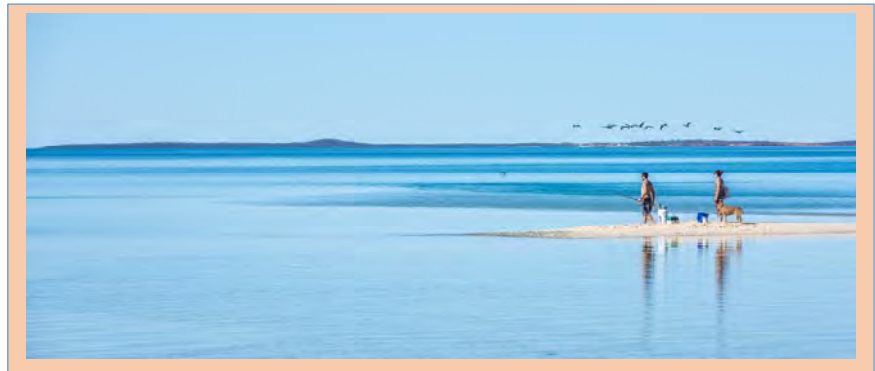


# SHIRE OF SHARK BAY MINUTES

26 August 2020

## ORDINARY COUNCIL MEETING



Monkey Mia – SHARK BAY



26 AUGUST 2020



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# MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 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 26 August 2020 commencing at 3.01 pm.

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*The Shire supports the concept of streamlining planning processes as indicated by the State Government proposal to reform the **Planning and Development Act 2005**, the Planning and Development (Local Planning Scheme) Regulations 2015 and State planning policies.*

*There is a State Action Plan for Planning Reform however reform measures are being released in stages and details of all the reform measures are not yet known.*

*Planning proposals will continue to be progressed in accordance with **current** legislative requirements. If Planning Legislation changes in the future, then the Shire Council would consider the legislation applicable at the time.*

- 3 Does the Shire agree with the comments of the World Heritage Advisory Committee that the concept of developing Lot 304 referred to in item 13.0 would likely offer benefit to the Shire of Shark Bay and local tourism.**

*The Shire agrees that well planned tourist developments may offer local economic benefits, however that does not negate the need to also address the relevant planning requirements.*

*It is noted that the Shark Bay World Heritage Advisory Committee did not support the Local Development Plan as submitted.*

- 4 Does the Shire agree that substantial support of tourism proposals as those referred to in 13 should be supported and guided through planning matters to assist in economic recover from COVID19.**

*The onus is on the proponent to ensure that any tourist development addresses the relevant planning matters, Shire of Shark Bay Local Planning Scheme No 4, Planning and Development Regulations and all other relevant State Planning Policies and Guidelines.*

*The Local Development Plan (as submitted) for Lot 304 is under determination by Council at Item 13.1 and has been assessed in accordance with processes outlined in the current Planning and Development Regulations, 2015.*

*The Council decision will inform Mr Wardle of whether the Local Development Plan for Lot 304 is supported or not.*

- 5 Has the CEO or Shire President received any directions from ministers or their adviser in regard to item 13.0.**

*No. The Local Development Plan was advertised for public comment and all submissions are recorded in Item 13.1.*

- 6 Has the Shire identified any other projects related to tourism as item 13 that would be beneficial to the economy of Shark Bay that could be fast tracked or given additional guidance from the Shire.**

*No. The Shire receives numerous general enquires about future development on various sites and assesses proposals once formally lodged, however there are none that currently could be fast-tracked.*

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- 7 Has the Shire prepared any plan to assist the economic recover of Shark Bay following Covid 19. If so does that include supporting proposals such as item 13.**

*The Council 2020/2021 budget included strategies to assist economic recovery. Any development proposals will be assessed on their merits and whether they meet the wide range of matters to be considered as part of a planning assessment.*

- 8 Does the Shire agree that substantial support of tourism proposals in the Shire of Shark Bay including item 13.0 is essential to the economic recover of Shark Bay.**

*Irrespective of any economic benefit, the Shire Council has an legislative obligation to consider other relevant planning matters as outlined in Item 13.1. The options available to Council to approve the Local Development Plan for Lot 304, refuse the Local Development Plan or approve the Local Development Plan with modifications have been outlined in Item 13.1.*

- 9 On the basis that any development of Lot 304 ,including item 13, is likely to have benefit for the Shire of Shark Bay and local tourism operators will the Shire offer support and assistance to the proponent to assist in obtaining all necessary approvals as was offered by the Minister for Lands Alannah MacTiernan in 2004.**

*The Local Development Plan as submitted has been assessed and is not supported at an Officer level – refer Item 13.1.*

*The onus is on the proponent to address the relevant planning matters.*

*This query should be directed to the current Minister for Lands for response as the Council has no knowledge of the then Minister's 2004 offer.*

- 10 Does the Shire still fully support the development of tourist facilities on Dirk Hartog Island as in item 13.0 and as was include in a letter from the current CEO.**

*The Shire will consider support for any proposal on Freehold land that sufficiently addresses the Shire of Shark Bay Local Planning Scheme No 4, relevant legislation, World Heritage values, environmental issues, State Planning Policies and normal planning considerations – all of which has been outlined in Item 13.1.*

- 11 Does any Councillor have a conflict of interest in discussing and voting upon item 13**

*It is the responsibility of the individual Councillor to disclose any interest.*

*Each Item listed in this Agenda provides an opportunity for disclosure of interests which are recorded in the Minutes.*

*Council members are required to disclose interests affecting impartiality, proximity or a financial interest in regards to any item listed in the Agenda.*

With no further question put forward the President closed Public Question Time at 3.18 pm.

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**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

5.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR FENNY  
GV00017

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr Burton

Seconded Cr Smith

**Council Resolution**

**Councillor Fenny is granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary meeting of Council scheduled to be held on Wednesday 26 August 2020.**

**6/0 CARRIED**

Background

Councillor Fenny has applied for leave of absence from the ordinary meeting of Council scheduled for Wednesday 26 August 2020. The Council in accordance with Section 2.25 of the *Local Government Act 1995* as amended may by resolution grant leave of absence to a member.

Comment

Councillor Fenny has advised the Chief Executive Officer, he will be unable to attend the Ordinary meeting of Council scheduled to be held on Wednesday 26 August 2020 and has requested leave of absence be granted by Council for this meeting.

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

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

Legal Implications

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

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

MINUTES OF THE ORDINARY COUNCIL MEETING

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

Policy Implications

There are no policy implications relative to this report.

Financial Implications

There are no financial implications relative to this report.

Strategic Implications

There are no strategic implications relative to this report.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer      *P Anderson*

Date of Report                      11 August 2020

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

**6.0 PETITIONS**

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

**7.0 CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 JULY 2020**

Moved           Cr Stubberfield  
Seconded       Cr Burton

**Council Resolution**

**That the minutes of the Ordinary Council meeting held on 29 July 2020, as circulated to all Councillors, be confirmed as a true and accurate record.**

**6/0 CARRIED**

**7.2 CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 6 AUGUST 2020**

Moved           Cr Burton  
Seconded       Cr Ridgley

**Council Resolution**

**That the minutes of the Special Council meeting held on 6 August 2020, as circulated to all Councillors, be confirmed as a true and accurate record.**

**6/0 CARRIED**

**8.0 ANNOUNCEMENTS BY THE CHAIR**

The Council received a presentation from Mr Steve Nicholson, from the Department of Biodiversity, Conservation and Attractions before the Ordinary Council meeting on the Western Australian Governments Plan for Parks proposal.

26 AUGUST 2020

**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

Meeting Attendance

3 August 2020	Met with Mr Andy Munro, Chair of Gascoyne Development Commission Board
5	Meet with Vince Catania, MLA
6	Attended the Special Council meeting to adopt the 2020/2021 Budget
7	Met with Minister MacTiernan in Carnarvon – Gascoyne Recovery projects Attended Canapes in the Gascoyne event with Minister MacTiernan
10-12	Chaired the Gascoyne Development Commission Audit and Risk Committee meeting Attended the Gascoyne Development Commission Board meeting (RED Grant applications) in Exmouth
14	Participated in the Review of the Local Government Act webinar
20	Chaired the Local Emergency Management Committee meeting
26	Attended the Ordinary Council meeting

Signatures

Councillor	<i>Councillor Cowell</i>
Date of Report	14 August 2020

Moved      Cr Ridgley  
Seconded      Cr Smith

**Council Resolution**

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

**6/0 CARRIED**

26 AUGUST 2020

**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

11 August 2020	Attended the Shark Bay Business and Tourism Association meeting.
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Signatures

Councillor	<i>Councillor Ridgley</i>
Date of Report	11 August 2020

Moved	Cr Bellottie
Seconded	Cr Burton

**Council Resolution**

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

**6/0 CARRIED**

10.2 CR FENNY  
GV00017

Nil report for the August 2020 Ordinary Council meeting.

10.3 CR SMITH  
GV000

Nil report for the August 2020 Ordinary Council meeting.

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

10.4 CR STUBBERFIELD  
GV000

Committee Membership

Member                      Audit Committee  
Member                      Shark Bay Community Resource Centre Committee  
Member                      Zuytdorp Cliffs Track Stakeholders Reference Group

Meeting Attendance

6 August 2020              Attended the Special Council meeting to Adopt the 2020/2021  
Budget  
12 August                      Attended the Shark Bay Community Resource Centre meeting

Signatures

Councillor                      *Councillor Stubberfield*  
Date of Report                      13 August 2020

Moved                      Cr Bellottie  
Seconded                      Cr Smith

**Council Resolution**

**That Councillor Stubberfield's August 2020 report on activities as Council representative be received.**

**6/0 CARRIED**

10.5 CR BURTON  
GV00018

Nil report for the August 2020 Ordinary Council meeting.

10.6 CR BELLOTTIE  
GV00010

Nil report for the August 2020 Ordinary Council meeting.



26 AUGUST 2020

**11.0 ADMINISTRATION REPORT**

11.1 ANNUAL REVIEW OF REGISTER OF DELEGATIONS  
CM00039

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved           Cr Stubberfield

Seconded       Cr Ridgely

**Council Resolution**

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

**6/0 CARRIED BY ABSOLUTE MAJORITY**

Background

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

**5.45. Other matters relevant to delegations under this Division**

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

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

The Register of Delegations is required to be reviewed once every financial year, as required by Section 5.46(2) of the Act. The Register of Delegations was last reviewed in full at the Ordinary Council meeting held on 28 August 2019.

Comment

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

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

## MINUTES OF THE ORDINARY COUNCIL MEETING

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New delegations to the Chief Executive Officer have been made to comply with the relevant legislation.

These delegations being under the Dog Act 1976, the Cat Act 2011 to allow on delegation of power to staff members.

Also added to the delegation is the Bush Fires Act 1954 and the Graffiti Vandalism Act 2016 for compliance reasons.

### Legal Implications

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

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

### Policy Implications

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

### Financial Implications

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

### Strategic Implications

There are no Strategic Implications related to this report.

### Risk Management

This is a low risk item to Council.

### Voting Requirements

Absolute Majority Required

### Signatures

Chief Executive Officer

*P Anderson*

Date of Report

7 August 2020

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

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<b>3.34(1)</b>	A local government may enter land in an emergency without notice or consent	✓	
<b>3.40A(1)</b>	Local government may authorise a person to remove and impound an abandoned vehicle wreck	✓	
<b>3.40A(4)</b>	Local government may declare that a vehicle is an abandoned vehicle wreck	✓	
<b>3.47(1)</b>	The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43	✓	
<b>3.47(2)</b>	The local government may sell or otherwise dispose of any vehicle that has not been collected within 2 months of a notice having been given under section 3.40(3) or 7 days of a declaration being made that a vehicle is an abandoned vehicle wreck	✓	
<b>3.47(2a)</b>	The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in section 3.47(2b) of the date a notice is given under sections 3.42(1)(b) or 3.44	✓	
<b>3.47A(1)</b>	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass	✓	
<b>3.48</b>	If goods are removed or impounded under section 3.39 and the offender is convicted, the local government may recover any expenses incurred in removing and impounding the goods	✓	
<b>3.50(1)</b>	A local government may close a thoroughfare to vehicles, wholly or partially, for a period not exceeding 4 weeks	✓	
<b>3.50(1a) and 3.50(4)</b>	A local government may, after providing public notice of its intention and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding 4 weeks	✓	

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<b>3.50A</b>	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare	✓	
<b>Functions &amp; General Reg 6(3)</b>	A local government may, by local public notice, revoke an order under regulation 6(1) that closed a thoroughfare or alter it to make it less restrictive	✓	
<b>3.51(3)</b>	Before fixing, altering or realigning a public thoroughfare or draining water onto adjoining land, the local government must give notice of its proposal, invite submissions and consider those submissions	✓	
<b>3.53(3)</b>	If an unvested facility lies within 2 or more districts, the local governments concerned can agree on its control and management	✓	
<b>3.54(1)</b>	A local government may do anything it could do under the Parks and Reserves Act 1895 if it were a Board appointed under that Act, to control and manage any land reserved under the Land Act 1933 and vested in or placed under the control and management of the local government	✓	
<b>3.57(1)</b>	A local government must invite tenders before it enters into a contract for goods or services with a value of \$250,000 or more (Functions and General Reg 11)	✓	
<b>Functions &amp; General Reg 14 (2a)</b>	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepted tenders	✓	
<b>Functions &amp; General Reg 18 (4) &amp; (5)</b>	A local government must consider any tender that has not been rejected and decide which one to accept. It may decline to accept any tender	✓	

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<b>Functions &amp; General Reg 20</b>	A local government may, with the approval of the tenderer, make a minor variation in a contract for goods or services before it enters the contract with the successful tenderer	✓	
<b>Functions &amp; General Reg 20 (2)</b>	If the successful tenderer does not want to accept the contract with the variation or the local government and the tenderer cannot reach agreement, the local government can select the next most appropriate tenderer	✓	
<b>Functions &amp; General Reg 21 (1)</b>	A local government may seek expressions of interest before entering the tender process	✓	
<b>Functions &amp; General Reg 23 (3)</b>	A local government must consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services	✓	
<b>Functions &amp; General Reg 24E(1)</b>	Where a local government intends to give a regional price preference the local government is to prepare a regional price preference policy	✓	
<b>Functions &amp; General Reg 24E(4)</b>	A local government cannot adopt a regional price policy until the local government has considered submissions received	✓	
	To make variation in the goods or services required, after it has entered into a contract for the supply of the goods or services required subject to such variations in the contract as may be agreed with the contractor.	✓	Approval of variations necessary to achieve the outcome of the scope of the project and within the adopted budget of the project
<b>3.58(2)</b>	A local government can only dispose of property to the highest bidder at public auction or the most suitable public tender	✓	
<b>3.58(3)</b>	A local government can dispose of property by private treaty but must follow the process set out in section 3.58(3)	✓	
	<b>Part 5 – Administration</b>		
<b>5.18</b>	A local government must review all delegations made to a committee	✓	

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<b>5.27(2)</b>	General meeting of electors to be held on a day selected by a local government but not more than 56 days after the local government accepts the annual report for the previous financial year	✓	
<b>5.37(1)</b>	A local government may designate any employee to be a senior employee	✓	
<b>Admin Reg 18(D)</b>	A local government is to consider, accept or reject a review of the CEO's performance	✓	
<b>5.50(1)</b>	A local government must prepare a policy for employees whose employment is finishing, setting out the circumstances in which the local government would pay a gratuity and how that gratuity would be assessed, and give local public notice of the policy	✓	
<b>5.50(2)</b>	A local government may make a payment to an employee whose employment is finishing, that is in addition to the amount set out in its policy, provided that local public notice of the payment is given	✓	
<b>5.53(1)</b>	A local government must prepare an annual report for each financial year	✓	
<b>5.56</b>	A local government is to prepare a plan for the future	✓	
<b>Admin Reg 19C(4)</b>	A local government is to review its current plan for the future every 2 years	✓	
<b>Admin Reg 29A(2)</b>	Information prescribed as confidential but that, under 5.95(7), may be available for inspection if a local government so resolves	✓	
<b>5.98(2)(b)</b>	A local government may approve expenses which are to be reimbursed to its councillors, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement [subject to section 5.98(3)]	✓	
<b>5.98(4)</b>	A local government may approve the reimbursement to a council member of an approved expense, either generally or in a particular case	✓	

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5.100(2)	A local government may decide to reimburse expenses to committee members who are not council members or employees	✓	
5.103(2)	A local government must review its code of conduct within 12 months of every ordinary elections day	✓	
	<b>Part 6 – Financial Management</b>		
Financial M'gment Reg 19(1)	A local government must establish and document internal control procedures to ensure control over investments	✓	
6.7(2) Financial M'gment Reg 12(1)	To make payments from the municipal fund or the trust fund for the performance of functions and exercise of powers	✓	(i) Payment of salaries up to the amount required to meet the Council's employee entitlements obligations; (ii) All other payments not to exceed \$250,000 unless approved by Tender process; (iii) In accordance with Council policies and adopted budget; and (iv) Payment within the scope of Budgeted project and within the adopted budget of the project.
6.9(4)	A local government may transfer money held in trust for 10 years to its municipal fund, but must repay it to a person who establishes a right to the repayment, together with any interest earned on the investment	✓	
6.12(1)(b)	A local government may waive or grant concessions in relation to any amount of money or write off any amount of money that it is owed to the local government [subject to section 6.12(2)]	✓	
6.12(3)	The local government may determine what conditions apply to the granting of a concession	✓	



MINUTES OF THE ORDINARY COUNCIL MEETING

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<b>6.14(1)</b>	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the Trustees Act 1962	✓	
<b>6.49</b>	A local government may make an agreement with a person to pay their rates and service charges	✓	
<b>6.50(1) and 6.50(2)</b>	A local government may determine the due date that rates and charges become due, but which date cannot be sooner than 35 days after the date noted on the rate notice	✓	
<b>6.56(1)</b>	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction	✓	
<b>6.60(2)</b>	A local government may give notice (to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the local government in satisfaction of the rate or service charge)	✓	
<b>6.60(3)</b>	If a local government gives notice to a lessee, under section 6.60(2), the local government must give a copy of the notice to the lessor	✓	
<b>6.60(4)</b>	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee	✓	
<b>6.64(1)</b>	If any rates or service charges have remained unpaid for at least 3 years, a local government may take possession of the land and hold the land against a person having an estate or interest in the land, and may lease or sell the land or subject to transfer it to the Crown or itself 5.43(d)	✓ subject to 5.43 (d)	
<b>6.64(3)</b>	A local government may lodge a caveat in respect of any land for which rates and service charges are outstanding	✓	
<b>6.71(1)</b>	If a local government is unable to sell land under Part 6 Division 6 Subdivision 6 within 12 months, it may transfer the land to the Crown or itself	✓ subject to 5.43 (d)	

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6.74(1)	A local government may apply in the prescribed form to the Minister to have land vested in the Crown if it is rateable vacant land and rates or service charges in respect of it have remained unpaid for at least 3 years	✓	
<b>Financial M'gment Reg 77(3)</b>	A local government must consider any objections it receives in relation to a reinvestment under regulation 77	✓	
6.76(5)	The local government must consider any objections to the rates record and may disallow or allow the objection either wholly or in part	✓	
6.76(6)	The local government is to provide the person with notice of its decision	✓	
7.12A(3)	A local government is to examine the auditor's report, under section 7.9(1) and any report under section 7.9(3), and must determine if any matters raised by the report require action and ensure that appropriate action is taken.	✓	
7.12A(4)	A local government must prepare a report on any action taken in response to an auditor's or section 7.9(3) report, and provide it to the Minister	✓	
	<b>Part 8 – Scrutiny of the affairs of local governments</b>		
8.14(3)	A local government must give the Minister advice of what things it has done or will do to comply with an enquiry report from the Minister or a person authorised by the Minister, within 35 days of receiving the report	✓	
8.23(4)	A local government must give the Minister advice of what things it has done, or will do, to comply with an Inquiry Panel's report within 35 days of receiving the report, or give its comment on a recommendation to dismiss the council	✓	
	<b>Part 9 – Miscellaneous provisions</b>		
9.6(5)	The local government is to ensure that the person who made the objection is given notice in writing of how it has been	✓	

MINUTES OF THE ORDINARY COUNCIL MEETING

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	decided to dispose of the objection and the reasons for disposing of it in that way.		
<b>9.10(1) &amp; (2)</b>	The local government may appoint persons or classes of persons to be authorised to perform certain functions and must issue them with a certificate stating they are authorised	✓	
<b>9.60(4)</b>	A local government is to administer any regulation made under section 9.60 as if it were a local law	✓	
<b>9.56</b>	Certain persons protected from liability for wrongdoing - legal costs indemnification	✓	Where there is a need for the provision of urgent legal services before an application can be considered by Council, the Chief Executive Officer may give an authorisation to the value of \$5,000 provided that: (1) where it is the Chief Executive Officer who is seeking urgent financial support for legal services, the Council shall deal with the application; and (2) subject to any other conditions Council may set in its policy regarding costs indemnification for legal representation.
<b>6.76(5)</b>	The local government must consider any objections to the rates record and may disallow or allow the objection either wholly or in part	✓	
<b>6.76(6)</b>	The local government is to provide the person with notice of its decision	✓	
	<b>Schedule 2.1 – Provisions about creating, changing the boundaries of, and abolishing districts</b>		
<b>11(2)</b>	Any local governments affected by an order made under clause 2.1 are to negotiate any adjustment or transfer between them of property, rights and liabilities	✓	
	<b>Schedule 2.2 – Provisions about wards and representation</b>		

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8	The council must have regard to community of interests, physical and topographical features, demographic trends, economic factors and the ratio of councillors to electors in respect of considerations about wards	✓	
9	When a ward review is complete, the local government must prepare a report for the Advisory Board and may propose the making of an order under clauses 2.2(1), 2.3(3) or 2.18(3)	✓	
	<b>Schedule 6.2 – Provisions relating to lease of land where rates or service charges unpaid</b>		
1(1)	A local government may lease the land with any conditions for a term that does not exceed 7 years	✓ subject to 5.43 (d)	
	<b>Schedule 6.3 - Provisions relating to the sale or transfer of land where rates or service charges are unpaid</b>		
1(4)	The local government must appoint a time at which the land may be offered for sale by public auction, not less than 3 months and not more that 12 months from the service of the notice under clauses 1(1) or 1(2)	✓	
2(3)	The local government must give the Registrar of Titles or the Registrar of Deeds a memorial of the Statewide notice	✓	
4(1)	A local government may transfer or convey to the purchaser of the land an indefeasible estate in fee simple	✓ subject to 5.43 (d)	
	<b>Planning and Development (Local Planning Schemes) Regulations 2015 , Deemed provisions for local planning schemes, Part 10, Schedule 2 ('the Regs 2015')</b>		
<b>Clause 79 of the Regs 2015</b>	That Council authorise the Chief Executive Officer to enter and inspect any building or land for the purposes of ascertaining whether the local planning scheme is being complied with	✓	

