators/other landlords and tenants, where the tenant is an eligible business for the purpose of the Commonwealth Government’s JobKeeper programme.

These principles will apply to negotiating amendments in good faith to existing leasing arrangements – to aid the management of cashflow for SME tenants and landlords on a proportionate basis – as a result of the impact and commercial disruption caused by the economic impacts of industry and government responses to the declared Coronavirus (“COVID-19”) pandemic.

This Code applies to all tenancies that are suffering financial stress or hardship as a result of the COVID-19 pandemic as defined by their eligibility for the Commonwealth Government’s JobKeeper programme, with an annual turnover of up to \$50 million (herein referred to as “SME tenants”).

The \$50 million annual turnover threshold will be applied in respect of franchises at the franchisee level, and in respect of retail corporate groups at the group level (rather than at the individual retail outlet level).

The Parties to this Code concur that during the COVID-19 pandemic period, as defined by the period during which the JobKeeper programme is operational, the principles of this Code should nevertheless apply in spirit to all leasing arrangements for affected businesses, having fair regard to the size and financial structure of those businesses.

Appendix I gives examples of proportionate solutions that may be agreed under this Code, and forms part of the overall Code.

The Code has been developed to enable both a consistent national approach and timely, efficient application given the rapid and severe commercial impact of official responses to the COVID-19 pandemic.

#### **PARTIES TO THE CODE**

The Code will be given effect through relevant state and territory legislation or regulation as appropriate. The Code is not intended to supersede such legislation, but aims to complement it during the COVID-19 crisis period.

### OVERARCHING PRINCIPLES

The objective of the Code is to share, in a proportionate, measured manner, the financial risk and cashflow impact during the COVID-19 period, whilst seeking to appropriately balance the interests of tenants and landlords.

It is intended that landlords will agree tailored, bespoke and appropriate temporary arrangements for each SME tenant, taking into account their particular circumstances on a case-by-case basis.

The following overarching principles of this Code will apply in guiding such arrangements:

- Landlords and tenants share a common interest in working together, to ensure business continuity, and to facilitate the resumption of normal trading activities at the end of the COVID-19 pandemic during a reasonable recovery period.
- Landlords and tenants will be required to discuss relevant issues, to negotiate appropriate temporary leasing arrangements, and to work towards achieving mutually satisfactory outcomes.
- Landlords and tenants will negotiate in good faith.
- Landlords and tenants will act in an open, honest and transparent manner, and will each provide sufficient and accurate information within the context of negotiations to achieve outcomes consistent with this Code.
- Any agreed arrangements will take into account the impact of the COVID-19 pandemic on the tenant, with specific regard to its revenue, expenses, and profitability. Such arrangements will be proportionate and appropriate based on the impact of the COVID-19 pandemic plus a reasonable recovery period.
- The Parties will assist each other in their respective dealings with other stakeholders including governments, utility companies, and banks/other financial institutions in order to achieve outcomes consistent with the objectives of this Code.
- All premises are different, as are their commercial arrangements; it is therefore not possible to form a collective industry position. All parties recognise the intended application, legal constraints and spirit of the Competition and Consumer Act 2010.
- The Parties will take into account the fact that the risk of default on commercial leases is ultimately (and already) borne by the landlord. The landlord must not seek to permanently mitigate this risk in negotiating temporary arrangements envisaged under this Code.

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- All leases must be dealt with on a case-by-case basis, considering factors such as whether the SME tenant has suffered financial hardship due to the COVID-19 pandemic; whether the tenant's lease has expired or is soon to expire; and whether the tenant is in administration or receivership.
- Leases have different structures, different periods of tenure, and different mechanisms for determining rent. Leases may already be in arrears. Leases may already have expired and be in "hold-over." These factors should also be taken into account in formulating any temporary arrangements in line with this Code.
- As the objective of this Code is to mitigate the impact of the COVID-19 pandemic on the tenant, due regard should be given to whether the tenant is in administration or receivership, and the application of the Code modified accordingly.