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<b>Clause 82(1) of the Regs 2015</b>	That Council grant delegated authority to the Chief Executive Officer to issue deemed refusal letters for applications where an application is deemed refused in accordance with Clause 75(2) of the Planning and Development (Local Planning Schemes) Regulations 2015	✓	
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MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

<p><b>Clause 82(1) of the Regs 2015</b></p>	<p>That Council grant delegated authority to the Chief Executive Officer to determine an application for planning approval where it is established prior to, or at, an Ordinary Council meeting that the minimum number of Councillors needed for a quorum will not be available to vote on an application at a scheduled Council meeting (due to absence or planned declaration of interest).</p>	<p>✓</p>	<p>1. The use is a 'P' or 'D' use under the Shire of Shark Bay Local Planning Scheme No. 4 ('the Scheme');  or  2. The proposed use or development is ancillary to existing development; or  3. For residential development, the application complies with the 'deemed to comply' requirements of the Residential Design Codes or satisfies the 'Design Criteria' of the Residential Design Codes ; and  4. The application generally complies with the Scheme with no major variations to setback, site coverage or car parking requirements; and  5. The use or development complies with any relevant Local Planning Policy.  This delegation must not be exercised by the Delegated officer where:  a) The development entails a variation to the Scheme or Residential Design Codes that is considered by the Delegate to be significant;  b) The Delegate considers the development will have the potential to negatively impact on the amenity of the locality;  c) The height of the development exceeds two storeys;</p>
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MINUTES OF THE ORDINARY COUNCIL MEETING

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<b>Clause 82(1) of the Regs 2015</b>	Conditions Continued		d) A written objection has been lodged during a formal advertising period; e) The Delegate considers an application should be advertised for public comment and no advertising has been conducted; f) Development proposals are considered by the Delegate to have a strategic impact and as a result involve issues in which Council has a direct interest; g) The estimated cost of development exceeds \$500,000.00; h) The development is located in a Special Use zone; i) The Delegate considers the proposal has potential to negatively impact on World Heritage values.
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MINUTES OF THE ORDINARY COUNCIL MEETING

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<p><b>Clause 82(1) of the Regs 2015</b></p>	<p>That Council grant delegated authority to the Chief Executive Officer to determine if development approval is not required for a temporary use which is not in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period, in accordance with Clause 61(2)(d) of the Planning and Development (Local Planning Schemes) Regulations 2015.</p>		<p>This delegation must not be exercised by the Delegated officer where:</p> <ul style="list-style-type: none"> <li>a) The proposal is for a mobile trader;</li> <li>b) The Delegate considers the development will have the potential to negatively impact on the amenity of the locality;</li> <li>c) A written objection has been lodged during a formal advertising period;</li> <li>d) The Delegate considers an application should be advertised for public comment and no advertising has been conducted;</li> <li>e) Development proposals are considered by the Delegate to have a strategic impact and as a result involve issues in which Council has a direct interest;</li> <li>f) The Delegate considers the proposal has potential to negatively impact on World Heritage values.</li> </ul>
	<p><b>Dog Act 1976</b></p>		
<p><b>10AA (2)</b></p>	<p>The delegation must be in writing</p>	<p>✓</p>	
<p><b>10AA (3)</b></p>	<p>The delegation may expressly authorise the delegate to further delegate the power or duty</p>	<p>✓</p>	
	<p>Council delegate authority to the Chief Executive Office to further delegate any power or duty of the Dog Act 1976</p>	<p>✓</p>	
<p><b>10AA (4)</b></p>	<p>A local government's chief executive officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms or the delegation unless the contrary is shown</p>	<p>✓</p>	



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<b>10AA (5)</b>	Nothing in the section limits the ability of a local government's chief executive officer to perform a function through an officer or agent	✓	
<b>10AB (1)</b>	The Chief Executive Officer of a local government is to keep a register of: (a) delegations made under section 10AA(1); and (b) further delegations made under the authority of a delegation made under section 10AA(1).	✓	
<b>10AB (2)</b>	At least once every financial year - (a) delegations made under section 10AA(1); and (b) further delegations made under the authority of a delegation made under section 10AA(1), are to be reviewed by the delegator.		
	<b>Cat Act 2011</b>	✓	
<b>Section 3</b>	A local government may approve in writing an operator of a cat management facility	✓	
<b>Section 9</b>	A local government may grant, renew or refuse an application for cat registration	✓	
<b>Section 9(5)</b>	A local government may require an applicant to give documents or information relating to registration, within a specified time of not more than 21 days and may require information to be verified by statutory declaration	✓	
<b>Section 10</b>	A local government may cancel the registration of a cat	✓	
<b>Section 11</b>	A local government is to issue a registration number, certificate and tag, including a replacement certificate or tag	✓	
<b>Section 12</b>	A local government must keep a cat register	✓	
<b>Section 13</b>	A local government must notify the owner of cat the outcome of a decision	✓	
<b>Section 26</b>	A local government may issue a cat control notice	✓	

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<b>Section 37</b>	A local government may grant, renew or refuse an approval to breed application	✓	
<b>Section 37(3)</b>	A local government may require an applicant to give document or information relating to a breeder application, within a specified time of not more than 21 days and may require information to be verified by statutory declaration	✓	
<b>Section 38</b>	A local government may cancel an approval to breed	✓	
<b>Section 39</b>	A local government must issue a certificate to an approved breeder	✓	
<b>Section 40</b>	A local government must notify the person affected by the decision in writing of the outcome	✓	
<b>Section 42</b>	A local government is to administer local laws	✓	
<b>Section 47</b>	A CEO needs to keep a register of delegations	✓	
<b>Section 48</b>	A local government may appoint, in writing, authorised persons	✓	
<b>Section 49</b>	A local government may recover the costs of having to destroy a cat	✓	
<b>Section 37, reg 22</b>	A local government may refuse an application to breed if the applicant has had an infringement in the past 12 months	✓	
	Council delegate authority to the Chief Executive Office to further delegate any power or duty of the Cat Act 2011	✓	
	<b>Health Act 2016</b>		
<b>Section 21(1)(b)(i)</b>	A power or duty conferred or imposed on an enforcement agency may be delegated if the enforcement agency is a local government, to the chief executive officer of the local government.	✓	Refer Ordinary Council meeting held on the 19 December 2016 Item 15.1 for delegation authority
	<b>Bush Fires Act 1954</b>		
<b>Section 48 Part V (1)</b>	A local Government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.	✓	

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

(2)	Performance by the chief executive officer of a local government of a function delegated under subsection (1) - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown, and (b) is to be treated as performance by the local government	✓	
(3)	A delegation under this section does not include the power to subdelegate	✓	
(4)	Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.	✓	
	<b>Graffiti Vandalism Act 2016</b>		
<b>Part 3 Division 1 16 (1)</b>	The local government may delegate to its chief executive officer the exercise of any of its powers or the discharge of any of its duties under another provision of this Part.	✓	
<b>Part 3 Division 1 16 (2)</b>	A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.	✓	
<b>Part 3 Division 1 16 (3)</b>	A decision to delegate under this section is to be made by an absolute majority.	✓	
<b>Part 3 Division 1 17 (1)</b>	A chief executive officer may delegate to any employee of the local government the exercise of any of the chief executive officer's powers or the discharge of any of the chief executive officer's duties under another provision of this Part other than this power of delegation.	✓	
<b>Part 3 Division 1 17 (2)</b>	A delegation under this section is to be in writing any may be general or as otherwise provided in the instrument of delegations.	✓	

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

<p><b>Part 3</b> <b>Division 1</b> <b>17 (3)</b></p>	<p>This section extends to a power or duty the exercise or - discharge of which has been delegated by a local government to the chief executive officer under section 16, but in case of such a power or duty- (a) the chief executive officer's power under this section to delegate the exercise of that power or the discharge of that duty; and (b) the exercise of that power or the discharge of the duty by the chief executive officer's delegate, are subject to any conditions imposed by the local government on its delegation to the chief executive officer.</p>	<p>✓</p>	
<p><b>Part 3</b> <b>Division 1</b> <b>17 (4)</b></p>	<p>Subsection (3)(b) does not limit the chief executive officer's power to impose conditions or further conditions on a delegation under this section.</p>	<p>✓</p>	
<p><b>Part 3</b> <b>Division 1</b> <b>17 (5)</b></p>	<p>In subsections (3) and (4) - <b>conditions</b> includes qualifications, limitations or exceptions.</p>	<p>✓</p>	

26 AUGUST 2020

11.2 MRS HARGREAVES  
P1075

Author  
Chief Executive Officer

Disclosure of Any Interest  
Nil

Officers Recommendation

That the request from Mr Hargreaves for reimbursement of \$10,000 for costs as indicated in Mr Hargreaves correspondence be noted, the request be refused, and no further action be taken in regard to this matter.

OR

That the request from Mr Hargreaves for reimbursement of \$10,000 for costs as indicated in Mr Hargreaves correspondence be noted and the request be approved.

Moved           Cr Ridgley  
Seconded       Cr Burton

**Council Resolution**

**That the request from Mrs Hargreaves for reimbursement of \$10,000 for costs as indicated in Mrs Hargreaves correspondence be noted, the request be refused, and no further action be taken in regard to this matter.**

**6/0 CARRIED**

Background

The Shire has received a request from Mr Hargreaves for reimbursement of expenses associated with the road resumption process.

Comment

The report and significant correspondence on this matter is attached.

Following the request the Chief Executive Officer emailed Mr Hargreaves requesting copies of receipts to substantiate the surveyors costs claimed to have been expended by Mr Hargreaves with the resumption process.

No response has been received.

Mr Hargreaves has subsequently emailed the President with a receipt from the surveyor that indicates expenses and advice that would appear not to match what Mr Hargreaves claimed in his initial correspondence.

The email response from the licensed surveyor Mr Brad Collard dated 22 July 2020 advises Mr Hargreaves as follows;

*sl just wanted to clarify that our total invoicing for this job was for \$4150 (Exclusive of GST) as per our quote plus the Landgate lodgement fee of \$430 (Exclusive of GST) which we paid on your behalf upon lodgement of the Deposited Plan.*

*There was no additional invoicing as a result of our re-visiting site to correct the marking of the new boundary alignment.*

## MINUTES OF THE ORDINARY COUNCIL MEETING

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*Please don't hesitate to contact me if you require a copy of our invoice or quote for this job or if you have any further queries.*

The correspondence in regard to this matter including the commitment from Mrs Hargreaves, who is the registered owner of the property to meet all costs is attached.

Mr Hargreaves claim in summary from the attached email is as follows:

*Hence this letter to you Councillors for some fair & just recompense that goes back some 30 years to what was a Shire doing in the first place.*

*I think \$5,000 outstanding for the last Surveyors bill & \$5,000 for the building of the wall, the accompanying fill & 30 odd years of maintaining the critical overflow drain from the Sump would be more than fair. And it finishes there.*

*Otherwise my wife & I regret it becomes a matter for litigation. Naturally the Surveyors' approximate dollar figures given in this communication can be given in exact amounts per invoices & dates.*

Mr Hargreaves also makes a number of claims to support his request for reimbursement which are historical in content and difficult to address which can be dealt with if as Mr Hargreaves has indicated the matter proceeds to litigation.

### Legal Implications

There are no legal implications relative to this report.

### Policy Implications

There are no policy implications relative to this report.

### Financial Implications

The request for reimbursement from Mr Hargreaves is for \$10,000 the Council has not included a provision of this nature in the 2020/2021 budget

### 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

4 August 2020

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

MINUTES OF THE ORDINARY COUNCIL MEETING

25 MAY 2016

Moved Cr Bellottie  
Seconded Cr Prior

**Council Resolution**

**That the Ordinary Council meeting be adjourned at 5.06 pm.**

**4/0 CARRIED**

The President reconvened the Ordinary Council meeting at 5.16 pm with all Councillors present.

Moved Cr Prior  
Seconded Cr Cowell

**Council Resolution**

**That the meeting be closed to members of the public in accordance with section 5.23(2) of the *Local Government Act 1995* for Council to discuss matters of a confidential nature.**

**5/0 CARRIED**

20.1 LOT 100 (14) DURLACHER STREET, DENHAM  
P1075

AUTHOR  
Liz Bushby

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Gray and Lewis

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

Moved Cr Capewell  
Seconded Cr Wake

**Council Resolution**

**That Council:**

1. Note the general description of activities carried out on Lot 100 (14) Durlacher Street Denham from a site inspection conducted by the Shires Consultant Planner and Manager of Works (Attachment 2).
2. Authorise the Chief Executive Officer to proceed with Option 1 in the report which is to write to the owner of Lot 10 Durlacher Street.
3. Authorise the Chief Executive Officer to write to the owner of Lot 100 (14) Durlacher Street Denham requesting removal of all structures encroaching into the Hughes Street road reserve in accordance with Regulation 6 and/or 7 of the Local Government (Uniform Local Provisions) Regulations 1996.
4. Note that further reports will be referred to future Council meetings to keep Councillors informed in regards to this matter.

**5/0 CARRIED**

Confirmed at the Ordinary Council meeting held on 29 June 2016 123 Signed by the Chairperson Cr Capewell \_\_\_\_\_

MINUTES OF THE ORDINARY COUNCIL MEETING

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26 AUGUST 2020

UNDER SEPARATE ATTACHMENT IS THE CONFIDENTIAL REPORT BY THE CHIEF EXECUTIVE OFFICER THAT WAS PRESENTED TO THE MAY 2016 ORDINARY COUNCIL MEETING.

As this report was confidential when originally presented to Council it is required to stay as a Confidential Report.



MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JULY 2016

11.3 ENCROACHMENT – LOT 100 (14) DURLACHER STREET, DENHAM  
P1075

AUTHOR  
CHIEF EXECUTIVE OFFICER

DISCLOSURE OF ANY INTEREST  
Nil

Officer Recommendation

Option 1

Advise the owner of Lot 100 (14) Durlacher Street that Council's resolution of 25 May 2016 stands and they are to remove all structures encroaching on the Hughes Street road reserve.

OR

Option 2

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

Moved Cr Ridgley  
Seconded Cr Wake

Council Resolution

**That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 3.35pm for open discussion on the encroachment of Lot 100 (14) Durlacher Street, Denham.**

6/0 CARRIED

Moved Cr Laundry  
Seconded Cr Wake

Council Resolution

**That Council resume Standing Orders at 3.47 pm.**

6/0 CARRIED

Moved Cr Capewell  
Seconded Cr Laundry

Council Resolution

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

6/0 CARRIED

Confirmed at the Ordinary Council meeting held on the 31 August 2016 – Signed by the President Cr Cowell \_\_\_\_\_

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# MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

## MINUTES OF THE ORDINARY COUNCIL MEETING

27 JULY 2016

### BACKGROUND

At the Council meeting held in 25 May 2016 the Council was presented with a report on activities occurring at 14 Durlacher Street Denham, which in part dealt with encroachment onto the Hughes Street road reserve resolved the following:

***Authorise the Chief Executive Officer to write to the owner of Lot 100 (14) Durlacher Street Denham requesting removal of all structures encroaching into the Hughes Street road reserve in accordance with Regulation 6 and/or 7 of the Local Government (Uniform Local Provisions) Regulations 1996.***

Mrs and Mr Hargreaves have replied in writing to Council's resolution (attached) in which they stated;

*I confirm we will be making application to the lands dept. for the acquisition of that road reserve land we encroached upon running alongside the sump overflow drain.*

As indicated in the correspondence the Chief Executive Officer had a brief conversation with Mr Hargreaves in which Mr Hargreaves was advised that the road reserve was vested in the Council and he should apply to the Council to see if they would consider the option for Mr Hargreaves in the first instance to acquire the land.

### COMMENT

The survey (attached) indicates the property boundary to be 2.0metres to 2.5metres from the colour bond fence that is constructed around the stormwater sump on the Hughes Street road reserve.

The area of land between the fence and the property boundary is difficult to access unless Council removes the fence and fills the sump to utilise the area as open space.

It would be viable to utilise the sump fence as a property boundary and take in all encroachments past this point to a junction on the Durlacher Street frontage as part of a new property boundary.

There is still sufficient road reserve to accommodate a realigned boundary on the Hughes Street frontage and any newly aligned boundary for the Durlacher Street frontage would not impact upon any traffic sight lines.

The Council has the following options:

#### Option 1

Reaffirm Council resolution and advise the owners that Council's resolution of 25 May 2016 stands and they are to remove all structures encroaching on the Hughes Street road reserve.

Confirmed at the Ordinary Council meeting held on the 31 August 2016 – Signed by the President Cr Cowell \_\_\_\_\_

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# MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

## MINUTES OF THE ORDINARY COUNCIL MEETING

27 JULY 2016

### Option 2

Agree to the owner's position of the acquisition of the area of road reserve that the encroachment is occurring on and commence proceedings for this to occur, with the applicant meeting all costs associated with the process.

Note while option 2 may appear to negate the Council resolution of May 2015 it would be advisable at this point in time not to rescind the original motion to ensure that if negotiations or there is some unknown impediment to the purchase and realignment of the boundaries Council's resolution to remove the encroachments is still in force and can be enacted upon.

While the correspondence indicates that Mrs and Mr Hargreaves will make application to the Department of Lands, it would be prudent for Council to have some control of this process to ensure that it reaches a conclusion in a timely manner.

The Council must also approve of any application to acquire any portion of the road reserve.

Prior to any further action being undertaken to commence the proceedings for the sale of the reserve and the realignment of the boundaries a commitment from Mrs Hargreaves to meet all costs associated, including those incurred by the Council in this process should also be confirmed.

### LEGAL IMPLICATIONS

*Local Government (Uniform Local Provisions) Regulations 1996* - the issue of building across boundaries will in the first instance be addressed by notifying the owner that their building activity has encroached on the road reserve and requesting them to address the matter. A notice may need to be issued dependent upon the owner's actions to address the encroachment matter.

Under the *Local Government (Uniform Local Provisions) Regulations 1996* a person must not place on a public thoroughfare anything that obstructs it, and / or must remove any part of a structure encroaching on a public thoroughfare.

*Local Government Act 1995* – An offender may be given notice under Section 3.25(1) (b) of the Act for breaches of the *Local Government (Uniform Local Provisions) Regulations 1996*.

*Land Administration Act 1997* - regarding sale of reserve land.

### FINANCIAL IMPLICATIONS

Option 1- if the property owner does not remove any encroachments there may be costs associated with legal action and the removal of the encroachments by Council.

Option 2 - All cost associated with the resurveying of the property and the acquisition of the land are the responsibility of the applicant/owner (Mrs Hargreaves).

Confirmed at the Ordinary Council meeting held on the 31 August 2016 – Signed by the President Cr Cowell \_\_\_\_\_

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STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this report.

RISK MANAGEMENT

There is minimal risk associated with either option one or two. Both courses of action reduce the risk associated with the encroachment onto the road reserve.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer *P Anderson*

Date of Report 22 July 2016

Confirmed at the Ordinary Council meeting held on the 31 August 2016 – Signed by the President Cr Cowell \_\_\_\_\_

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T 10 15  
1-PR-21307

SHARK BAY CRISIS CENTRE

RECEIVED

14 JUL 2016

SHIRE OF SHARK BAY

*Under the auspices of the Shark Bay Christian Fellowship and working in conjunction with the  
Department of Family and Community Services, and the WA Council of Social Services (WACOSS)*

Established 1983  
ABN 83.325.318.348

P.O Box 50 Shark Bay, West Australia 6537  
Telephone: (08)99481338

C.E.O. Mr. Paul Anderson  
C.C. all Councillors  
Mrs. Bushby – Grey & Lewis Planning  
Mr. Brian Galvin – Shire Works Manager

Shark Bay Crisis Centre – **Encroachment/Road Reserve/Hughes Street – 14 days notice to reply**  
(Your letter of the 30<sup>th</sup> June actually received by me on the 5h July.)

In confirmation of our brief conversation in the Shire Offices I confirm we **will be making application to the Lands Dept.** for the acquisition of that Road Reserve land we encroached upon running alongside the sump overflow drain.  
(signed)

T.W. & M.A. Hargreaves

M. Hargreaves 14 July 2016

Affiliated to the Australian Aboriginal Outreach under the Assemblies of God Missions Ministry; W.A. and in and ongoing involvement with, or support of the Good Samaritans; the Salvation Army; the Bible Society of W.A.; The Leprosy Mission; Christian Blind Mission International; Open Doors (Brother Andrew); Youth with a Mission (YWAM); Aerial Mission; Australian Federation for The Family; Christian Women Communicating Internationally (CWCI); Euro Vision; Australian Red Cross; Vision FM 87.6 Radio Station. 主耶稣中国教会 The China connection

Confirmed at the Ordinary Council meeting held on the 31 August 2016 – Signed by the President Cr Cowell \_\_\_\_\_

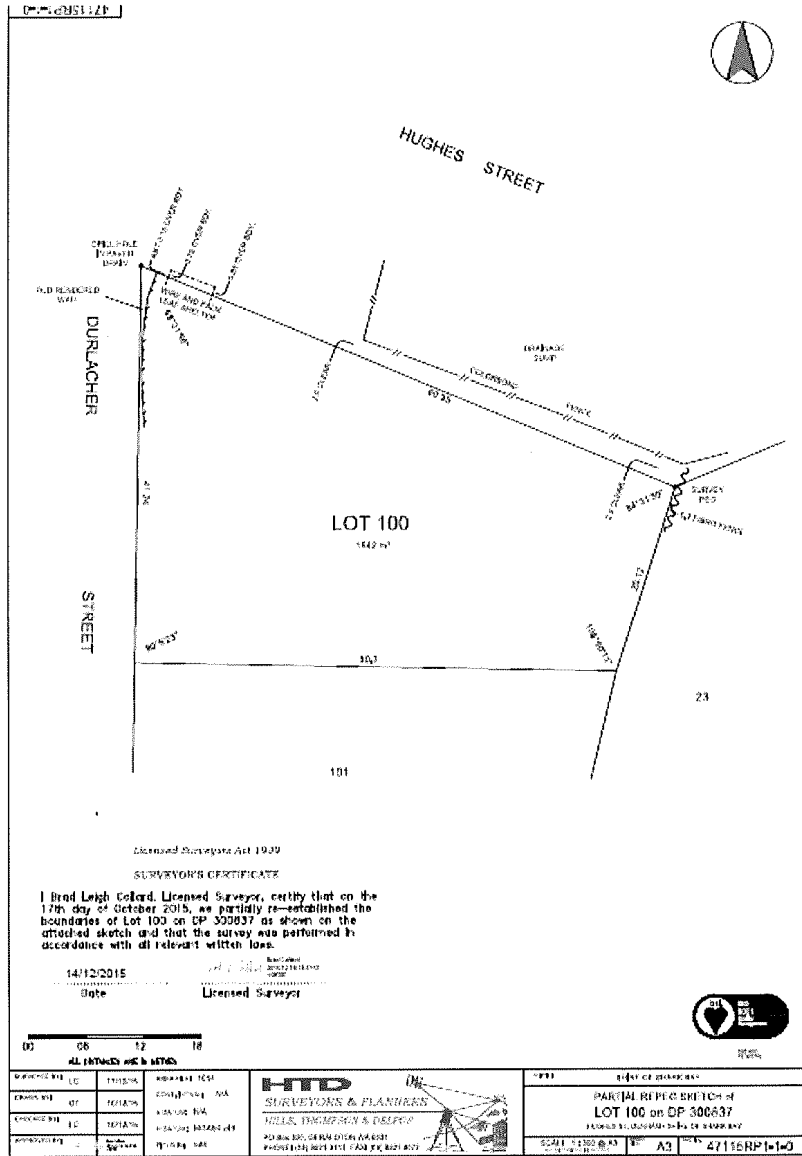
73

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Confirmed at the Ordinary Council meeting held on the 31 August 2016 – Signed by the President Cr Cowell \_\_\_\_\_

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- 13.4 GENERAL CORRESPONDENCE – TIM HARGREAVES – LOT 100 DURLACHER STREET, DENHAM (CRISIS CENTRE) P1075

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved Cr Bellottie  
Seconded Cr Laundry

Council Resolution

That the meeting be closed to members of the public in accordance with section 5.23(2) of the Local Government Act 1995 for Council to discuss matters of a confidential nature.

5/0 CARRIED

The visitors in the gallery left the Council Chamber at 4.00 pm.

Moved Cr Bellottie  
Seconded Cr Fenny

Council Resolution

That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 4.01 pm for open discussion on the item.

5/0 CARRIED

Moved Cr Laundry  
Seconded Cr Fenny

Council Resolution

To Reinstate Standing Orders at 4.25pm.

5/0 CARRIED

Moved Cr Bellottie  
Seconded Cr Laundry

Council Resolution

That the meeting be reopened to the members of the public.

5/0 CARRIED

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Moved Cr Fenny  
Seconded Cr MOTION LAPSED FOR WANT OF A SECONDER

### Councillor Motion

That Council writes to the Hon. David Templeman, recognising the noble efforts of Tim and Maggie Hargreaves and the enormous value of the Shark Bay Crisis Centre to the Shark Bay community and to formally apply, on their behalf, for an exemption to use their caravans at Lot 100 Durlacher Street for crisis accommodation for longer than 3 months.

Moved Cr Fenny  
Seconded Cr Cowell

### Council Resolution

That Council:

1. **Note that:**
  - (i) Mr and Mrs Hargreaves wrote to Shire on the 14 June 2016 committing to complying with the conditions of the planning approval dated 3 February 1999. The conditions limit the crisis centre to one caravan for accommodation, for a maximum of 3 nights.
  - (ii) Mr Hargreaves has now requested that Council waive any time restrictions for the use of existing caravans for crisis care, however the restriction was imposed as a condition of a planning approval dated 3 February 1999.
  - (iii) The requirements under the *Caravan Parks and Camping Grounds Regulations 1997* are separate to the requirements of the existing planning approval, and planning legislation.
  - (iv) Under the *Caravan Parks and Camping Grounds Regulations 1997* only the Minister has the ability to approve the use of more than one caravan for a period exceeding 3 months. Hence the Shire has no ability to consider Mr Hargreaves request for a complete waiver of time frames.
  - (v) Mr Hargreaves has been advised of the need to lodge a new planning application if he wishes to operate the crisis centre in a different way, and thus far has not lodged any formal application to the Shire for consideration.
2. Authorise the Chief Executive Officer and or/ Liz Bushby (Town Planning Innovations) to respond to similar future correspondence by Mr Hargreaves by providing a copy of the same advice already detailed in a letter dated 17 March 2017 and a copy of this report.
3. Authorise the Chief Executive Officer to advise Mr Hargreaves as follows:



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- (a) Shire Administration has already explained the situation thoroughly in letters dated 3 June 2016, 17 June 2016 and 17 March 2017.
- (b) The existing restrictions under the conditions of the planning approval dated 3 February 1999 are not affected by any separate approvals under the *Caravan Parks and Camping Grounds Regulations 1997*.

The Shire Council does not support, nor does it have the power to endorse, the use of caravans for more than 3 months under the *Caravan Parks and Camping Grounds Regulations 1997*.

- (c) The Shire Council confirms that any further correspondence in relation to this same matter will be actioned by the Chief Executive Officer and / or Liz Bushby (Town Planning Innovations) until or unless a formal planning application is lodged seeking a new approval for a modified proposal for the Crisis Centre.

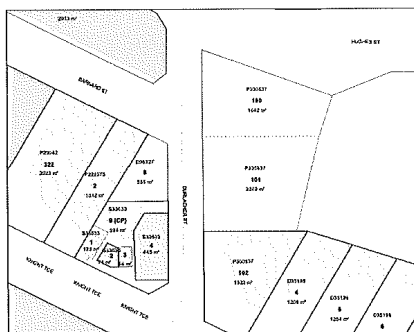
The Chief Executive Officer and Ms Bushby will simply send a copy of previous correspondence in response to any new letters as Council Administration has already explained the only option which is to lodge a new planning application.

- 4. Authorise the Chief Executive Officer to refer a copy of Mr Hargreaves letter and this report to Mr Vincent Alexander Catania MLA and the Minister for Local Government; Heritage; Culture and the Arts for information.

4/1 CARRIED

BACKGROUND

Lot 100 is located on the corner of Durlacher Street and Hughes Street in Denham – refer location plan below. Lot 100 is owned by Margaret Anne Hargreaves.



Confirmed at the Ordinary Council meeting held on the 30 August 2017 – Signed by the President Cr Cowell

MINUTES OF THE ORDINARY COUNCIL MEETING

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Councils' records indicate that Lot 100 has been used for operation of a Crisis Centre for an ongoing period to accommodate people in need. At some stage the lot number of the property has changed and it was previously known as Part Lot 58.

There is correspondence by the Shire dating back to 3 September 1998 relating to unauthorised use of caravans for emergency accommodation – Attachment 1 at the end of this report.

A summary of historic Council reports is included below:

Report Item reference	Council meeting date	Resolution
9.5	30 September 1988	That the various issues in respect to the use of the land and the various structures on 6 (Part Lot 23) Durlacher Street Denham be held in abeyance pending further enquiries and obtaining advice from the various sources detailed in the report.
11.1	27 January 1999	That Council grant conditional approval for the placement of three caravans within the Durlacher Street and Hughes Street frontage setback areas of Pt Lot 58 for the purpose of – <ol style="list-style-type: none"> <li>1 Temporary accommodation of one caravan in accordance with the provisions of the Caravan Parks and Camping Ground Act 1995 and Caravan Parks and Camping Ground Regulations 1997, whereby such use is limited to a maximum of three nights with any one occupant.</li> <li>2 Use of two caravans for the storage of clothing and household goods for charitable purposes only and not for use as habitation purposes.</li> <li>3 Such uses shall be subject to the following conditions                             <ol style="list-style-type: none"> <li>a) The caravans shall be maintained in a neat, clean and tidy state suitable for accommodations purposes (1 van) and free from vermin and pests (3 vans).</li> <li>b) Screening of the vans from view from the adjoining streets to be maintained utilising adequate fences, screens and materials.</li> <li>c) The exteriors of the caravans to be painted in neutral tones and maintained in an acceptable state of repair.</li> <li>d) Each caravan is to be provided with suitable cyclonic tie downs and footings systems for periods of high winds, or alternatively maintained in a moveable state such that they can be towed from the site at any time and relocated to suitable premises when cyclone watch alerts are proclaimed.</li> <li>e) The immediate area around each caravan is to be kept in a neat and tidy state and not to be used for any other materials storage type use.</li> <li>f) Any change or proposal to change use of any of the caravans will require additional approval/consideration by Council.</li> </ol> </li> </ol>

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11.4	11 December 2011	<ol style="list-style-type: none"> <li>1. That the owners of 6 (part Lot 23) Durlacher Street be requested to remove the two (2) additional caravans and palm fond structures from the lot within seven (7) days as they are considered to be in contravention of Regulation 12(1) of the Caravan Parks and Camping Grounds Regulations 1997 and, if this advice is not complied with then –</li> <li>2. That an infringement notice be served on the landowners (TA and MA Hargreaves) in relation to the contravention of Regulation 12(1) of the Caravan Parks and Camping Grounds Regulations 1997 and also confirm with the owners that if they do not remove the offending caravans and pay that modified penalty further action may be taken either under the Caravan Parks and Camping Grounds Regulations 1997 or for the contravention of the Town Planning Scheme No 2 (as amended).</li> </ol>
20.1	25 May 2016	<ol style="list-style-type: none"> <li>1. Note the general description of activities carried out on Lot 100 (14) Durlacher Street Denham from a site inspection conducted by the Shires Consultant Planner and Manager of Works.</li> <li>2. Authorise the Chief Executive Officer to proceed with Option 1 in the report which is to write to the owner of Lot 100 Durlacher Street.</li> <li>3. Authorise the Chief Executive Officer to write to the owner of Lot 100 (14) Durlacher Street Denham requesting removal of all structures encroaching into the Hughes Street road reserve in accordance with Regulation 6 and/or 7 of the Local Government (Uniform Local Provisions) Regulations 1996</li> <li>4. Note that further reports will be referred to future Council meetings to keep Councillors informed in regards to this matter.</li> </ol>

A planning application was lodged on the 23 December 1998 proposing to use one caravan for short term accommodation and 2 caravans for storage of charitable goods on Part Lot 58 Durlacher Street and Hughes Street Denham.

The application was considered by Council at the Ordinary Meeting held on the 27 January 1999 and conditional approval was granted.

The existing planning approval dated 3 February 1999 was for accommodation and storage facilities for the purpose of:

<b>Approved landuse - Planning Approval dated 3 February 1999</b>	
a	Temporary accommodation of one caravan in accordance with the provisions of the Caravans] Parks and Camping Ground Act 1995 and Caravan Parks and Camping Grounds Regulations 1997, whereby such use is limited to a maximum of three nights with any one occupant.
b	Use of two caravans for the storage of clothing and household goods for charitable purposes only and not for the use as habitation purposes.

COMMENT

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- **Zoning**

Lot 100 is zoned Town Centre under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

- **Historic Advice**

The Shire has explained the situation in detailed correspondence dated 3 June 2016 and 17 June 2016 to Mr Hargreaves.

Despite the above, Mr Hargreaves has continued to approach Council seeking increased flexibility to utilise more than one caravan for accommodation without time restrictions.

Following attendance by Mr Hargreaves to the February 2017 Council meeting, the Shire sent a letter dated 17 March 2017 explaining that:

1. On the 23 December 1998 he lodged a planning application to the Shire seeking approval to use 1 caravan for '*short term shelter*' and 2 caravans for the storage of '*clothes/household goods*'.

The Shire simply approved the application that was proposed at that time. Council has no ability to modify the existing approval retrospectively (being 19 years later).

2. Mr and Mrs Hargreaves provided a written commitment to the Shire on the 14 June 2016 to comply with the existing planning approval.
3. If Mr Hargreaves wants to apply to operate the Crisis Centre in a different way than originally proposed, and was granted approval to do, then he needs to lodge a new planning application so that it can formally be considered by the Shire of Shark Bay Council within the parameters of the relevant legislation.

- **New correspondence**

Mr Hargreaves has lodged a new email to the Shire dated 14 July 2017 seeking support to use 3 caravans for crisis centre clients for more than 3 nights.

The problem with Mr Hargreaves approach is that he has not lodged any new planning application for Shire consideration. Irrespective of other legislation, Mrs Hargreaves (owner), has a legal obligation to comply with the conditions of the existing planning approval dated 3 February 1999.

Council Administration is taking the opportunity to present a general report to Council to:

1. Provide Mr Hargreaves with an opportunity to attend the Council meeting, and represent his submission fully.
2. Reduce resources taken to respond to ongoing letters from Mr Hargreaves on essentially the same matter.

A copy of Mr Hargreaves email is included as Attachment 2 and is summarised below:

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26 JULY 2017

SUMMARY OF EMAIL DATED 14 JULY 2017	CONSULTANT COMMENTS
<p>So there be no ambiguity I will re-cap on certain aspects of the situation.</p> <p>For some 30 years my wife &amp; I have run this self-funded Crisis centre as an extension to our Christian Fellowship run from our home at the corner of Hughes &amp; Durlacher Streets in Denham.</p> <p>The overall facility is large, set on nearly half an acre of land roughly in the centre of town &amp; opposite, on respective corners, to the Police Station on, Silver chain Nursing Post, &amp; the Town Hall.</p>	<p>Noted. Lot 100 is zoned 'Town Centre' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').</p>
<p>This community facility, the longest established Registered Charity of its kind in the Gascoyne I understand (of some 30 years ) consists of the main house with its central courtyard on approx. half an acre with five bedrooms &amp; three bathrooms plus three on-site caravans.</p>	<p>Noted. This is a statement.</p>
<p>Until June of 2016 there had been no limitation of the length by those in Crisis at this Centre.</p> <p>After June of 2016 the Shire, on the recommendations of Town Planners Gray &amp; Lewis (Mrs. Liz Busby) imposed a limitation length of stay of <i>only</i> 3 nights, for <i>only one</i> individual, in <i>only one</i> caravan.</p> <p>Any breach of this ruling would result in a fine of some \$500,000.00.</p>	<p>This statement is incorrect. The limitation on the length of stay and number of caravans was imposed by Council as a condition of planning approval in December 1998. At that time Gray &amp; Lewis did not consult for the Shire.</p> <p>Following a site inspection by Liz Bushby and Brian Galvin on the 8 April 2016 there was evidence that the owners did not comply with the existing approval. After June 2016 the owner was requested to comply with the existing approval.</p> <p>The limitations have been in place since February 1999. The Shire has simply taken action to enforce compliance since June 2016.</p> <p>The owner has been advised that they can lodge a new planning application.</p>
<p>This situation has resulted in all manner of hardships for my wife &amp; myself, clients &amp; in some instances considerable inconvenience &amp; cost to the local infrastructure of this Town as in Silver Chain, the Police, &amp; the Emergency services.</p>	<p>In 1998 the owner applied for one caravan to be used for short stay, and 2 caravans to be used for the storage of '<i>clothes/household goods</i>'.</p> <p>Mr Hargreaves is complaining about the outcome when Council, at the time, simply approved the development as submitted.</p>

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<p>The email refers to examples of guests – refer Attachment 1.</p>	<p>Noted.</p>
<p>Councillors &amp; Mr. CEO – every one we have had through our place &amp; helped over a rough patch – bar those few exceptions as mentioned involving the Police &amp; Axillary services &amp; these occurrences ONLY SINCE THE 3 DAY IMPOSITION, have, after a while, got back on their feet. Sometimes it only needs a place to stay rent free for a few months until their Centrelink, or whatever the problem it is, sorts itself out. Sometimes, particularly with deep seated physiological problems, longer. And the neighbouring towns of Geraldton or Carnarvon aren't necessarily easier for people in a fix. In fact on the contrary. There is hardly anything outside of Perth, particularly for men, where people can turn to in times of crisis. This contributes to the high suicide rate of 2 people taking their lives every 24 hours.</p>	<p>Noted. The owner has not lodged any new planning application for consideration by the Shire.</p>
<p>Despite a transient population of approx. 130,000 adults a year through Shark Bay, we have one of the lowest suicide rates in the country. It stands at 3 people in the last 30 years or one every ten years. I know our Crisis Centre has played its part in achieving that figure as I have known those three that took their lives as I have known the many that have seriously considered this final act to put an end to everything.</p>	<p>Noted. This is a statement.</p>
<p>Now I understand there is provision in the Local Gov't Act under the Caravan Park &amp; Camping Ground Regulations 1997 (#11) whereby you as a Council can give permission to utilise a caravan for up to 3 months. But the Minister responsible for Local Government – the Hon. David Templeman MLA - can give approval for a Caravan(s) to be used for longer than 3 months.</p>	<p>Noted. Section 11 allows a person to camp on property which <i>he or she owns or has a legal right to occupy</i> . This regulation relates to the owner camping</p> <p>Noted. In accordance with Regulation 13 (a) and (b) the Minister would have to be satisfied that the land is suitable for camping with respect to safety and health, and access to services. This regulation relates to the owner camping</p> <p>Town Planning Innovations is of the view that it is unlikely the Minister would approve camping where it would contravene an existing planning approval.</p>
<p>Rather than my going to this M.P. myself with an Appeal I am asking this Council to table a motion for a complete waiver of time frames as has been the <i>modus operandi</i> with all previous Councils for the past 30 years.</p>	<p>Under the <i>Caravan Parks and Camping Grounds Regulations 1997</i>, only the Minister has the ability to give written approval. This statement is factually incorrect in regard to previous councils.</p>

# MINUTES OF THE ORDINARY COUNCIL MEETING

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Mr Hargreaves may pursue whichever avenues he wishes, however it will not alter the fact that there is an existing planning approval with conditions that place limitations on the use of caravans.

The owner has been provided with written advice that they can lodge a new planning application to the Shire. If the owner does not pursue a planning application then Town Planning Innovations cannot refer any new proposal to Council for a new determination.

### CEO's comment

Mr Hargreaves by his own admissions would appear to have non-compliant with the Town Planning approval that was granted by council in 1999 on numerous occasions.

The reference in regard to previous councils waiving of all time frames as the *modus operandi for the past 30 years* fails to recognise the Town Planning approval that was granted in 1999 and the actions taken in 1998 that precipitated this approval.

Based upon Mr Hargreaves assertions previous councils and administration would have appeared to be remiss in their obligations to uphold the provisions of the Town Planning Scheme and individual town planning approvals, however this particular approval and situation is unique and as evidenced in recent times requires significant resources to ensure a degree of compliance by the individual in accordance with the approval granted and the Shires Town Planning scheme.

### LEGAL IMPLICATIONS

*Planning and Development Act 2005 –*

Under Clause 211 (1)(a) of Part 13 a person who is aggrieved at the failure of a local government to enforce or implement effectively the observance of a local planning scheme may make representation to the Minister for Planning.

Under Clause 218 a person who does not comply with a condition of planning approval commits an offence.

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

*Caravan Parks and Camping Grounds Act 1995 –* This report does not focus on any breaches of the Caravan Parks and Camping Grounds Act 1995 as prosecution for a breach of the existing planning approval is likely to achieve a more successful outcome.

### POLICY IMPLICATIONS

There are no policy implications relative to this report.

### FINANCIAL IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

Under the Shire of Shark Bay Local Planning Strategy and Draft Local Planning Scheme No 4, Lot 100 is proposed to be zoned 'Commercial' with an R50 density code.

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RISK MANAGEMENT

The Shire has obligations to uphold the provisions of the Scheme.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L. Bubbly*

Chief Executive Officer

*P. Anderson*

Date of Report

18 July 2017



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MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

ATTACHMENT # 1

CA 100.04 BU 102 PB.KML  
Peter Brooks

3 September 1988

Mr T Hargreaves  
6 Durlacher Street  
DENHAM WA 6537

Dear Tim

**CARAVANS AND NON-APPROVED STRUCTURES**

Recently Council Officers have become aware of the presence of 2 additional caravans and the construction of palm frond thatched shade structure surrounding 2 caravans on your property at 6 (part Lot 23) Durlacher Street.

With this situation having been effected by yourself I must draw to your attention a number of issues of concern which will require remedial action in order to remove a cause for complaints.

Concern is raised about the addition of a further 2 caravans onto your land. Whilst these are currently not in a useable/habitable condition the positioning of any of the caravans within the front setback areas from either street is contrary to Town Planning Scheme No 2 which states -

*Clause 4.4.10*

*Except as in hereinafter provided, no caravans, boats, trailers and similar items shall be stored between a dwelling and the street.*

Council may grant special approval where certain situations/conditions can be satisfied. This approval would only be expected to apply to 1 caravan - if granted. Accordingly you are requested to arrange relocation of the caravans to a more suitable location on your land or alternatively to the light industrial area - a more appropriate location in this instance.

The issue of your providing emergency accommodation to destitute and delinquent persons is commendable and applauded. However, Council and its Officers need to ensure the overall community good and issues are considered and properly addressed and catered for. Your dwelling is a proper place of habitation and cannot be used as hostel/boarder house or the like within current legislative controls. In particular it is technically not within the scope of the Town Planning Scheme to permit approval of such uses within the Town Centre Zone.

Even though the *Caravan Parks and Camping Grounds Act 1995* and *Regulations 1997* permit Council to grant approval for caravan occupation for a maximum of 3 months in any 12 month period, where this occurs on residential land it is intended usually for direct family

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members and visiting friends and not for other persons. This Act cannot be used in a situation which overrides other Acts such as the *Town Planning and Development Act 1928* which empowers Town Planning Schemes.

Accordingly, you should seek to arrange alternative means to accommodate the people to whom you provide this charitable service. Utilising your residence itself would appear to be the best on-site option and would then be in compliance with the Town Planning Scheme and the Residential Planning Codes (R Codes).

The other matter which needs to be addressed is the construction of the palm frond thatched shade shelters erected (without approval) around two of the caravans. Whilst this has in effect provided a visual screening of the caravans it is considered to be in contravention of Part XV Section 399(1) of the *Local Government (Miscellaneous Provisions) Act 1960*, which states -

*399(1) Except where authorised to do so by a licence under paragraph (a), or a consent under paragraph (b), of subsection (4) of this section or under a by-law of the municipality, no person shall erect on land within the district, a building having external walls wholly or in part of wood, canvas, thatch, or other inflammable material, or having internal partitions or ceilings consisting either wholly or in part of calico, canvas, paper, or other inflammable materials, nor roof a veranda or balcony of a building with canvas or other inflammable material.*

The issue here is the inflammable nature of the palm frond thatch as well as the failure to seek and obtain building approval prior to construction being effected. Setbacks from boundaries also need to be considered.

At this time the issues raised above have not been reported upon, or considered by Council and you are invited to provide a written response to enable the matters to be given fair and reasonable consideration. Alternatively, you may wish to remove all the causes of concern and then the matter will not need to be referred to Council for consideration.

I look forward to your response to these issues of concern in due course.