#### **LEASING PRINCIPLES**

In negotiating and enacting appropriate temporary arrangements under this Code, the following leasing principles should be applied as soon as practicable on a case-by-case basis:

1. Landlords must not terminate leases due to non-payment of rent during the COVID-19 pandemic period (or reasonable subsequent recovery period).
2. Tenants must remain committed to the terms of their lease, subject to any amendments to their rental agreement negotiated under this Code. Material failure to abide by substantive terms of their lease will forfeit any protections provided to the tenant under this Code.
3. Landlords must offer tenants proportionate reductions in rent payable in the form of waivers and deferrals (as outlined under "definitions," below) of up to 100% of the amount ordinarily payable, on a case-by-case basis, based on the reduction in the tenant's trade during the COVID-19 pandemic period and a subsequent reasonable recovery period.
4. Rental waivers must constitute no less than 50% of the total reduction in rent payable under principle #3 above over the COVID-19 pandemic period and should constitute a greater proportion of the total reduction in rent payable in cases where failure to do so would compromise the tenant's capacity to fulfil their ongoing obligations under the lease agreement. Regard must also be had to the Landlord's financial ability to provide such additional waivers. Tenants may waive the requirement for a 50% minimum waiver by agreement.
5. Payment of rental deferrals by the tenant must be amortised over the balance of the lease term and for a period of no less than 24 months, whichever is the greater, unless otherwise agreed by the parties.

6. Any reduction in statutory charges (e.g. land tax, council rates) or insurance will be passed on to the tenant in the appropriate proportion applicable under the terms of the lease.

7. A landlord should seek to share any benefit it receives due to deferral of loan payments, provided by a financial institution as part of the Australian Bankers Association's COVID-19 response, or any other case-by-case deferral of loan repayments offered to other Landlords, with the tenant in a proportionate manner.

8. Landlords should where appropriate seek to waive recovery of any other expense (or outgoing payable) by a tenant, under lease terms, during the period the tenant is not able to trade. Landlords reserve the right to reduce services as required in such circumstances.

9. If negotiated arrangements under this Code necessitate repayment, this should occur over an extended period in order to avoid placing an undue financial burden on the tenant. No repayment should commence until the earlier of the COVID-19 pandemic ending (as defined by the Australian Government) or the existing lease expiring, and taking into account a reasonable subsequent recovery period.

10. No fees, interest or other charges should be applied with respect to rent waived in principles #3 and #4 above and no fees, charges nor punitive interest may be charged on deferrals in principles #3, #4 and #5 above.

11. Landlords must not draw on a tenant's security for the non-payment of rent (be this a cash bond, bank guarantee or personal guarantee) during the period of the COVID-19 pandemic and/or a reasonable subsequent recovery period.

12. The tenant should be provided with an opportunity to extend its lease for an equivalent period of the rent waiver and/or deferral period outlined in item #2 above. This is intended to provide the tenant additional time to trade, on existing lease terms, during the recovery period after the COVID-19 pandemic concludes.

13. Landlords agree to a freeze on rent increases (except for retail leases based on turnover rent) for the duration of the COVID-19 pandemic and a reasonable subsequent recovery period, notwithstanding any arrangements between the landlord and the tenant.

14. Landlords may not apply any prohibition on levy any penalties if tenants reduce opening hours or cease to trade due to the COVID-19 pandemic.

#### **BINDING MEDIATION**

Where landlords and tenants cannot reach agreement on leasing arrangements (as a direct result of the COVID-19 pandemic), the matter should be referred and subjected (by either party) to applicable state or

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territory retail/commercial leasing dispute resolution processes for binding mediation, including Small Business Commissioners/Champions/Ombudsmen where applicable.

Landlords and tenants must not use mediation processes to prolong or frustrate the facilitation of amicable resolution outcomes.

### **DEFINITIONS**

The following definitions are provided for reference in the application of this Code.