Yours sincerely

  
Alan Briggs  
CHIEF EXECUTIVE OFFICER

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

MINUTES OF THE ORDINARY COUNCIL MEETING

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ATTACHMENT # 2

**From:** [Jim Haggenaves](mailto:Jim.Haggenaves)  
**To:** [admin@sharkbay.wa.gov.au](mailto:admin@sharkbay.wa.gov.au) / [Paul G. Anderson](mailto:Paul.G.Anderson)  
**Cc:** [David Templeman](mailto:david.templeman@imo.wa.gov.au)  
**Subject:** Shark Bay Crisis Centre - Ministerial Exemption sought  
**Date:** Friday, 14 July 2017 3:16:40 PM  
**Attachments:** [Scan0243.pdf](#)  
[Scan0136.pdf](#)  
[Scan0108.pdf](#)

**To the CEO & All Councillors – Shire of Shark Bay**

**Shark Bay Crisis Centre – Ministerial Exemption sought  
from current ruling of 3 day stay.**

I refer to past correspondence on the subject of the 3 day limit of stay at the Crisis Centre.

So there be no ambiguity I will re-cap on certain aspects of the situation.

For some 30 years my wife & I have run this self-funded Crisis centre as an extension to our Christian Fellowship run from our home at the corner of Hughes & Durlacher Steets in Denham.

The overall facility is large, set on nearly half an acre of land roughly in the centre of town & opposite, on respective corners, to the Police Station on, Silver chain Nursing Post, & the Town Hall.

This community facility, the longest established Registered Charity of its kind in the Gascoyne I understand (of some 30 years ) consists of the main house with its central courtyard on approx. half an acre with five bedrooms & three bathrooms plus three on-site caravans.

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Until June of 2016 there had been no limitation of the length by those in Crisis at this Centre. After June of 2016 the Shire, on the recommendations of Town Planners Gray & Lewis (Mrs. Liz Busby) imposed a limitation length of stay of *only* 3 nights, for only *one* individual, in only *one* caravan. Any breach of this ruling would result in a fine of some \$500,000.00.

This situation has resulted in all manner of hardships for my wife & myself, clients & in some instances considerable inconvenience & cost to the local infrastructure of this Town as in Silver Chain, the Police, & the Emergency services.

Firstly, to take the last scenario of costs to society alone.  
(Since Jan.2017)

**Peter Harris** (ex-Fremantle, late 20's) After 3 days in a van, & our home being full, when told he would have to leave he took himself to the Silver Chain Nursing Post & created a disturbance which necessitated the calling of Police who in turn drove or flew him to Carnarvon.

**Frank Gill.** Sometime of Hamelin Pool & sometimes of Fremantle. (See attachment). Normally of no trouble, stopping only 3 or 4 days in a van. This time, when told on arrival he could only stay 3 nights, purchased 2 bottles of whisky on the second day & spoke of going to Perth via Hamelin Pool. The whisky I confiscated – without any trouble – but when deciding to leave the following day without staying the third night, he asked for his whisky, proceeded to get drunk & disorderly & finished up on the

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pontoon moored near the fore-shore. Along with the Police, the VMR & then the Silver Chain were involved. He was that afternoon flown down to Perth. Police reckoned on the costs all up came to some \$20,000)

**Timmy- Lee Heign** (part Aboriginal woman) having just been discharged from Geraldton hospital after third miscarriage in 12 months & partner of Calvin Lovett. He a well-known Rodeo rider of bucking broncs & bulls in the N.T. & Texas whom Council met when we sought some clemency over the 3 day ruling. The town was full because of the Dirk Hartog celebrations. Timmy-Lee was too stressed after her last miscarriage & with having to move from the caravan she was in & back to the house every 3 days thereafter. There being no suitable accommodation they decided to leave Shark Bay. Her partner Calvin had very quickly become something of a hero in the eyes of local kids & they both wanted to stop in Shark Bay. They were anti-drugs & I had in mind a ministry with an influence for much good with local youth. A terrible indictment of Shark Bay & a real loss.

**Current** very real Crisis for **Matthew & Mary** (real names omitted – like most others I had never met them before ) He a social worker, she a school teacher. Matthew was close to finishing a contract in the Metropolitan area involving some 15 clients in need of re-habilitation. One of the clients, having signed over his dog to someone else due to his inability to look after it properly, now demanded it back. On being advised it would be inadvisable at this stage,

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threatened to kill Matthew.

Matthew felt some comfort in knowing his address was not known to the client but unbeknown to Matthew the client established his whereabouts.

On returning home that evening Matthew found two shallow graves had been dug on his property with an effigy placed in each one.

Other than a VRO – which the Police said could take a number of days to process & be heard by a Magistrate – there was little they could do. Matthew & Mary decided to play it safe & leave for somewhere well away & soonest. They left from down South in a hurry & hence their arrival in Shark Bay & inevitably our place being opposite the Police Station. The high front wall, trees & central courtyard give a sense of security. I have lost count of the number of times the Police have brought woman here for safe being when it has proved necessary to serve a VRO on a violent partner. The Crisis Centre fills the bill until they determine where next to go. In all probability a remote Aboriginal community as a social worker & she in a teaching capacity. After the initial 3 nights in a van they are now in the house. But one of my sons, his wife & two children are due up these school holidays. My wife & I are now faced with what we see as a needless complication to life.

**Current** very real Crisis - **Greg McFarlane** (50) surfer Paradise Q'land. Bad industrial accident 10 years ago – hospitalised/treatment nearly a year – trying to get back on his feet – picked up a bit of work towing a boat for someone

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from Q'land to Perth – had adequate script for a particular pain killer to Perth but transpired the boat had to be taken up to Hedland – trying to get back on Centrelink after boat delivery – now out of script for pain killer – brakes seized up round the Overlander – hence his coming into town & living rough sleeping in back of his ute. Suffers from Sleep Apnea & reliant on oxygen mask. Not a good scene when it rains or is cold at night. Money just about out etc. This man was a fit & heathy individual with his own printing business before his accident. Marriage then folded - has inevitably thought of pulling the pin on life. it's not easy for me say “.. sorry mate but your 3 days are up & you 'll have to be on your way. I'm the one that cops a fine..”

Councillors & Mr. CEO – **every one** we have had through our place & helped over a rough patch – bar those few exceptions as mentioned involving the Police & Axillary services & these occurrences ONLY SINCE THE 3 DAY IMPOSITION, have, after a while, got back on their feet. Sometimes it only needs a place to stay rent free for a few months until their Centrelink, or whatever the problem it is, sorts itself out. Sometimes, particularly with deep seated physiological problems, longer. And the neighbouring towns of Geraldton or Carnarvon aren't necessarily easier for people in a fix. In fact on the contrary. There is hardly anything outside of Perth, particularly for men, where people can turn to in times of crisis. This contributes to the high suicide rate of 2 people taking their lives every 24 hours.

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Despite a transient population of approx. 130,000 adults a year through Shark Bay, we have one of the lowest suicide rates in the country. It stands at 3 people in the last 30 years or one every ten years. I know our Crisis Centre has played its part in achieving that figure as I have known those three that took their lives as I have known the many that have seriously considered this final act to put an end to everything.

Now I understand there is provision in the Local Gov't Act under the Caravan Park & Camping Ground Regulations 1997 (#11) whereby you as a Council can give permission to utilise a caravan for up to 3 months. **But the Minister responsible for Local Government – the Hon. David Templeman MLA - can give approval for a Caravan(s) to be used for longer than 3 months.**

Rather than my going to this M.P. myself with an Appeal I am asking this Council to table a motion for a complete waiver of time frames as has been **the *modus operandi* with all previous Councils for the past 30 years.**

Thank you.

Tim Hargreaves

Attached – 2 old references, one from a Govt. Dept. & one from the private sector.



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## MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

### 13.0 TOWN PLANNING REPORT

#### 13.1 ROAD CLOSURE – PORTION HUGHES STREET ADJACENT TO LOT 100 (14) DURLACHER STREET, DENHAM P1075

##### AUTHOR

Liz Bushby, Town Planning Innovations

##### DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved            Cr Fenny  
Seconded       Cr Ridgley

##### Council Resolution

###### **That Council:**

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

**4/0 CARRIED**

##### BACKGROUND

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

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

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

Confirmed at the Ordinary Council meeting held on the 25 October 2017, Signed by the President Cr Cowell \_\_\_\_\_ 88

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

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

COMMENT

• **Advertising**

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

Two submissions were received as summarised below:

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

Confirmed at the Ordinary Council meeting held on the 25 October 2017, Signed by the President Cr Cowell \_\_\_\_\_ 89

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

### • **Road Closure Process**

The road closure procedure includes:

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

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

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

### LEGAL IMPLICATIONS

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

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

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

### POLICY IMPLICATIONS

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

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FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report.

RISK MANAGEMENT

There are no known risks associated with this report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	7 September 2017

Confirmed at the Ordinary Council meeting held on the 25 October 2017, Signed by the President Cr Cowell \_\_\_\_\_ 91

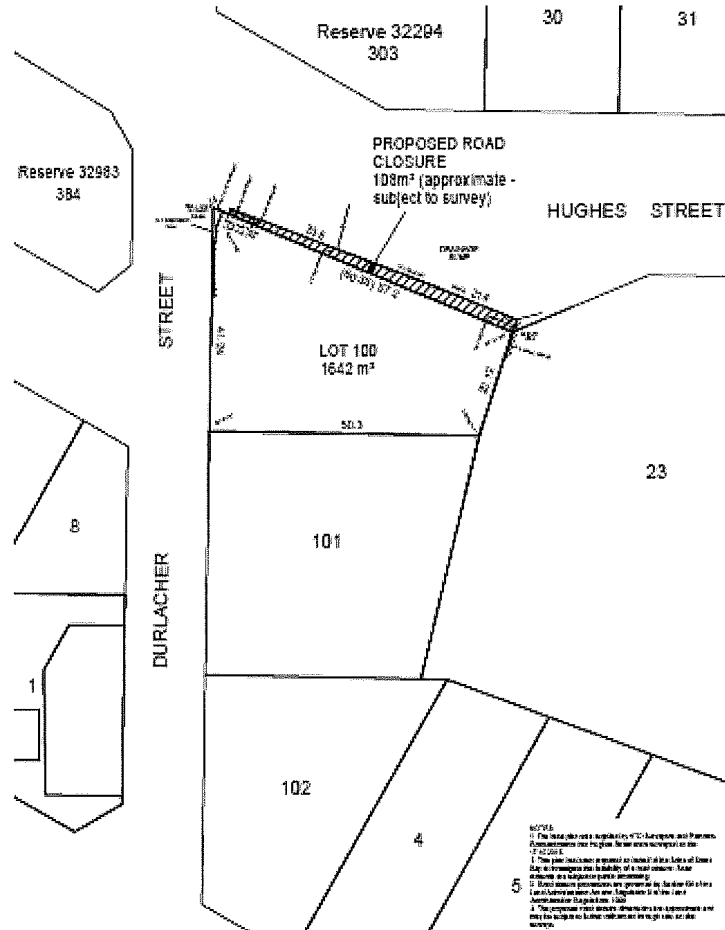
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ATTACHMENT # 1



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

- NOTES
1. The land shown on this plan is subject to the Denham and Parkville Planning Scheme and the Denham and Parkville Planning Scheme and the Denham and Parkville Planning Scheme and the Denham and Parkville Planning Scheme.
  2. The plan has been prepared in accordance with the provisions of the Survey Act 1988 and the Survey Act 1988 and the Survey Act 1988 and the Survey Act 1988.
  3. The plan has been prepared in accordance with the provisions of the Survey Act 1988 and the Survey Act 1988 and the Survey Act 1988 and the Survey Act 1988.
  4. The plan has been prepared in accordance with the provisions of the Survey Act 1988 and the Survey Act 1988 and the Survey Act 1988 and the Survey Act 1988.
  5. The plan has been prepared in accordance with the provisions of the Survey Act 1988 and the Survey Act 1988 and the Survey Act 1988 and the Survey Act 1988.



Confirmed at the Ordinary Council meeting held on the 25 October 2017, Signed by the President Cr Cowell \_\_\_\_\_ 92

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14.0 TOWN PLANNING REPORT

14.1 PROPOSED BED AND BREAKFAST – LOT 100 (14) DURLACHER STREET, DENHAM P1075

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved Cr Burton  
Seconded Cr Ridgely

Council Resolution

**That Council:**

- A. Approve the application for a Bed and Breakfast at Lot 100 (14) Durlacher Street, Denham subject to the following conditions and footnotes:
- (i) The plans lodged with this application shall form part of this planning approval. The Bed and Breakfast shall operate in accordance with the plans submitted and the car parking layout shown on the plans.
  - (ii) The existing dwelling is approved as a 'Bed and Breakfast' and use of Bedroom 3 (for 2 adults over 18 years of age) and Bedroom 2 (for 2 children) for short guest stays. This approval does not include any additional sleeping areas for guests.
  - (iii) Car parking areas with capacity to accommodate a minimum of 3 car parking bays are to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance with the plan submitted with the application.  
  
The car parking bay for guests is to be clearly sign posted or marked as 'Guest Parking' to the satisfaction of the Chief Executive Officer.
  - (iv) All guest car parking shall be accommodated within the boundary of Lot 100 at all times.
  - (v) The owner shall implement the measures in the Management Plan lodged and approved as part of this application.
  - (vi) The owner shall occupy the existing dwelling at all times that guests occupy the Bed and Breakfast. In accordance with the Management Plan the owner shall maintain a record / register of

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all bookings, available for inspection by the Shire of Shark Bay upon request.

- (vii) The maximum number of guests shall not exceed 4 (2 adults and 2 children) at any time.
- (viii) No guest shall be accommodated for periods totalling more than 3 months in any 12 month period.
- (ix) Prior to commencement of operation of the bed and breakfast, a hard wired smoke alarm shall be installed in the hallway adjacent to the study and Bedroom 1.
- (x) All smoke alarms / detector shall be hardwired and maintained in good working order at all times.
- (xi) The owner / applicant to lodge a revised 'Fire and Emergency Plan' that reflects the additional smoke detector in the hallway as required in Condition (ix) for separate written approval by the Chief Executive Officer prior to commencement of operation.
- (x) Any sign for the bed and breakfast shall only be located within the lot boundary and the sign face shall not exceed an area of 0.2 square metres.

Footnotes:

- (a) In regards to condition (ix), please be advised that a smoke alarm is required in the hallway that separates the guest bedrooms with the living areas of the remainder of the house. This will maximise opportunities for fire to be detected and guests to evacuate before any smoke / fire enters the bedrooms.

Information on smoke alarms is available on - [www.dfes.wa.gov.au/safetyinformation/fire/fireinthehome/pages/smokealarmlegislativerequirements.aspx](http://www.dfes.wa.gov.au/safetyinformation/fire/fireinthehome/pages/smokealarmlegislativerequirements.aspx)

- (b) It is noted that the owner proposes to provide pre-packaged food to guests.

Planning approval does not negate the need to comply with any separate legislation such as health requirements. The dwelling needs to be registered as a food premises under the *Health Act 1911*.

Please lodge a separate food registration application to the Shire.

- (c) It is recommended that you liaise with your insurance company as residential public liability insurance policies may exclude the use of premises for commercial purposes. Please note that the Shire takes no responsibility for safety and public liability of guests in the accommodation.



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- (d) It is noted that there are 3 caravans on the lot. Please be advised that this approval is not an approval to utilise the caravans for any form of accommodation.

If you propose to use any caravan for short term accommodation of family or friends in the future you need to comply with the Caravan and Camping Grounds Act 1995 and may need separate written approval by the Shire.

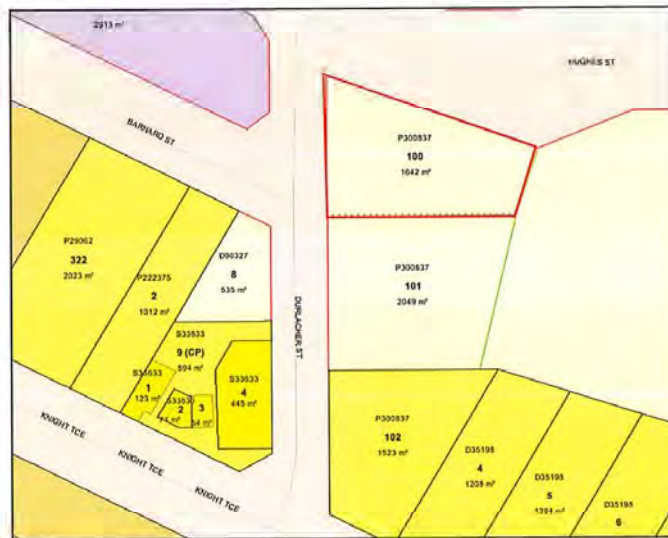
- (e) The Council note the applicants undertaking that the Crisis Centre shall cease operations immediately upon the approval of the Bed and breakfast application and that all signage for the Crisis Centre will be removed.

4/0 CARRIED

BACKGROUND

- Existing Development/ History of Approvals

Lot 100 is located on the corner of Durlacher Street and Hughes Street in Denham – refer location plan below. Lot 100 is owned by Margaret Hargreaves.



The Shires records indicate that Lot 100 has been used for operation of a Crisis Centre for an ongoing period to accommodate people in need. At some stage the lot number of the property has changed and it was previously known as Part Lot 23.

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A planning application was lodged on the 23 December 1998 proposing to use one caravan for short term accommodation and 2 caravans for storage of charitable goods on Part Lot 58 Durlacher Street and Hughes Street Denham.

The application was considered by Council at the Ordinary Meeting held on the 27 January 1999 and conditional approval was granted on the 3 February 1999.

The approval was for accommodation and storage facilities for the purpose of:

Approved land use - Planning Approval dated 3 February 1999	
a	Temporary accommodation of one caravan in accordance with the provisions of the Caravans] Parks and Camping Ground Act 1995 and Caravan Parks and Camping Grounds Regulations 1997, whereby such use is limited to a maximum of three nights with any one occupant.
b	Use of two caravans for the storage of clothing and household goods for charitable purposes only and not for the use as habitation purposes.

An aerial showing existing development is included below.



Aerial Source: Landgate – Summary of activities

It is important to note that the existing approval for the Crisis Centre runs with the land, and cannot be modified or revoked by the Shire.

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It is also important to note that any conditions placed on any planning approval granted for the Bed and Breakfast must relate directly to the application as proposed, and not to the crisis centre land use.

- *Hughes Street road closure*

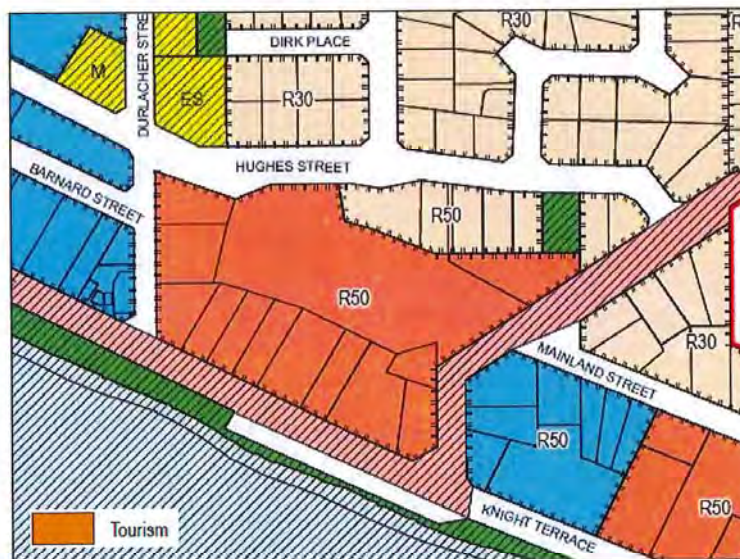
The Shire has resolved to close a portion of Hughes Street so that it can be purchased by the owner of Lot 100 to resolve encroachment of development into the road reserve.

The road closure is being progressed by the Department of Planning, Lands and Heritage.

COMMENT

- *Scheme requirements*

The subject land is zoned 'Tourism' under the Shire of Shark Bay Local Planning Scheme No 4 ('Scheme 4').



Objectives of the Tourism zone include:

- To promote and provide for tourism opportunities.
- To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in

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support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area.

- To ensure that any development is compatible with short stay and tourist accommodation and do not negatively impact on surrounding properties by virtue of noise, emission, traffic, loading areas or the like.

Under the Scheme a 'Bed and Breakfast' is defined as 'means a dwelling —

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms.'

A 'Bed and Breakfast' is designated as a 'D' use in the 'Tourism' zone under 'Table 1: Zoning Table' of the Scheme.

The 'D' designation 'means that the use is not permitted unless the local government has exercised its discretion by granting development approval'.

Essentially Council has discretion to approve the use having regard for normal planning considerations such as amenity and car parking.

- *Description of Application*

The existing dwelling contains 5 bedrooms (one used as a study) and the owner proposes to offer guests' use of bedroom 2 and / or 3 for short term stays.

The applicant has advised as follows:

- a) The proposed Bed and Breakfast shall be operated by Mr & Mrs Hargreaves and only when in residence.
- b) The Crisis Centre shall cease operations immediately upon the approval of the Bed and Breakfast application. All signage for the Crisis Centre will be removed.
- c) Considerable time, effort and finances have gone into preparing the dwelling and rooms for the bed and breakfast. The applicant and owner has written to the Shire to re-iterate and assure Council that their new focus will be to ensure that the guests are given the finest experience, which would naturally conflict with the crisis centre activity.
- d) The owner will continue to use the master bedroom in the dwelling which is to the rear of the house in close proximity to Bedroom 2 and 3 (for guests).
- e) Bedroom 2 can accommodate 2 single beds and Bedroom 3 contains a double bed and en-suite. Bedroom 2 will only be used for overflow guests as required.
- f) A continental breakfast using pre-packaged food will be offered to guests.
- g) There shall be a maximum of 4 guests in the dwelling at any one time (2 adults and 2 children).
- h) There will be a 12.00 noon check out time and 2.00pm check in time for guests. This allows a 2 hour period for each room to be cleaned.
- i) The garage is adequate for parking of 2 cars and space shall be cleared for this purpose.
- j) A Management Plan and Fire and Emergency Plan have been lodged in support of the application.

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- k) The existing caravans will be retained on the lot however the applicant advises they will only be used for friends or family visiting for short periods, such as school holidays.

Floor plans are available for viewing on Councillor request, however are not included in this report for protection of privacy and security.

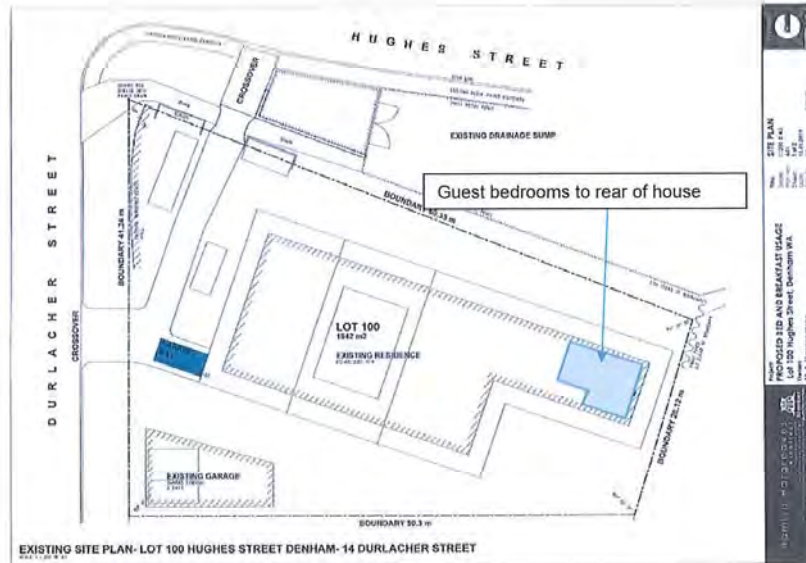
- *Food provision*

The applicant has advised that basic pre-packaged foodstuffs will be provided to guests.

The Shire's Environmental Health Officer has advised that they will need to register as a Food Premises under the Health Act 1911. The owner will need to lodge a separate food registration application.

- *Parking*

The owners will park in an existing structure accessed from Durlacher Street which can accommodate 2 cars. One guest parking bay is proposed in an existing driveway – refer site plan below.



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Photo of Lot 100 Durlacher Street showing existing structure

As the owner only proposes to cater for either couples or a family (2 adults, 2 children) one car parking bay for guests is considered sufficient.

The Management Plan lodged requires guests to park all vehicles within the property.

- *Amenity and noise*

As the owner lives in the existing dwelling and will be present when guests stay in the accommodation, it is their interest to effectively manage noise in a manner to protect neighbours amenity.

It is recognised that people on holidays may have different daily habits than local residents with a work routine. The owner has lodged a management plan as part of their application, and conditions are recommended to ensure the management plan is implemented.

- *Fire and Emergency Response Plan*

The Western Australian Planning Commission has guidelines for 'Holiday Homes – Short stay use of residential dwellings'. The Western Australian Planning Commission Guidelines only apply to standard and large holiday homes.

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As occupiers of holiday homes are not familiar with the house layout, the Western Australian Planning Commission Guidelines recommend an emergency response plan be required.

Whilst these guidelines do not strictly apply to the 'Bed and Breakfast', Town Planning Innovations supports preparation of Emergency Response Plans as it maximises safety for guests that will be unfamiliar with the house layout.

An Emergency Response Plan has been lodged by the applicant which includes a fire escape route and emergency contact details.

- *Smoke alarms*

Town Planning Innovations has previously liaised with the Shire's Building Surveyor who has advised that:

- (a) If all bedrooms have access from one hallway, then the smoke alarm can be in the hallway.
- (b) If bedrooms are separated from each other then each occupant has to be protected with a smoke alarm in each bedroom.

The Department of Fire and Emergency Services website has comprehensive information on smoke alarms for dwellings and other classes of buildings.

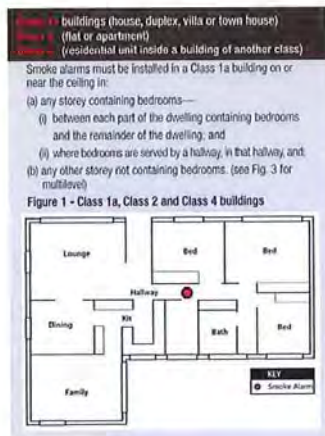


Figure 1  
Extracts from Department of Fire and Emergency Service website information sheet

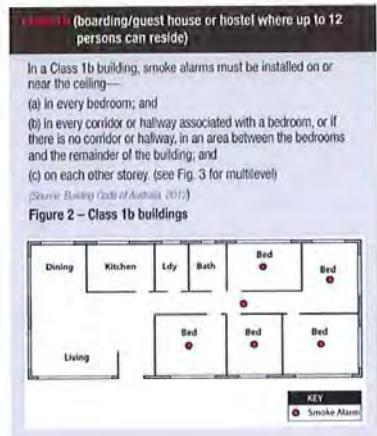


Figure 2

The Shire has previously supported smoke alarms as per Figure 1 (for 35A Fry Court and in the Draft Holiday House Policy).

The applicant has advised there are smoke detectors in each guest bedroom. It is recommended that all smoke alarms be hardwired (if not already), and an additional

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smoke alarm be installed in the hallway between the guest bedrooms and the rest of the dwelling.

A smoke alarm in the hallway adjacent to the bedrooms will increase probability that guests are alerted of any fire before it reaches the bedrooms, and is consistent with Figure 1 above.

• **Consultation**

The application has not been advertised for public comment as it is generally consistent with the objectives of the Tourism zone.

Notwithstanding the above, Council has discretion to advertise any application.

LEGAL IMPLICATIONS

*Planning and Development (Local Planning Schemes) Regulations 2015 -*

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

*Shire of Shark Bay Local Planning Scheme No 4 -*

Explained in the body of the report.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	15 March 2019

Confirmed at the Ordinary Council meeting held on the 30 April 2019 – Signed by the President Cr Cowell \_\_\_\_\_ 107



26 AUGUST 2020

P1075 / O-PR-15765  
Liz Bushby  
17 June 2016

Mr T Hargreaves and Mrs M Hargreaves  
14 Durlacher Street  
DENHAM WA 6537

Dear Mr & Mrs Hargreaves

**COMPLIANCE WITH PLANNING APPROVAL - LOT 100 (14) DURLACHER STREET, DENHAM**

The Shire acknowledges your letter dated 14 June 2016 and appreciates your advice that the lot (and caravans) will only be used in accordance with the existing planning approval dated 3 February 1999.

The Shire generally considers that the matter has been resolved given your written commitment to carry out activities in compliance with the existing planning approval.

As the Crisis Centre has been operating for some time outside of the restrictions of the existing planning approval, Council officers would like to monitor the use of the property for a short time period. You are requested to continue to assist the Shire in this regard.

The Shire has an obligation to ensure ongoing compliance with the existing planning approval. Monitoring the activities on Lot 100 will enable Council officers to refer a future report to Council with clear evidence of your compliance.

Your further co-operation is sought as follows:

1. *The existing planning approval limits the approved use to one caravan (for accommodation).*

The Shire would be grateful if you can confirm which caravan you intend to utilise for crisis accommodation, out of the three located on the lot. The other 2 caravans can be used for storage in accordance with the existing approval.

2. *The existing planning approval limits accommodation of one caravan to a maximum of 3 nights with any one occupant.*

This is difficult for the Shire to monitor without regular ongoing inspections. I suggest a better outcome is for you to keep records of guests and the dates of stay in a book or word document. This will be less intrusive for occupiers of your dwelling and crisis centre guests, and will provide ongoing records of compliance.

Whilst you are not obligated to keep records of bookings / occupation of crisis centre accommodation, the Shire suggests that it is a simple way of demonstrating ongoing compliance.



MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

I seek your advice as to whether you are willing to keep some form of record of the accommodation use. For protection of crisis centre guests, no personal details need to form part of any records.

3. *The planning approval only allows crisis accommodation in one caravan and is not an approval to utilise the dwelling for crisis accommodation.*

Your clear intention to comply with the planning approval is accepted.

For Councils records, I seek written confirmation that crisis accommodation will not occur within the dwelling.

Whilst you can lodge a new planning application if you wish to seek approval to utilise the house for crisis accommodation, there would likely be building safety requirements such as smoke alarms, emergency evacuation plan, amenities etc for the safety of guests.

4. *Safety*

The Shire notes you recently experienced a fire on your lot. It was fortunate the fire did not impact on any caravans or the existing dwelling.

I have liaised with the Shire's Building Surveyor and he has confirmed that there is no legislative requirement for the caravan on your lot to be fitted with any safety features such as smoke alarms.

Whilst there is no obligation for you to provide any safety features, the Shire recommends that you consider installing a smoke alarm in the single caravan proposed to be used for crisis accommodation. You could also maximise safety by keeping a fire extinguisher and fire blanket in the caravan.

Please be advised that the Shire cannot enforce use of safety features in the caravan so this is simply raised as something you may wish to consider.

At some stage I would like to arrange a follow up inspection of the premises and trust that you will continue to assist the Shire in good faith. You would be contacted prior to any inspection being carried out.

It appears a favourable outcome will be achieved due to your co-operation and I will advise Councillor's of your intentions.

I look forward to receiving your advice. If you would like to discuss this matter please do not hesitate to contact me. Alternatively you are welcome to liaise with the Shire's Planning Consultant on 9474 7122 (between Tuesdays to Friday).

Yours sincerely

Paul Anderson  
**CHIEF EXECUTIVE OFFICER**

---

26 AUGUST 2020

P1075 / O-PR-16027  
Paul Anderson

1 November 2016

MA HARGREAVES  
14 DURLACHER STREET  
DENHAM 6537

Dear Margaret

**ENCROACHMENT/ROAD RESERVE HUGHES STREET**

I refer to my correspondence of 29 July 2015 regarding the Shark Bay Crisis Centre – encroachment / road reserve Hughes Street.

In part the resolution from council requires confirmation from Mrs Hargraves as the applicant to meet all costs associated with the survey and purchase costs.

I understand that you may have concerns as to uncertain nature of the costs associated with the establishment of the boundaries and have contacted HTD who undertook the resurvey of the existing property boundaries who have advised the estimated costs to establish a new boundary are \$5,500 GST included but excluding statutory fees.

In regard to the purchase of the land this will be determined by the Department of Lands and would be based upon their fair valuation of the portion of land that is being amalgamated into your existing land area.

In accordance with the council resolution I will require a written commitment that the survey costs and any statutory costs are to be met by yourself prior to progressing this matter any further.

I look forward to your advice or otherwise as to your intentions regarding this matter

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

Yours sincerely

Paul Anderson  
**CHIEF EXECUTIVE OFFICER**

26 AUGUST 2020

P1075 / O-CR-16347  
Paul Anderson  
9 May 2017

Mr & Mrs TW HARGREAVES  
14 DURLACHER STREET  
DENHAM WA 6537

Dear Mr & Mrs Hargreaves

**SHARK BAY CRISIS CENTRE - ENCROACHMENT/ROAD RESERVE HUGHES STREET**

Further to your email received on the 27 April 2017, it is appreciated that you have confirmed your interest in purchasing the strip of land adjacent to the abovementioned lot.

You raise three issues in your letter namely:

1. The condition of the fence adjacent to the sump
2. Survey costs
3. Road closure process

I offer the following advice:

**1. Fencing**

Both myself and Mr Brian Galvin have inspected the fence and agree the fence is in a state of disrepair and will be repaired.

The boundary realignment will be undertaken to establish the boundary approximately 500mm outside of the fence towards your property. This will ensure the fence remains within Councils reserve and Council will remain responsible for maintaining the fence in good repair.

As you are aware a significant component of the damage to the fence is from trees overhanging from your property.

You will have to prune the offending trees back so as they do not overhang the fence, Mr Galvin will contact you to advise when he is planning to repair the fence, which will assist with access to the area

**2. Survey costs**

The Shire only engaged a surveyor to check the existing boundaries of Lot 100 Durlacher Street to quantify the extent of the encroachment.

The Department of Lands will require a licenced surveyor to survey the exact area that you propose to purchase and compile a Survey Diagram. The Survey Diagram will be a surveyed, scaled plan of the area to be amalgamated with your existing lot.

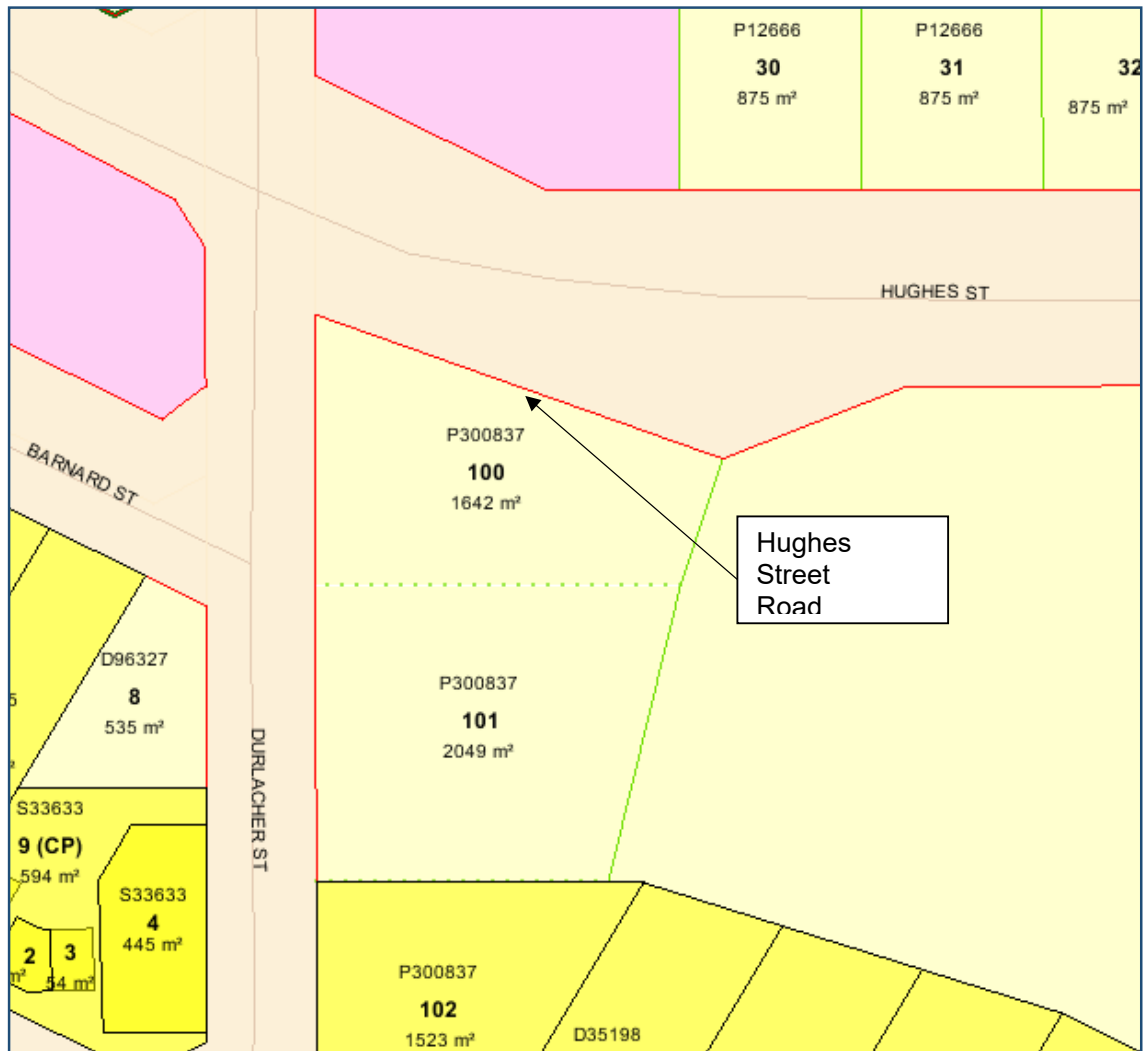
26 AUGUST 2020

The additional survey costs that we have advised you of are not a Shire cost, but is a standard cost associated with the process of buying crown land.

**3. Road closure process**

The area of land that you seek to purchase is Crown Land and it forms part of the Hughes Street Road Reserve – refer map below.

There is no mechanism which allows you to acquire a portion of road reserve, unless it is formally closed. In other words, the Shire (and the Department of Lands) has to close a portion of the road reserve, so that you can then purchase it.



Source: Landgate

Undertaking a road closure is the only mechanism which will facilitate your future purchase of the land, and it is unavoidable. If the portion of Hughes Street which you want to buy is closed, then it becomes unallocated Crown Land and may be disposed of under the *Land Administration Act 1997*.

26 AUGUST 2020

You are welcome to contact the Department of Lands however I have already provided you with a Department of Lands brochure explaining the road closure process refer [www.lands.wa.gov.au](http://www.lands.wa.gov.au) (under publications / documents – State land Brochure Road Closure and Disposal).

If you do not support a road closure then the Shire has no other mechanism to assist you to purchase the land.

#### **4. Intentions**

I trust that this assists you to understand the processes involved if you still want to proceed with the purchase as planned.

The Shire's Planning Consultant is assisting to progress the matter and does not want to send a report to Council prematurely without you having a full understanding of what is involved.

I trust this letter explains why there will be survey costs and a road closure process.

Now that you have clarification I seek confirmation of whether you still wish to proceed, prior to any formal process being commenced. Your advice is sought within 14 days.

Once there is surety that you still want to proceed a report can be referred to Council to formally commence the process.

If you require any further information relative to the above, please contact Paul Anderson, Chief Executive Officer on (08) 99 481 218 or email [ceo@sharkbay.wa.gov.au](mailto:ceo@sharkbay.wa.gov.au) Alternatively Liz Bushby would be happy to discuss this with you – 0488910869.

Yours sincerely

Paul Anderson  
**CHIEF EXECUTIVE OFFICER**

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26 AUGUST 2020

P1075 / O-CR-16990  
Paul Anderson

7 March 2018

MA HARGREAVES  
14 DURLACHER STREET  
DENHAM 6537

Dear Mr & Mrs Hargreaves

**Proposed Road Closure - Portion of Hughes Street Adjacent to Lot 100**

As you are aware, the Shire has been progressing a road closure on your behalf to resolve encroachments of structures on Lot 100 into the adjacent road reserve.

The road closure is being processed by the Department of Planning, Lands and Heritage (DPLH) who has written to the Shire and seeks your advice and consent to meet the following payable costs:

1. The purchase price of the land (portion of closed road) to be amalgamated with Lot 100, which has been valued at \$3300.00 plus GST.
2. Survey costs, a documentation preparation fee (\$646.00) and Landgates documentary registration fee.

I attach a copy of an email from the DPLH, and seek your written advice within 14 days.

If you have any queries regarding the valuation or costs, please liaise with Lisa Nicholson at the Department on 6552 4436 or [lisa.nicholson@dplh.wa.gov.au](mailto:lisa.nicholson@dplh.wa.gov.au)

Once the Shire receives your written advice it will be forwarded to the Department of Planning, Lands and Heritage so they can continue to progress the road closure.

Yours sincerely

Paul Anderson  
**Chief Executive Officer**

**Rhonda Mettam**

---

**From:** Tim Hargreaves <sharkbayherald@westnet.com.au>  
**Sent:** Tuesday, 14 June 2016 4:55 PM  
**To:** Paul Anderson  
**Cc:** Rhonda Mettam; Brian Galvin  
**Subject:** I-PR-21196 - Crisis Centre and Encroachment of Structures into Hugh's Street \_Lot 10014 Durlacher Street, Denham  
**Attachments:** Crisis Centre and Encroachment of Structures into Hughs Street \_Lot 10014 Durlacher Street, Denham.doc

**Paul Anderson – CEO,  
Shire Shark Bay**

**Shark Bay Crisis Centre – your letters of the 3<sup>rd</sup> June refers.**

**Can you please send a copy of the attached letter to Mrs. Liz Bushby  
of Gray & Lewis.**

**Thank you,  
Tim Hargreaves**

\* This message has been scanned by the Professional Pc Support IronPort virtual appliance.

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

14 June 2016

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

Dear Sir,

Subject: **Re: Crisis Centre and Encroachment of Structures into  
Hughes Street Reserve - Lot 100 14 Durlacher Street,  
Denham**

In response to your letters ref: P1075/O-CR-1573 and P1075/O-PR-15743 received on the 9<sup>th</sup> of June 2016, on the above mentioned subject, we the owners, advise as follows;

We acknowledge your request, and confirm the Caravans referenced in your letter shall be used in accordance with the conditions of approval set out in planning approval P1/99 issued on the 3<sup>rd</sup> of February 1999.

Second to this, we do hereby confirm that the existing residential property shall be used as established, in accordance with the zoning requirements set out in the provisions of the Shire of Shark Bay Local Planning Scheme No 3.

Finally, with regard to the matter of the Caravan encroaching onto the Hughes Street road reserve, we advise that the acquisition of part of the Hughes Street road reserve is currently being investigated with Landgate. (Preliminary enquiries- Information Officers 'Sally' Mon. 13<sup>th</sup> & 'Audrey' Tues. 14<sup>th</sup> June 2016.)

Alternatively, should acquisition not be a viable solution, the Caravan & portion of fence shall be relocated within the property boundary.

In either case, we request that an agreed extension of time be granted until formal advice has been received from Landgate.

In the interim we request a copy of the survey mentioned in your letter to determine the extent of which the Caravan in question, would need to be relocated for compliance.

Yours Sincerely,

Mr & Mrs Timothy & Margaret Hargreaves  
14 Durlacher Street, Denham, Shark Bay, WA



MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

**Rhonda Mettam**

---

**From:** Tim Hargreaves <sharkbayherald@westnet.com.au>  
**Sent:** Friday, 2 June 2017 11:28 AM  
**To:** Rhonda Mettam; Paul Anderson  
**Subject:** I-PR-22585 - Hargreaves/Crisis Centre/road closure/commitment to pay  
**Attachments:** Scan0391.pdf

CEO  
Shire of Shark Bay  
WA 6537

Dear Mr. Anderson

Your ref. P 1075/O-CR16347

11<sup>th</sup> May 2017

& letter of 17<sup>th</sup> March PI075/OPR-16273 with enclosure /commitment to pay

**Crisis Centre – Hughes/Durlacher St's.**

Please excuse the delay in replying. Attached is the signed letter sought apropos the costs of survey & closure etc. & the content of your letter of the 11<sup>th</sup> May noted, appreciated & understood.

Yours sincerely,

T.W. & M.A. Hargreaves.....

(Signed copy will be handed in at the Shire Offices.)

2<sup>nd</sup> June 2017

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MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

**SHIRE OF SHARK BAY**

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



Telephone (08) 9948 1218  
Facsimile (08) 9948 1237  
Email: admin@sharkbay.wa.gov.au  
All correspondence to the  
Chief Executive Officer

Your Ref  
Our Ref  
Enquiries

**WRITTEN COMMITMENT FOR PAYMENT OF COSTS ASSOCIATED WITH CLOSURE  
AND PURCHASE OF PORTION OF HUGHES STREET  
(ADJACENT TO LOT 100 DURLACHER STREET, DENHAM)**

I, Mrs Hargreaves, as the owner of Lot 100 (No 14) Hughes Street Denham, request that the Shire of Shark Bay Council initiate formal proceedings to close a portion of Hughes Street adjacent to my property.

I provide written commitment to pay the costs associated with the road closure and purchase of the closed road, and acknowledge this includes payments to State Land Services.

I have read the brochure provided by the Shire entitled 'Road Closure and Disposals' produced by State Land Services / Department of Regional Development and Lands.