1. Financial Stress or Hardship: an individual, business or company's inability to generate sufficient revenue as a direct result of the COVID-19 pandemic (including government-mandated trading restrictions) that causes the tenant to be unable to meet its financial and/or contractual (including retail leasing) commitments. SME tenants which are eligible for the federal government's JobKeeper payment are automatically considered to be in financial distress under this Code.

2. Sufficient and accurate information: this includes information generated from an accounting system, and information provided to and/or received from a financial institution, that impacts the timeliness of the Parties making decisions with regard to the financial stress caused as a direct result of the COVID-19 event.

3. Waiver and deferral: any reference to waiver and deferral may also be interpreted to include other forms of agreed variations to existing leases (such as deferral, pausing and/or hibernating the lease), or any other such commercial outcome of agreements reached between the parties. Any amount of reduction provided by a waiver may not be recouped by the Landlord over the term of the lease.

4. Proportionate: the amount of rent relief proportionate to the reduction in trade as a result of the COVID-19 pandemic plus a subsequent reasonable recovery period, consistent with assessments undertaken for eligibility for the Commonwealth's JobKeeper programme.

### **CODE ADMINISTRATION COMMITTEE**

This Code will be supported by state based Industry Code Administration Committees, comprising representatives from relevant industry bodies representing landlord, tenant and SME interests, with an Independent Chair appointed by the relevant State/Territory Government.

Committee members' roles will be to (1) promote awareness of the Code; (2) encourage application of the Code; (3) encourage its application by the broader retail industry; and (4) monitor the operation of the Code.

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The Committee should meet at least fortnightly, and may communicate and meet via email, telephone calls, or video conferencing.

No formal minutes will be taken; however, the Committee will document key action items and outcomes of each meeting.

The Committee may invite advisers, upon agreement by all Committee members, to assist on specific issues in the course of discharging their obligations under this section.

#### **COMMENCEMENT/EXPIRY**

This Code comes into effect in all states and territories from a date following 3 April 2020 (being the date that National Cabinet agreed to a set of principles to guide the Code to govern commercial tenancies as affected by the COVID-19 pandemic) to be defined by each jurisdiction, for the period during which the Commonwealth JobKeeper program remains operational.

**APPENDIX I**

**EXAMPLES OF THE APPLICATION OF THE PRINCIPLE OF PROPORTIONALITY**

The following scenarios are examples only, noting the circumstance of each landlord, SME tenant and lease are different, and are subject to negotiation and agreement in good faith.

Examples of practical variations reflecting the application of the principle of proportionality may include, but are not limited to:

- Qualifying tenants would be provided with cash flow relief in proportion to the loss of turnover they have experienced from the COVID-19 crisis
  - ie. a 60% loss in turnover would result in a guaranteed 60% cash flow relief.
  - At a minimum, half is provided as rent free/rent waiver for the proportion of which the qualifying tenant's revenue has fallen.
  - Up to half could be through a deferral of rent, with this to be recouped over at least 24 months in a manner that is negotiated by the parties
    - So if the tenant's revenue has fallen by 100%, then at least 50% of total cash flow relief is rent free/rent waiver and the remainder is a rent deferral. If the qualifying tenant's revenue has fallen by 30%, then at least 15% of total cash flow relief is rent free/rent waiver and the remainder is rent deferral.
    - Care should be taken to ensure that any repayment of the deferred rent does not compromise the ability of the affected SME tenant to recover from the crisis.
  - The parties would be free to make an alternative commercial arrangement to this formula if that is their wish.



MINUTES OF THE ORDINARY COUNCIL MEETING

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29 APRIL 2020

**18.0 MATTERS BEHIND CLOSED DOORS**

There were no matters behind closed doors presented to the April 2020 Ordinary Council meeting.

**19.0 DATE AND TIME OF NEXT MEETING**

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 27 May 2020, commencing at 3.00 pm.

**20.0 CLOSURE OF MEETING**

As there was no further business, the President closed the Ordinary Council meeting at 5.20pm.