I understand that the costs may include:

- Administrative and advertising costs incurred by the Shire. I have provided the Shire with \$2000.00 which is being held in Trust by the Shire.
- Purchase price of the land / closed road
- Road Closure and Amalgamation Order for registration with Landgate. This will amalgamate the closed road with Lot 100 so that it forms part of the same Certificate of Title.

I also understand that the closed road has to be valued and that there needs to be an acceptance and agreement of a purchase price before any road closure can be finalised. This letter is not an acceptance of any purchase price as that will be provided through State Land Services.

*Margaret Hargreaves*

Mrs Margaret Anne Hargreaves  
Owner of Lot 100 Durlacher Street

Date: 31 MAY 2017

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

**Rhonda Mettam**

---

**From:** liz <liz@tخطيط.com.au>  
**Sent:** Tuesday, 27 March 2018 1:59 PM  
**To:** Joanna Yorke  
**Subject:** I-CR-24100 - FW: Proposed Road Closure of Road Reserve for Amalgamation into Adjoining Lot 100 – Shire of Shark Bay

For recording for Hughes Street Rd closure

Ta

Regards  
**Liz Bushby**

Town Planning Innovations  
PO Box 223  
Guildford WA 6935  
T 0488910869 (Tuesday to Friday)

This email and any attachments may be confidential. Please notify the sender immediately if you have received this message in error. Please do not alter or delete this advice.

**From:** Nicholas, Lisa [mailto:Lisa.Nicholas@dplh.wa.gov.au]  
**Sent:** Tuesday, 27 March 2018 10:34 AM  
**To:** liz <liz@tخطيط.com.au>  
**Subject:** RE: Proposed Road Closure of Road Reserve for Amalgamation into Adjoining Lot 100 – Shire of Shark Bay

**Our Reference No: 00574-2017                      Job No: 173383**  
**Re: Proposed Road Closure of Road Reserve for Amalgamation into Adjoining Lot 100 – Shire of Shark Bay**

Good Morning Liz

I hope this email finds you well.

I refer to my previous email below regarding the abovementioned land proposal.

I had a telephone discussion with your client, Mr Hargreaves, this morning regarding costs associated with this proposal and he requested I reiterate the contents of our discussion in writing. I have attempted to email him but the email address I have must be incorrect as the email keeps bouncing back.

Could you please provide me with your client's contact email address?

Thank you.

Kind Regards

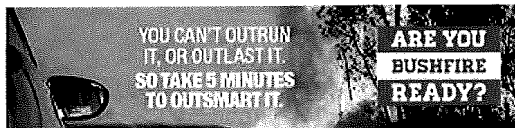
Lisa Nicholas | Assistant State Land Officer | Case Management North: Land Use Management  
Level 2, 140 William Street, Perth WA 6000  
(08) 6552 4436  
[www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020



Department of Planning,  
Lands and Heritage



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

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**From:** Nicholas, Lisa  
**Sent:** Friday, 16 February 2018 2:18 PM  
**To:** 'liz'  
**Subject:** Proposed Road Closure of Road Reserve for Amalgamation into Adjoining Lot 100 – Shire of Shark Bay

**Our Reference No:** 00574-2017      **Job No:** 173383  
**Re:** Proposed Road Closure of Road Reserve for Amalgamation into Adjoining Lot 100 – Shire of Shark Bay

Attention: Liz Bushby

Good Afternoon

I refer to an application by you, acting on behalf of the Shire of Shark Bay who is representing the owner of Lot 100 on Deposited Plan 300837 (Lot 100), to acquire a portion of Hughes Street in freehold for amalgamation into adjoining Lot 100.

A valuation has been received for the amount of \$3,300.00 plus 10% GST.

Can you please provide written confirmation of your client's consent to the abovementioned purchase price? Please note that the client will also be required to meet survey costs, a documentary preparation fee (\$646) and Landgate's documentary registration fee.

Thank you.

Kind Regards

Lisa Nicholas | Assistant State Land Officer | Case Management - Mid West and Gascoyne  
Level 2, 140 William Street, Perth WA 6000  
(08) 6552 4436  
[www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)



Department of Planning,  
Lands and Heritage



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

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## MINUTES OF THE ORDINARY COUNCIL MEETING

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26 AUGUST 2020

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MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

**Rhonda Mettam**

**From:** Tim Hargreaves <sharkbayherald@westnet.com.au>  
**Sent:** Tuesday, 13 August 2019 3:37 PM  
**To:** Rhonda Mettam  
**Cc:** Shark Bay Herald  
**Subject:** I-PR-26601 - FW: lot 100 Hughes St - Denham -purchase of adjoining Crown Land

**From:** Tim Hargreaves [mailto:sharkbayherald@westnet.com.au]  
**Sent:** Tuesday, 13 August 2019 8:59 AM  
**To:** Paul G Anderson  
**Cc:** admin@sharkbay.wa.gov.au; kay.anand@dplh.wa.gov.au; 'Terri.newman@dplh.wa.gov.au'  
**Subject:** lot 100 Hughes St - Denham -purchase of adjoining Crown Land

**TO – Shire of Shark Bay –  
attn.. C.E.O. Paul Anderson  
c.c. Admin please send a copy to all Councillors**

**c.c. Kay Anand Assistant State Land Officer | Delivery  
Level 2, 140 William Street, Perth WA 6000  
(08) 6552 4620**

**c.c. Terri Newman as the case officer for this case. (08) 6552 4663**

**FROM – Mrs. M.A.Hargreaves- Box 50, Shark Bay, W.A. 6537**

**PURCHASE OF BOUNDARY EDGE TO ADJOINING VACANT CROWN  
LAND TO 100 HUGHES ST.  
DENHAM, SHARK BAY, W.A.6537**

**Dear Mr.Anderson,**

**My husband & I would like to see you soonest in reference to the  
above subject particularly concerning the now additional sum of  
approx \$4,000 now expected for further survey fees over & above the  
original estimated \$4,000 for the adjustment of the boundary line on  
my property.**

**To re-cap on this whole episode the Shire of Shark Bay**

1. buried the corner post to my property when building a brick drain to carry away excess flood water from a nearby sump some 30 years ago.
2. In establishing the intersection at Hughes & Durlacher Streets & entry gates to the sump left the gradient of the adjoining vacant crown land on an approx. 10 degree slope so that excess rain water poured onto the northern corner of our property.
3. My husband – using shell blocks – formed a retaining wall to prevent further flooding of our property & filled in the undulating adjoining vacant land to the same level as the street kerb.
4. In establishing our Crisis Centre some 30 years ago – with Shire approval - we placed 3 caravans on site to accommodate overflow clients & the accompanying needs of emergency accommodation.
5. All 3 vans were shielded from public view & the 2 installed on the N/E corner of the property were approved by the Shire with particular regard to cyclonic tie-down arrangements.
6. The recent concerns of encroachment on the vacant crown land boundary line running alongside the sump drain has never been an issue these last 30 odd years as the
7. Shire's brick work, as mentioned, concealed the exact locality of the boundary peg.
8. Further - as much out of self-preservation on our part – it has been ourselves that have maintained the overflow drain these last 30 odd years. (In fact the Shire has never once cleared it of debris.)
9. When of recent times we had to replace one van because of tree damage from a cyclone & the issue at hand revealed we had in fact been just over the boundary line over all these years, the C.E.O. when asked what would be the approx. cost of buying the strip of land we had encroached upon said approx. \$4,000.

26 AUGUST 2020

10. We could just afford this sum & the process was got underway. The Shire did its own survey along with Surveyors brought up from Geraldton. I have paid out some \$4,000 plus received another bill for approx. \$1,000 from the Dept. of Planning, Lands & Heritage. This bill has been kindly waived due - I understand - to our being a Registered Charity, the possibility of an anomaly with the town datum post & the 30 years of uncontested possession of a strip of land which we ourselves have in fact maintained.

11. Whilst all this has been happening my husband (in his 81<sup>st</sup> year) was flown out with cardiac trouble & one of our sons negotiated with the C.E.O for the implementing of a B & B facility if we ceased the accommodation operation of our Crisis Centre.

12. This we agreed to. Along with the expense of getting this B & B up & running I have had to replace 2 Solar Hot water tanks & allied plumbing which all up has cost me some \$8,000. Apart from the anticipated cost of this re-alignment of my boundary line now being about double of the first reckoned amount, I courteously ask the Shire to review this situation.

Thank you.

Mrs. M. A. Hargreaves 13<sup>th</sup> August 2019



**Shark Bay Christian Fellowship  
And Crisis Centre**

Established 1983

*Under the auspices of the Shark bay Christian Fellowship and working in conjunction with the Department of family and Community Services, and the WA Council Of Social Services (WACOSS)*



MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

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MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

**Rhonda Mettam**

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**From:** Rhonda Mettam  
**Sent:** Friday, 23 August 2019 4:16 PM  
**To:** Paul Anderson  
**Cc:** Kristy Knott  
**Subject:** I-CR-26818 - FW: Refund/land sale/lot100/DP300837/SharkBay/file00576-2017

**Categories:** To be filed

**From:** Tim Hargreaves [mailto:sharkbayherald@westnet.com.au]  
**Sent:** Friday, 23 August 2019 4:29 AM  
**To:** 'Receivables' <Receivables@dplh.wa.gov.au>  
**Cc:** Rhonda Mettam <Rhonda@sharkbay.wa.gov.au>  
**Subject:** RE: Refund/land sale/lot100/DP300837/SharkBay/file00576-2017

Julia Watson | Revenue Officer | Finance  
140 William Street, Perth WA 6000  
6552 4727  
[www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)

Julia Watson

**Refund of \$976 – re 100 Hughes St. ,Denham, Shark Bay  
concerning documentation/ purchase of neighbouring vacant  
Crown Land  
on boundary line.**

I see my a/c has been credited with the above amount.

I thank you & your Department for your exemplary attitude & prompt attention to this matter. I really appreciate it. Please convey my thanks to the head of your Department.

Sincerely – Mrs. M.A.Hargreaves  
Shark Bay, West Australia 6537

**c.c. C.E.O. Paul Anderson  
Shire of Shark Bay & Admin for c.c. all Councillors please.**

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

**From:** Receivables [mailto:Receivables@dplh.wa.gov.au]  
**Sent:** Monday, 19 August 2019 8:31 AM  
**To:** sharkbayherald@westnet.com.au  
**Subject:** RE: Refund/land sale/lot100/DP300837/SharkBay/file00576-2017

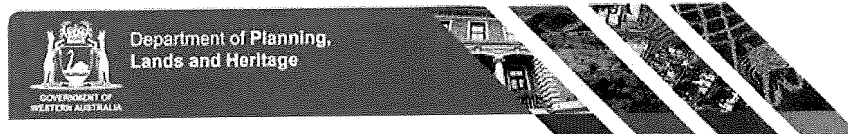
Good morning Mrs Hargreaves,

Thank you for your response, I will arrange the refund as proposed.

I have forwarded your enquiry to our Assistant Manager of the Land Management North, Mr Ken Buchan.

Kind regards,

**Julia Watson** | Revenue Officer | Finance  
140 William Street, Perth WA 6000  
6552 4727  
[www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)



The department is responsible for planning and managing land and heritage for all Western Australians – now and into the future

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

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From Mrs.M.A.Hargreaves  
**Sent:** Friday, 16 August 2019 4:37 PM  
**Subject:** Refund/land sale/lot100/DP300837/SharkBay/file00576-2017

Dept. of Planning, Lands & Heritage  
Accounts  
Box 2056  
Perth WA 6001 (email - [receivables@dplh.wa.gov.au](mailto:receivables@dplh.wa.gov.au))

Your ref.00576-2017 job 173383  
Customer 00701

Dear Sir or Ma'am,

26 AUGUST 2020

**Lot100 Hughes St/Denham, Shark Bay – purchase of vacant Crown Land on boundary line**

Thank you for your communication concerning the **refund of \$976.00 for Documentation & preparation fees associated with the sale of land & amalgamation with Lot 100 on DP 300837, Shire of Shark Bay File 00576-2017.** Attached is the duly completed form giving my Bank a/c details.

I apologize for the length of time this has taken to attend to but my husband (now in his 81<sup>st</sup> year) was flown out with cardiac problems when this issue first arose.

He normally deals with these things. I am still trying to unravel how come the amount reckoned on for me to buy the disputed strip of boundary line wound up becoming double the sum first quoted by the Shire.i..e. from an original estimate of approx. \$4,00.00 to more than twice that figure.

My letter to the Shire of Shark Bay - as follows underneath – has not as yet been replied to.

I understand this whole business should be finalized by the 4<sup>th</sup> of September. Can you advise me if there is a margin of time to negotiate?

Thank you. Yours sincerely – **Mrs. M.A.Hargreaves**  
Cnr. Hughes/Durlacher St.,  
Denham, Shark Bay, WA 6537 16 August 2019

*PURCHASE OF BOUNDARY EDGE TO ADJOINING VACANT CROWN LAND  
TO 100 HUGHES ST.  
DENHAM, SHARK BAY, W.A.6537*

*Dear Mr.Anderson,*

*My husband & I would like to see you soonest in reference to the above subject particularly concerning the now additional sum of approx \$4,000 now expected for further survey fees over & above the original*

*estimated \$4,000 for the adjustment of the boundary line on my property.*

*To re-cap on this whole episode the Shire of Shark Bay*

- 1. buried the corner post to my property when building a brick drain to carry away excess flood water from a nearby sump some 30 years ago.*
- 2. In establishing the intersection at Hughes & Durlacher Streets & entry gates to the sump left the gradient of the adjoining vacant crown land on an approx. 10 degree slope so that excess rain water poured onto the northern corner of our property.*
- 3. My husband – using shell blocks – formed a retaining wall to prevent further flooding of our property & filled in the undulating adjoining vacant land to the same level as the street kerb.*
- 4. In establishing our Crisis Centre some 30 years ago – with Shire approval - we placed 3 caravans on site to accommodate overflow clients & the accompanying needs of emergency accommodation.*
- 5. All 3 vans were shielded from public view & the 2 installed on the N/E corner of the property were approved by the Shire with particular regard to cyclonic tie-down arrangements.*
- 6. The recent concerns of encroachment on the vacant crown land boundary line running alongside the sump drain has never been an issue these last 30 odd years as the*
- 7. Shire's brick work, as mentioned, concealed the exact locality of the boundary peg.*
- 8. Further - as much out of self-preservation on our part – it has been ourselves that have maintained the overflow drain these last 30 odd years. (In fact the Shire has never once cleared it of debris.)*
- 9. When of recent times we had to replace one van because of tree damage from a cyclone & the issue at hand revealed we had in fact been just over the boundary line over all these years, the C.E.O. when asked what would be the approx. cost of buying the strip of land we had encroached upon said approx. \$4,000.*

26 AUGUST 2020

10. We could just afford this sum & the process was got underway. The Shire did its own survey along with Surveyors brought up from Geraldton. I have paid out some \$4,000 plus received another bill for approx. \$1,000 from the Dept. of Planning, Lands & Heritage. This bill has been kindly waived due - I understand - to our being a Registered Charity, the possibility of an anomaly with the town datum post & the 30 years of uncontested possession of a strip of land which we ourselves have in fact maintained.

11. Whilst all this has been happening my husband (in his 81<sup>st</sup> year) was flown out with cardiac trouble & one of our sons negotiated with the C.E.O for the implementing of a B & B facility if we ceased the accommodation operation of our Crisis Centre.

12. This we agreed to. Along with the expense of getting this B & B up & running I have had to replace 2 Solar Hot water tanks & allied plumbing which all up has cost me some \$8,000. Apart from the anticipated cost of this re-alignment of my boundary line now being about double of the first reckoned amount, I courtesly ask the Shire to review this situation.

Thank you.

Mrs. M. A. Hargreaves

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# MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

## Rhonda Mettam

**From:** Brad Collard <brad@htds.com.au>  
**Sent:** Friday, 8 November 2019 9:11 AM  
**To:** sharkbayherald@westnet.com.au  
**Cc:** Rhonda Mettam  
**Subject:** I-PR-27244 - RE: Lot 100 Durlacher Street, Denham - Road Closure and Amalgamation  
**Attachments:** Case 173383 - Sketch.pdf; DP417465 Issued for Review 15-10-19.pdf; DP417465 Issued for Review 15-10-19.pdf; 14 Durlacher St - Google Maps.pdf

Good morning Tim,  
Please find attached a copy of a sketch prepared by TPI which was referred to in the Survey Instructions we received from the Department of Planning, Lands & Heritage (DPLH). We were instructed to survey the new boundary for your lot 100 as per the general intent of this sketch.

I have attached again a copy of our Deposited Plan 417465 which shows the boundary configuration as surveyed. The original corner position is maintained at the north west corner of your lot 100. This corner is marked with a screw and aluminium plate in the paved drain as per the attached mark up from Google Street View.

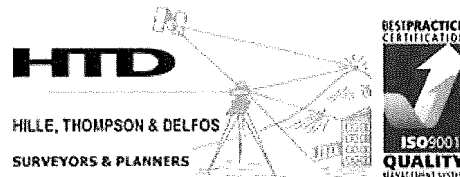
A new corner peg has been established at 1.61 metres east of the original street corner along the original boundary alignment. This new corner peg should be obvious near the end of the existing rendered wall. 2 more new corner positions have been established to contain the existing improvements to define the new northern boundary of your lot as per the Deposited Plan.

Hopefully this information provides the clarification you need but if you have any further queries please don't hesitate to contact me to discuss.

Regards

Brad  
Collard  
Licensed Surveyor

P: 08 99213111  
M: 0438 574 159  
E: [brad@htds.com.au](mailto:brad@htds.com.au)  
A: 24 Durlacher Street, Geraldton  
WA 6530  
W: [www.htds.com.au](http://www.htds.com.au)



**From:** Tim Hargreaves [mailto:[sharkbayherald@westnet.com.au](mailto:sharkbayherald@westnet.com.au)]  
**Sent:** Friday, 8 November 2019 5:38 AM  
**To:** Brad Collard <brad@htds.com.au>  
**Subject:** FW: Lot 100 Durlacher Street, Denham - Road Closure and Amalgamation

**From:** Tim Hargreaves [mailto:[sharkbayherald@westnet.com.au](mailto:sharkbayherald@westnet.com.au)]  
**Sent:** Friday, 8 November 2019 5:34 AM  
**To:** ([admin@sharkbay.wa.gov.au](mailto:admin@sharkbay.wa.gov.au))

26 AUGUST 2020

Cc: 'Brad Collard '; 'Kay Anand'  
Subject: RE: Lot 100 Durlacher Street, Denham - Road Closure and Amalgamation

Shire of Shark Bay  
Attn. Shire Works Supervisor – **Brian Galvin**  
c.c CEO – **Paul Anderson**

c.c. Brad Collard



c.c **Kay Anand** | Assistant State Land Officer

Brian  
100 Hughes St – ‘ New’ corner post

I refer to past correspondence on the subject of the purchase of the vacant Crown Land adjoining our property at 14 Durlacher St./Lot 100 Hughes St. & my difficulties in establishing where exactly the new boundary lines/corner pegs are.

As I didn't hear back from the Shire I asked Kevin Laundry for his advices on the subject. We established where the new boundary line is & likewise the new corner peg at the far end (N/ (East corner). But we were in doubt about where the ‘ new’ corner post is at the corner of Hughes & Durlacher St.

Can you please phone me & assist in this matter please. Lands Dept. are anxious to finalise the matter.

Thank you.

Tim Hargreaves



26 AUGUST 2020



## Shark Bay Christian Fellowship And Crisis Centre

Established 1983

*Under the auspices of the Shark bay Christian Fellowship and working in conjunction with the  
Department of family and Community Services, and the WA Council Of Social Services (WACOSS)*

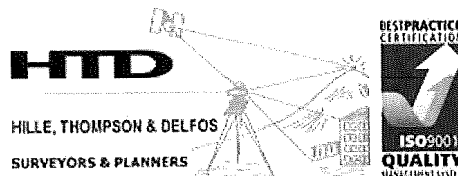
**From:** Brad Collard [<mailto:brad@htds.com.au>]  
**Sent:** Friday, 1 November 2019 8:50 AM  
**To:** [sharkbayherald@westnet.com.au](mailto:sharkbayherald@westnet.com.au)  
**Cc:** brian Galvin; Paul G Anderson  
**Subject:** RE: Lot 100 Durlacher Street, Denham - Road Closure and Amalgamation

Good morning Tim,  
Thanks for getting back to me on this.  
If you or Brian have any queries during the inspection please don't hesitate to contact me.

Regards

Brad  
Collard  
Licensed Surveyor

P: 08 99213111  
M: 0438 574 159  
E: [brad@htds.com.au](mailto:brad@htds.com.au)  
A: 24 Durlacher Street, Geraldton  
WA 6530  
W: [www.htds.com.au](http://www.htds.com.au)



**From:** Tim Hargreaves [<mailto:sharkbayherald@westnet.com.au>]  
**Sent:** Thursday, 31 October 2019 11:42 PM  
**To:** Brad Collard <[brad@htds.com.au](mailto:brad@htds.com.au)>  
**Cc:** brian Galvin <[brian@sharkbay.wa.gov.au](mailto:brian@sharkbay.wa.gov.au)>; Paul G Anderson <[ceo@sharkbay.wa.gov.au](mailto:ceo@sharkbay.wa.gov.au)>  
**Subject:** RE: Lot 100 Durlacher Street, Denham - Road Closure and Amalgamation

26 AUGUST 2020

**Brad Collard**  
**Licensed Surveyor**



**Lot 100 Durlacher Street, Denham - Road Closure and Amalgamation**

Brad I really have to apologise for being so tardy with this business but for the life of me I can't correlate the Surveyors pegs to the documents sent to me.

As you are probably aware we don't have a licenced Surveyor in Town which makes it hard. What I will do is ask the Shire Foreman, Bryan Galvin, the only person I know of who does periodic survey work for the Shire, & see if he can verify the configuration of your plans to what appear to be the new pegs. I will phone you up either Friday the 1<sup>st</sup> or Monday the 4<sup>th</sup> Nov. to let you know how I went.

Thanks for your patience.

Yours faithfully – Tim Hargreaves



**Shark Bay Christian Fellowship**  
**And Crisis Centre**

Established 1983

*Under the auspices of the Shark bay Christian Fellowship and working in conjunction with the*

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

*Department of family and Community Services, and the WA Council Of Social Services (WACOSS)*

**From:** Brad Collard [<mailto:brad@htds.com.au>]  
**Sent:** Wednesday, 30 October 2019 9:16 AM  
**To:** [sharkbayherald@westnet.com.au](mailto:sharkbayherald@westnet.com.au)  
**Cc:** Hamish Hargreaves  
**Subject:** RE: Lot 100 Durlacher Street, Denham - Road Closure and Amalgamation

Good morning Timothy,  
I am just following up to see if you have had an opportunity to review the Deposited Plan I forwarded through on the 15<sup>th</sup> of October. Once you have confirmed you are happy with the lot configuration shown on the plan I can forward this to the Department of Planning, Lands & Heritage for their approval to lodge with Landgate.

Please don't hesitate to contact me if you have any queries or require anything further.

Regards

Brad  
Collard  
Licensed Surveyor

P: 08 99213111  
M: 0438 574 159  
E: [brad@htds.com.au](mailto:brad@htds.com.au)  
A: 24 Durlacher Street, Geraldton  
WA 6530  
W: [www.htds.com.au](http://www.htds.com.au)



**From:** Brad Collard  
**Sent:** Tuesday, 15 October 2019 2:16 PM  
**To:** 'sharkbayherald@westnet.com.au' <[sharkbayherald@westnet.com.au](mailto:sharkbayherald@westnet.com.au)>  
**Cc:** 'Hamish Hargreaves' <[hamish.hargreaves@pfaarchitecture.com](mailto:hamish.hargreaves@pfaarchitecture.com)>  
**Subject:** Lot 100 Durlacher Street, Denham - Road Closure and Amalgamation

Good afternoon Timothy,  
Please find attached for your review a copy of Deposited Plan 417465 which has been prepared to depict the amalgamation of a portion of Hughes Street with your lot 100.

We will await your confirmation that the boundary configuration as shown on this plan and as marked on the ground fulfils your requirements. We can then forward the Deposited Plan to the Department of Planning, Lands & Heritage for their review and approval to lodge with Landgate.

If you have any queries or require anything further please don't hesitate to contact me.

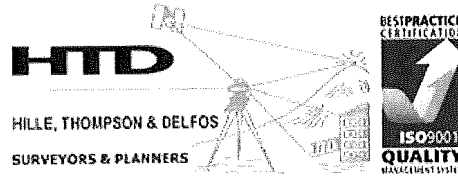
Regards

Brad  
Collard  
Licensed Surveyor

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

P: 08 99213111  
M: 0438 574 159  
E: [brad@htds.com.au](mailto:brad@htds.com.au)  
A: 24 Durlacher Street, Geraldton WA  
6530  
W: [www.htds.com.au](http://www.htds.com.au)



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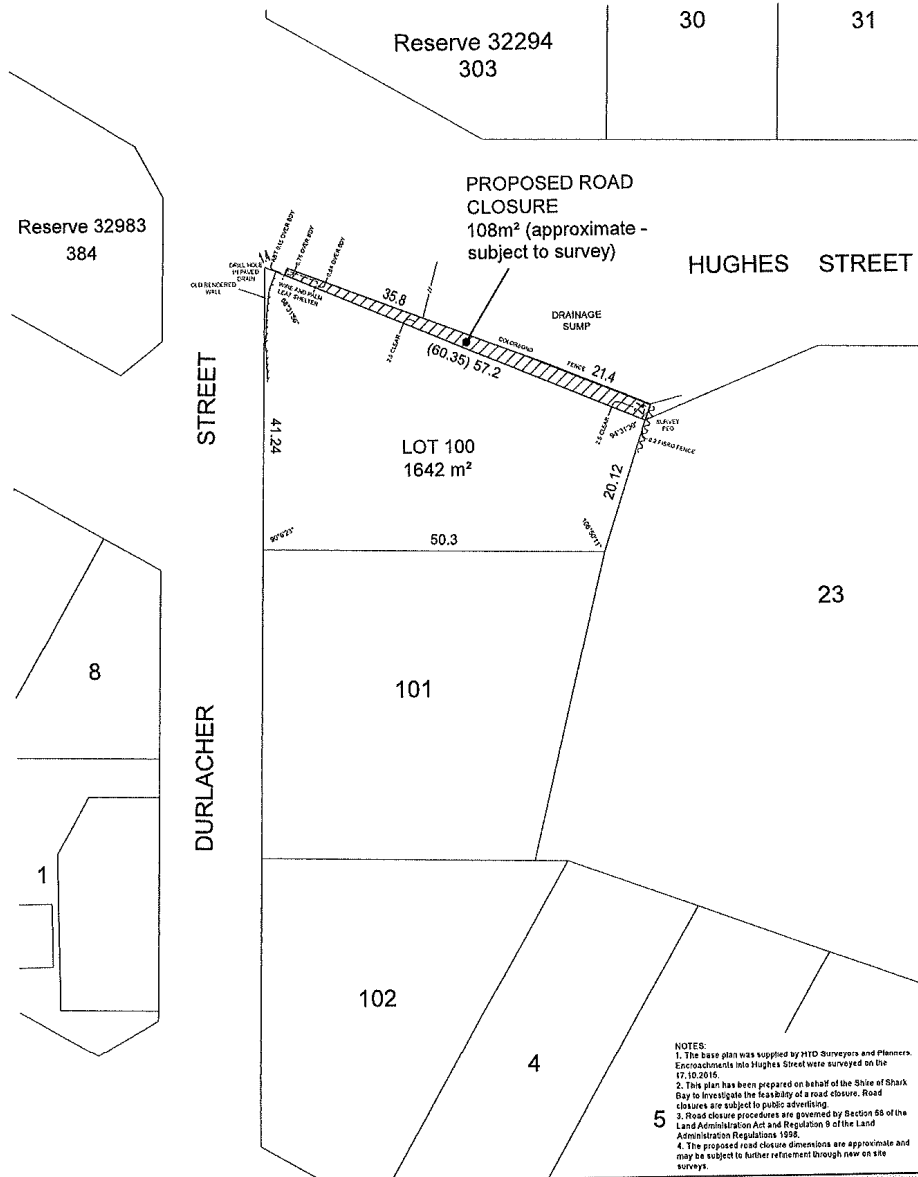
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MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020



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



Town Planning Innovations  
PO Box 223  
Quairford WA 6035  
T 0895 10969  
E info@tpi.com.au

JOB REFERENCE: 20-2017 DATE: 18th JUNE 2017  
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MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

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MINUTES OF THE ORDINARY COUNCIL MEETING

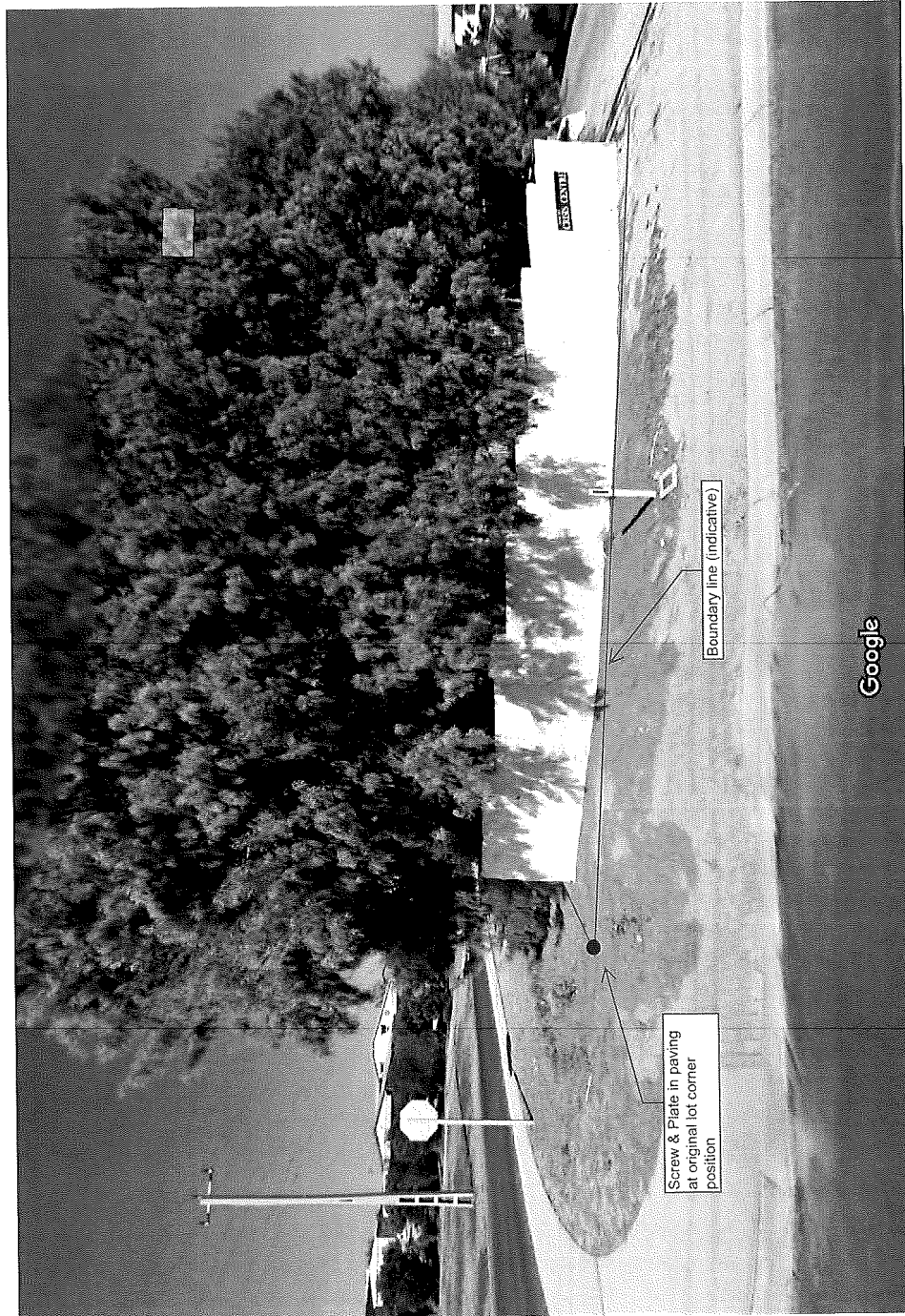
26 AUGUST 2020

VER. _____ AMENDMENT _____ AUTHORISED BY _____ DATE _____	<p style="text-align: center;">INSET NOT TO SCALE</p> <p style="text-align: center;">ENLARGEMENT AT 'A' NOT TO SCALE</p>	TYPE FREEHOLD S.S.A. YES/NO PURPOSE CROWN LAND AMALGAMATION PLAN OF LOT 200 FORMER TENURE SEE TABLE LOCAL AUTHORITY SHIRE OF SHARK BAY LOCALITY DENHAM D.P.L.H. FILE L00576-2017 FIELD RECORD 133031 SURVEYORS CERTIFICATE - REG 54 T. LEIGH HERBERT COAKER (a) This plan is a true and correct representation of the (b) survey and/or measurements recorded in the field (c) specific to the parcel(s) indicated. Undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to what it depicts. LICENCED SURVEYOR DATE LOGGED DATE FEE PAID I.S.C. EXAMINED DATE WESTERN AUSTRALIAN PLANNING COMMISSION FILE EXEMPT FROM WAPC APPROVAL Delegated under S.18 PAO Act 2005 SUBJECT TO IN ORDER FOR DEALINGS FOR INSPECTOR OF PLANS AND SURVEYORS APPROVED INSPECTOR OF PLANS AND SURVEYS/ AUTHORIZED LAND OFFICER DATE DEPOSITED PLAN <b>417465</b> SHEET 1 OF 1 SHEETS VERSION 1																										
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MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020





MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

**Rhonda Mettam**

---

**Subject:** FW: RE: Reimbursement of Surveyors fees  
**Attachments:** image001.jpg; image002.jpg

----- Original Message -----

**From:** "Brad Collard" <brad@htds.com.au>  
**To:** "sharkbayherald@westnet.com.au" <sharkbayherald@westnet.com.au>  
**Cc:** "htdsurveys@htds.com.au" <htdsurveys@htds.com.au>, "chezza@westnet.com.au" <chezza@westnet.com.au>, "cr.fenny@sharkbay.wa.gov.au" <cr.fenny@sharkbay.wa.gov.au>, "benjaminbellottie@gmail.com" <benjaminbellottie@gmail.com>, "gregridg@westnet.com.au" <gregridg@westnet.com.au>, "cr.stubberfield@sharkbay.wa.gov.au" <cr.stubberfield@sharkbay.wa.gov.au>  
**Sent:** Wed, 22 Jul 2020 03:16:40 +0000  
**Subject:** RE: Reimbursement of Surveyors fees

Good morning Tim,

I just wanted to clarify that our total invoicing for this job was for \$4150 (Exclusive of GST) as per our quote plus the Landgate lodgement fee of \$430 (Exclusive of GST) which we paid on your behalf upon lodgement of the Deposited Plan.

There was no additional invoicing as a result of our re-visiting site to correct the marking of the new boundary alignment.

Please don't hesitate to contact me if you require a copy of our invoice or quote for this job or if you have any further queries.

Regards

**Brad  
Collard**

Licensed Surveyor

P: 08 99213111

M: 0438 574 159

E: [brad@htds.com.au](mailto:brad@htds.com.au)



MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

A: 24 Durlacher Street, Geraldton  
WA 6530

W: [www.htds.com.au](http://www.htds.com.au)

**From:** Edrick Delfos On Behalf Of [htdsurveys@htds.com.au](mailto:htdsurveys@htds.com.au)  
**Sent:** Wednesday, 22 July 2020 10:18 AM  
**To:** Brad Collard  
**Subject:** FW: Reimbursement of Surveyors fees

**From:** Tim Hargreaves [<mailto:sharkbayherald@westnet.com.au>]  
**Sent:** Tuesday, 21 July 2020 10:39 PM  
**To:** [chezza@westnet.com.au](mailto:chezza@westnet.com.au); Ed Fenny; [cr.fenny@sharkbay.wa.gov.au](mailto:cr.fenny@sharkbay.wa.gov.au); [benjaminbellottie@gmail.com](mailto:benjaminbellottie@gmail.com)  
**Cc:** [gregridg@westnet.com.au](mailto:gregridg@westnet.com.au); [cr.stubberfield@sharkbay.wa.gov.au](mailto:cr.stubberfield@sharkbay.wa.gov.au); [htdsurveys@htds.com.au](mailto:htdsurveys@htds.com.au)  
**Subject:** Reimbursement of Surveyors fees

Shire Council of Shark Bay

c.c. CEO & Admin.

Dear Councillors

Lot 200 (until recently lot 100) HUGHES ST

Northern boundary line –

Shire removal of corner peg & subsequent events.

Over the past approx. 4 years there has been considerable correspondence between my wife & myself (co-jointly) with the Shire Administration & various Departments within the Lands Department, Town Planning, Land gate, etc. & a firm of Surveyors.(HTD of Geraldton.)

Along with the necessity for a new boundary line facing Hughes St. or opposite the Police Station - the details of which have finally been accomplished & coming under the term *Adverse Possession*, there remains one last factor to be resolved.

And that concerns the removal of our corner boundary peg on the junction of Hughes & Durlacher by the Shire (or its contractors) somewhere in the 1980's when constructing a 2-3 meter wide 'spoon' drain to carry away flood water from the nearby *sump* parallel to Hughes St.

# MINUTES OF THE ORDINARY COUNCIL MEETING

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To better understand the specifics of what this is all about, over & above the attached photos, I invite you - be it individually when passing - or collectively - to let me point out the clear lines of demarcation.

Also, so that you understand the complexities to the background of the issue, my wife & I brought this property back in the early 70's when it stood on the outskirts of town with only a rough dirt track running up to the remains of the old cemetery.(Now Pioneer Park).

Where Hartog Crescent now is, was just wattle bush. In the course of the subsequent development of house blocks, the resultant run-off of rain water necessitated a sump of some magnitude being built parallel to our property. It could accommodate quite comfortably I understand, close to 500 hundred tonnes of water.

Before the overflow drain was built this sump twice burst the tops of its banks. The Shire, somewhat hurriedly I believe, built that drain as our property was now threatened. This would explain the obliteration of our corner peg as the floor of the spoon drain lay some 3 feet below the level of said corner peg.

I was away at sea at the time but on return recall the edge of the Shires brick work not only abutted our boundary line but cut across the corner of our property to carry the overflow down the hill to the sea.

That was not the end of the matter for me however.

I now had an expanse of some 150 sq.m's of a road shoulder from the extension to Hughes St. sloping down onto our property which in turn caused a serious threat in terms of wash away to that end of our property abutting Durlacher St.

At that time, not as a Councillor but as a ratepayer, I was spearheading the fight for proportional representation on Council. (it was then a case of 5 Pastoral Ward Councillors to 2 Town Ward Councillors. The Pastoral community comprised less than 10% of Shark Bay's populace, with 90% being in the town ward.)

I stood no chance of any assistance from the then Shire Clerk nor Council & I had to build a 15 meter long wall by 1 meter high at my own expense AND fill that vacant Crown land to kerb level (See photo attached).

That overflow 'spoon' drain which the Shire was compelled to build leading from the waste water sump to Durlacher St. I have maintained & kept free of debris for some 30 years. Not once has a Shire employee been near it in terms of maintenance.

The question of financial reimbursement may not have arisen had I been treated properly or fairly over the business of the Surveyors fees & purchase of the vacant Crown Land.

I asked the C.E.O. (Mr.Anderson) what the cost would be. He said he did not know nor could he give me an idea. Knowing I couldn't commit myself to consenting without **some** idea I said as such & to extract some sort of figure I said I would not quote him. He said about \$4,000. So I went ahead & the job of re-aligning the boundary line was got underway. As it passed the \$5,000 mark I queried the various individuals in the chain of Govt. Depts. saying a 'senior Shire employee' had advised me it would be about \$4,000.I didn't mention it was the C.E.O.

One Department waived approx.. \$1,5000 from off their bill. Around this time I had to have a Cardiac operation & I can't recall the exact sequence of events but the Surveyors came up, re-did the boundary lines & left without my knowing where the new corner peg was.

We received the new plans & a bill for a further approx. \$4,000. I asked the Shire Works Manager (Brian Galvin) with a c.c. to the C.E.O. if they could assist with establishing where the 'new' corner peg had been established. **No reply.** I finally got a then Councillor with Draftsman's experience (Kevin Laundry) to help me but he couldn't locate the supposed new corner peg.

Receiving no co-operation from the Shire I had to get onto the Surveyors again who on arrival acknowledged the new boundary lines pegged were not as earlier requested, & re-did them with me there.

MINUTES OF THE ORDINARY COUNCIL MEETING

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I understood from the Surveyor in question there would not be a bill for the job & thought that was an end to the matter.

But lo & behold there came another bill for some \$5,000.

By this time the Corona Virus had seen an end to whatever income we had coming in & I couldn't even pay the Surveyors latest bill.

Likewise I was no longer interested in concealing the identity of the ' Senior Shire employee' who had quoted the figure of \$4,000 which had now spiralled up to close on \$10,000.

Hence this letter to you Councillors for some fair & just recompense that goes back some 30 years to what was a Shire doing in the first place.

I think \$5,000 outstanding for the last Surveyors bill & \$5,000 for the building of the wall, the accompanying fill & 30 odd years of maintaining the critical overflow drain from the Sump would be more than fair. And it finishes there.

Otherwise my wife & I regret it becomes a matter for litigation. Naturally the Surveyors' approximate dollar figures given in this communication can be given in exact amounts per invoices & dates.

Sincerely – Tim Hargreaves.

.....(signed copy sent to Shire).....

And Margaret Anne Hargreaves

.....(ditto).....



**Shark Bay Christian Fellowship**

**And Crisis Centre**      Established 1983

*Under the auspices of the Shark bay Christian Fellowship and working in conjunction with the*

*Department of family and Community Services, and the WA Council Of Social Services (WACOSS)*

<sup>^</sup> This message has been scanned by the PPS spam filtering system.

26 AUGUST 2020

P1075 / O-CR-18634  
Liz Bushby  
13 July 2020

MA HARGREAVES  
14 DURLACHER STREET  
DENHAM 6537

Dear Mrs Hargreaves

**Follow Up Bed and Breakfast - Lot 200 (Previously Lot 100) (14) Durlacher Street, Denham**

As you are aware the Shire conditionally supported your application for a bed and breakfast on Lot 100 in March 2019.

Since that time Lot 100 has been amalgamated with a closed portion of Hughes Street, and I note the property is now known as Lot 200. The Shire is pleased that the road closure process has been completed.

I am of the understanding that the bed and breakfast is operating, however there is some concern that you may still be accommodating people in the crisis centre.

I take the opportunity to reinforce that you provided the Shire with a written commitment in a letter dated the 22 February 2019 that *'we confirm the crisis centre shall cease its operations immediately upon the approval of the bed and breakfast proposal approval. The signage shall also be removed upon approval.'*

The Shire accepted your written advice in good faith and I seek your further assurances that the crisis centre use will permanently cease.
--

I also seek your advice on compliance with the conditions of the planning approval for the bed and breakfast. A list of the conditions is included on the attached form.

You are requested to fill out the attached form and provide evidence of compliance with each condition. If the condition is ongoing (such as limitations on bedrooms), you can simply put a comment on the form. Please be advised that you can attach any relevant documents, photographs or electrician receipts to the form and return the signed form to the Shire.

If the attached form is not signed and returned to the Shire within 30 days of the date of this correspondence (**ie by 13 August 2020**), the Shires planning consultant will follow up with you to ascertain the status of the situation.

The Shire wishes you well with the bed and breakfast proposal, and looks forward to the final steps being accomplished to ensure compliance with the existing planning approval.

Yours sincerely

Paul Anderson  
**Chief Executive Officer**

MINUTES OF THE ORDINARY COUNCIL MEETING

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**PLANNING CONDITIONS – COMPLIANCE FORM**  
(TO BE COMPLETED BY LANDOWNER)

I, the owner of Lot 200 Durlacher Street, Denham, confirm and certify that I have complied with the following planning conditions:

Conditions of Planning Approval March 2019	Owner Comment / Evidence
The plans lodged with this application shall form part of this planning approval. The Bed and Breakfast shall operate in accordance with the plans submitted and the car parking layout shown on the plans.	
The existing dwelling is approved as a 'Bed and Breakfast' and use of Bedroom 3 (for 2 adults over 18 years of age) and Bedroom 2 (for 2 children) for short guest stays. This approval does not include any additional sleeping areas for guests.	
Car parking areas with capacity to accommodate a minimum of 3 car parking bays are to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance with the plan submitted with the application.  The car parking bay for guests is to be clearly sign posted or marked as 'Guest Parking' to the satisfaction of the Chief Executive Officer.	
All guest car parking shall be accommodated within the boundary of Lot 100 at all times.	
The owner shall implement the measures in the Management Plan lodged and approved as part of this application.	
The owner shall occupy the existing dwelling at all times that guests occupy the Bed and Breakfast. In accordance with the Management Plan the owner shall maintain a record / register of all bookings, available for inspection by the Shire of Shark Bay upon request.	
The maximum number of guests shall not exceed 4 (2 adults and 2 children) at any time.	
No guest shall be accommodated for periods totalling more than 3 months in any 12 month period.	
Prior to commencement of operation of the bed and breakfast, a hard wired smoke alarm	

MINUTES OF THE ORDINARY COUNCIL MEETING

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shall be installed in the hallway adjacent to the study and Bedroom 1.	
All smoke alarms / detector shall be hardwired and maintained in good working order at all times.	
The owner / applicant to lodge a revised 'Fire and Emergency Plan' that reflects the additional smoke detector in the hallway as required in Condition (ix) for separate written approval by the Chief Executive Officer prior to commencement of operation.	
Any sign for the bed and breakfast shall only be located within the lot boundary and the sign face shall not exceed an area of 0.2 square metres.	

.....  
Margaret Hargreaves (signature)

.....  
Date signed

26 AUGUST 2020



**SHARK BAY CHRISTIAN  
FELLOWSHIP  
AND CRISIS CENTRE**

*Under the auspices of the Shark bay Christian Fellowship and working in conjunction with the Department of Family and Community Services, and the WA Council of Social Services (WACOSS)*

**Established 1983**

**Australia 6537**

**ABN 83.325.318.348**

**0429 481 338**

**Registered Non-for-Profit Charity**

**P.O. Box 50 Shark Bay, West**

**Tel (08)99 481 338      Mob.**

**To – Paul Anderson  
CEO Shire of Shark Bay  
WA 6537**

**Dear Mr. Anderson.**

**The Preachers Cottage – B & B- 14 Durlacher St, Denham, Shark Bay.**

I acknowledge receipt of your letter of the 13<sup>th</sup> July ref P1075/0 CR-18643.

In essence you seek my assurance that if my small B & B business is allowed to continue to operate then the Crisis Centre operation of our Christian Fellowship must cease & **permanently** so.

The crux of the problem obviously hinges on an undertaking given by myself that at the time of my son undertaking the conversion of a granny flat on our premises into an Air B & B. i.e. Shire approval would be granted *provided* we ceased the activities pertinent to the Crisis Centre on our premises. Compliance with the appropriate building & Health regulations were obvious & easily met with & passed by the Shire's customary impartial, courteous & efficient Environmental & Health Inspector, Wendy Dalywater.

If we were to be honest the securing of mine & my sons signatures for the go-ahead with the B & B revolved around an on-going issue you have had with my husband & the Crisis Centre over a number of years.



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In my opinion it started the first week of your arrival in Shark Bay when you came to our house with Cheryl Cowell as President claiming you had stress problems & would quit if you thought he was going to give you a hard time as he had Matthews.

Anyway - you capitalised on my being in a very vulnerable position in securing my signature at this junction of our lives. You knew - as indeed the community knew & my son pointed out to you – my husband was in Sir Charles Gardiner Hospital at that time being treated for cardiac problems. He was in fact flown out four times over a period of time & it was quite on the cards he would – to use his jargon – *kick the bucket*. Even the visiting Magistrate when you had him up in Court on some *dog without a leash* charge commented on his condition & adjourned the case until he could better take the witness box.

For yours & the Councils benefit my husband performed a Marriage Ceremony round that time & only because it was a fellow ex-airborne soldier on what is called a ‘second time round’ marriage. Before the Marriage vows ere completed my husband handed over to me, & *threw up* in a nearby garden bed & we carried him to his study & laid him down, as the newly married wife said, an ex-nurse, to die.

Anyway, he had a pace-maker installed & didn’t die I’m glad to say & is back on his feet firing away on his customary 6 cylinders.

You might think all this is a bit frivolous & not relevant to the issue but I feel it necessary to recall so that you are fully aware of the quandary I now face.

We are in our early 80’s & have **no other source of income, not even a pension** despite being in this country 50 years & never one days unemployment. This is because of a partially dilapidated 400 year old family farmhouse I inherited in the Channel Islands on behalf of my son(s),The asset situation prohibits our receiving a pension.(Our previously mentioned son Hamish is over there at the moment working on restoring the building so it can be rented out.) My husband is trying to get a Historical Walk Tour going but there are problems with Public Liability & thus co-operation of the Information Centre & advertising *flyers* you are probably aware).

Anyway, to show willing when I signed that agreement we took down the *Crisis Centre* signage adjoining that of the Christian Fellowship & in essence cut out the bulk of all activities associated with that of the Crisis Centre.

But Mr. Anderson even with the limited time you have been here you must be aware in the culture of a small & isolated coastal community like Shark Bay certain reputations & individuals identities just can’t be divorced in people’s minds. For some 50 years my husband has had a

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reputation for helping people irrespective of their problem You have had personal experience of his *going into bat* in Court for what he calls *his poor white & black fella mates*.

After our fire & the building of our rammed earth home & its coinciding of his conversion as a born-again Christian, we built our home to a size to accommodate & meet the needs of those less fortunate. i.e.a Crisis Centre in conjunction with the Shark Bay Christian Fellowship under whose auspices we restored the Anglican Church building & commenced the first of the regular & still on-going Sunday worship Services in Shark Bay.

The placing of the 3 caravans & screens in 1999 (I think) were done with Shire approval. The signed undertaking to allow only 1 person in 1 van for 3 nights I have reservations about as that application was good for just 2 years & further there were subsequent occasion(s) when there were proven to be forged documents pertaining to us undertaken by Shire employees as referred to by one Magistrate & in an Affidavit by one CEO's (Matthews) personal secretary.

However - I risk getting bogged down in all the wretched entanglements of the past. We don't begin to get caught up in all the activities we used to in large measure because the Crisis Centre signage came down Suffice to say my husband is not one to compromise his faith & if anyone seeks help he has an obligation before God to do what he can. He is his own man & head of his household & I as his wife of 50 years not only know him well enough not to even think of trying to persuade him to compromise his standing as a Christian.

A crucial parable to Christians worth their salt is that of the Good Samaritan. I suggest you read it - Luke chapter 10 verses 25 to 37 .My husband is one of those (unlike, I am sorry to say it, many Christians) who will pass by on the other side of the road when confronted with the need to help a victim of unfortunate circumstances. The same as I would hope, with the likes of our Prime Minister Scott Morrison, Margaret Court or Israel Foleau

I am requesting this decision be a matter for our elected Councillors to determine upon.

It is only fair to advise you that if you as the CEO or the Shire Council decide to stick with your ultimatum of our ceasing to exercise the Constitution of our Registered Charity (under whom our B & B **The Preachers Cottage** is also registered for fund-raising purposes) and reads as follows the passage from Matthew ch.25 v/s 35 to 36 “

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**...hungry you fed me, thirsty you gave uno me drink, naked you clothed me... in prison or in hospital you visited me, a stranger you took me in...**” then my husband will seek an injunction against you carrying out such an order.

In closing I would add the last 3 occupants of the small van in which is the incumbent ‘client’ whom are concerned about all came in varying capacities of crisis. Johnny the Turk could not speak English adequately, had no manual skills & could only get 2 days a week at the Heritage cleaning toilets & not sufficient income to afford even a campsite on a C’van Park...now fluent in English & considered best computer & I.T. *Fixit man* in town, looking to buy his own property. Teena Chitterly - loss of employment at Hamelin Pool & likewise unable to afford any accommodation in town & now in a Homeswest unit. Now much sought after as a gardener/cleaner & driver.

Cheryl Rowe, mental health issues... not willing to live in a large town like Carnarvon as a single woman for reasons of safety...at least owned a car... always a willing worker & a helping hand to others, particularly with pensioners & with her car ...finally nominated for a Citizens Award by more people than any other ... now exemplary tenant in Shire Pensioner unit.

They all had their problems which we needn’t go into here & all turned out to be good, law abiding & useful members of our Community.

The current occupant of the small van, Mick Sutton, has suffered from a broken marriage out of which arose something many an aggrieved wife or mother in law have an unfortunate habit of doing – that is placing a drummed up VRO on the man.

This can blacken a man’s character where the Police or would-be employers. I know it only too well. A woman Councillor once had such an order erroneously filed against my husband. He’s never ever used a swear word nor raised his voice against a woman let alone a fist. But the Police, regrettably, will invariably believe my gender.

Mick has an endorsement for his Application for a Homeswest unit from Vince Catania’s office & the Mental Health Nurse handling his case & is on their shortlist of Applicants for a single bedroom unit. He is quiet, neither a drug user nor a drinker & one of the most versatile tradesman we have come across.

We have known him on & off for 2 years .There is a shortage of good, reliable & skilled labour in Regional Australia. He just needs a helping hand over a rough chapter in his life.

---

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Frankly I have difficulty in understanding why we – and my husband in particular – should always be facing such adversity in trying to help other people in their time of difficulties.

Yours sincerely,

Margaret Anne Hargreaves.....  
Signed letter follows  
13<sup>th</sup> August 2020

26 AUGUST 2020

11.3 PLAN FOR OUR PARKS  
EM00009

Author

Councillor M Smith

Disclosure of Any Interest

Cr Cowell - Impartiality Interest as a Western Australian State Government Employee.

Moved

Cr Smith

Seconded

Cr Stubberfield

**Council Resolution**

**That the Minister for Environment Honourable Stephen Dawson be requested to provide an update to the Council and community of Shark Bay in regard to the progress and proposed consultation and timelines for the State Government Plan for Parks specific to the Shire of Shark Bay.**

**6/0 CARRIED**

Background

The McGowan Government announced the Plan for Our Parks in February 2019. A component of the plan includes additions to the Shark Bay Terrestrial reserve comprising areas identified in 2008 including the proposed South Peron conservation park, the proposed Nanga Conservation Park.

The details are contained with the attachments to this report.

Comment

Please can we take the time to consider the pending change of the South section of the Peron Peninsula to National Park?

This is the area from Monkey Mia Road or the existing National Park to the Vermin Proof Fence.

I strongly believe we have a responsibility to our residence to consult and advice on this matter before it too late to have any input. That is if we can even now.

I have discussed with the Chief Executive Officer some of the history and believe that we as a council should look into the implications of the Plan for Our Parks further.

The Chief Executive Officer is arranging Department of Biodiversity, Conservation and Attractions to advise the Councillors of the process and progress of this transformation in the coming weeks.

(The Chief Executive Officer commented that the local Department of Biodiversity, Conservation and Attractions District Manager has been contacted and is organising an information session for the Council at a date to be confirmed).

I believe that the Council should pursue the following issues

- 1. Advice the residents of Denham of the pending changes and implications to social activities in this area.**

26 AUGUST 2020

- Changes to current activities such as taking the dog for a walk, 4x4ing, camping and getting to your favourite fishing spot.
  - Charges and fee to friends and family visiting you.
  - Will rate payers be charged camping and access fees?
  - A sense of loss of freedom to access much loved locations.
  - Over policing as there is an additional 15 ranger to be stationed in the bay.
- 2. Consider change to the existing town boundary for future development.**
- Once it become National Park there will be no ability to change it back to Unallocated Crown Land.
  - Discuss the impact on people purchasing in the area if any.
  - Future growth to Denham.
  - Do we allow for ocean side life style blocks of 2 to 5 hectares as in other locations Kalbarri and Exmouth?
- 3. Exceptions of Council within the National Parks.**
- Shire will no longer manage the south camping ground. There will be a loss of income, is there other loses or financial impacts to consider?
  - Does shire need to seal Eagle Bluff Road with rate payers funding given it's a Department of Biodiversity, Conservation and Attractions asset soon to be National Park.
  - Currently the Monkey Mia Jetty is used daily by the Department of Biodiversity, Conservation and Attractions. Will there be other shire assets and equipment to be used at no charge?

Yes there is some “what ifs”, “may be’s”, “possibly’s” and “assumptions” and but there’s also some “definate’s” as well.

Let’s talk about this both the positive and the negatives as we are about to be **fully encompassed within a National Park**. As far as I’m aware there is no other town in Western Australia that is this imbedded in a National Park as we will be.

If you are aware of one within Australia please let me know as I would like to contact there council members to discuss.

Furthermore we should discuss and receive feedback from residence on how they see the pending change affect them. Then express this in consultation **if any** with the Department of Biodiversity, Conservation and Attractions and or the State Government.

There will be some that play this down and that it’s a non-event or that it’s be happening for year what’s the problem. Well it’s about to happen for real check the Land Gate web site, its already happened. Start to engage with the residents and see how they respond to the changes. With the planned meet of Council and the Department of Biodiversity, Conservation and Attractions this will give us, Council time to form poignant question for the Department of Biodiversity, Conservation and Attractions.

#### Legal Implications

There are no legal implications relative to this report.

#### Policy Implications

There are no policy implications relative to this report.

MINUTES OF THE ORDINARY COUNCIL MEETING

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26 AUGUST 2020

Financial Implications

There are no policy implications relative to this report.

Strategic Implications

Address council Strategic Economic Objective

Help protect our unique natural and built environment

Outcome 3

A natural environment for the benefit and enjoyment of current and future generations

3.1 reduce environmental impact within the Shire.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

*P Anderson*

Date of Report

12 August 2020



26 AUGUST 2020



**PLAN FOR OUR PARKS**  
**SECURING 5 MILLION HECTARES OVER 5 YEARS**





## PLAN FOR OUR PARKS

The McGowan Government will leave a lasting legacy for future generations by significantly increasing Western Australia's conservation estate.

Plan for Our Parks will secure a further five million hectares of new national parks, marine parks and other conservation reserves over the next five years.

The five million hectare expansion will see the conservation estate<sup>1</sup> increased by over 20 per cent.

The plan will deliver new and expanded parks from the Kimberley in the north, across WA's Rangelands, through population centres in Perth and Bunbury, to our south-west forests and along our southern coastline.

The plan includes existing priorities and identifies new, visionary opportunities to work with Traditional Owners to create, jointly manage and expand our parks.



1. The conservation estate includes national parks, conservation parks, nature reserves, marine parks, marine nature reserves, marine management areas and Conservation and Land Management Act 1984 section 5(1) (a) and 5(1)(b) reserves with a purpose of conservation.



Cover: Ningaloo World Heritage area. Photo – Tourism WA. Top of page: Ningaloo Coast. Top right: South Coast. Above right: Traditional Owners working on country. Above: Former Bumerbinmah pastoral lease. Photos – DBCA



## PLAN FOR OUR PARKS

### Conservation and tourism benefits

A bold expansion of the conservation estate will help safeguard Western Australia's unique biodiversity. Scores of threatened flora and fauna will have their habitats secured for generations to come. Opportunities for a **Helena Aurora Range National Park**, **Houtman Abrolhos Islands National Park**, along with a national park over the **Fortescue Marsh**, the largest ephemeral wetland in the Pilbara, will conserve important aspects of the State's biodiversity.

Key priorities include a marine park system that protects a wide variety of important ecosystems and marine life along WA's extensive coastline. Marine parks will be created in the **Buccaneer Archipelago** in the Kimberley and the **Perth metropolitan area**. The Recherche Archipelago and Stokes Inlet, and their surrounding waters, have also been identified in previous marine planning processes. These areas are known for their high conservation value and will be considered for reservation as a marine park for multiple purposes, including conservation. The establishment of any marine park in this area requires consultation with commercial and recreational fishers to identify opportunities that enable continued recreational and commercial uses. These parks will complement the State's commitment to the joint vesting of marine parks with Traditional Owners.

Plan for Our Parks will also boost tourism in Western Australia, by providing opportunities for development of nature-based and cultural tourism and recreation attractions. This will further enhance Western Australia's reputation as a leading nature and cultural based tourist destination and create jobs.



Top: Helena Aurora Range. Above right: Turtle monitoring with Traditional Owners. Right: Fitzroy River boat tour through Dagggu Gellu Gorge National Park. Photos – DBCA





## PLAN FOR OUR PARKS

### Working with Traditional Owners

This ambitious plan provides the basis for a new era in working with the State's Traditional Owners. It builds on successful joint management arrangements that are being implemented with Traditional Owners elsewhere in the State, including with the Yawuru, Miriuwung and Gajerrong, Bunuba, Dambimangari, Karajarri, Balangarra, Murujuga, Nyangumarta and Ngarla groups.

Opportunities exist for new national parks to be created in areas such as **Shark Bay, Kennedy Range, Mount Augustus** and along the **Fitzroy River**. This will enable Aboriginal people to establish and operate tourism ventures and other enterprises on their country.

This plan will also respond to the growing demand for on country jobs for Aboriginal rangers. It is designed to complement initiatives such as the \$20 million *Aboriginal Ranger Program*. The park expansion plan will create real jobs and conservation outcomes in regional and remote areas of WA. Traditional Owners will undertake active management of the conservation estate, right across WA.

Any opportunities for the creation of national parks, marine parks or other conservation reserves proposed under the Plan for Our Parks will only be progressed if they are supported by the relevant native title groups and relevant native title agreements are in place.



Top: Matuwa Kuraja Kuraja. Photo – DBCA. Top right: Fruit of the screw pine, Kimberley. Photo – Tourism WA. Right: Spinifex hopping mouse. Photo – DBCA



## PLAN FOR OUR PARKS

### Respecting the past, building a legacy

Plan for Our Parks builds on the Government's election commitments and strategic priorities and includes long-standing reserve proposals designed to contribute to a comprehensive, adequate and representative reserve system for Western Australia. It also addresses the findings and recommendations of previous enquiries into the establishment and management of marine parks and reserves and former pastoral leases.

Many of the former pastoral properties were purchased for conservation over the past two decades but have remained unreserved. The McGowan Government will address the unfinished business of successive governments and reserve these areas and other areas for inclusion into the conservation estate.

Plan for Our Parks builds on decades of relationships with Aboriginal people and approaches to the Government from Traditional Owner groups with aspirations for the creation, joint vesting and joint management of new parks and reserves.

The Plan for Our Parks brings all of this work together at a statewide scale to increase conservation for future generations.



Top: Shark Bay stromatolites. Top right: Bush tomatoes.  
Right: Rangers working on country. Photos – DBCA





## PLAN FOR OUR PARKS

### A consultative approach

There is flexibility in the design of a detailed Plan for Our Parks. In delivering a shared vision to significantly expand the conservation estate, the McGowan Government will consult widely with Traditional Owners, industry, pastoralists, commercial and recreational fishers, conservation groups, local governments and other key stakeholders and interest holders. This will take place between February and August 2019.

Through the consultation process, the Government will look at specific proposals, boundaries and management approaches to develop a detailed Plan for Our Parks. The Government recognises the importance of the resource sector in this process and will have regard to relevant resource-related matters.

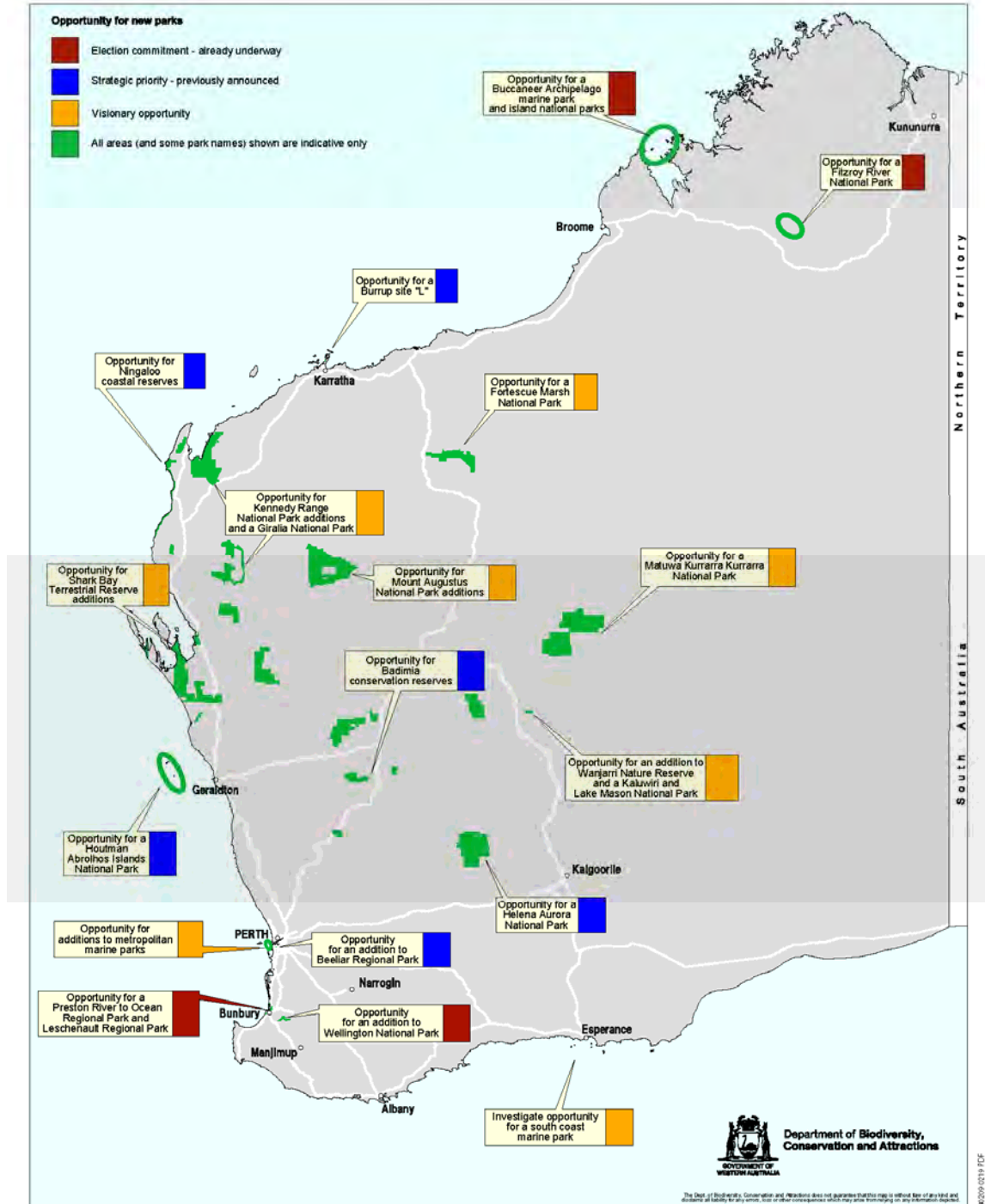
For more information on Plan for Our Parks and associated consultation, visit [www.pws.dbca.wa.gov.au/planforourparks](http://www.pws.dbca.wa.gov.au/planforourparks) or email [planforourparks@dbca.wa.gov.au](mailto:planforourparks@dbca.wa.gov.au).



Top: Australian sea lions off Abrolhos Islands. Top right: Yawaru rangers.  
Above: Matuwa Kurraa Kurraa. Photos – DBCA



# PLAN FOR OUR PARKS





# PLAN FOR OUR PARKS

SECURING 5 MILLION HECTARES OVER 5 YEARS



## Frequently asked questions

### What is Plan for Our Parks?

The State Government has announced a plan to create five million hectares of new national and marine parks and reserves across Western Australia over the next five years, increasing the conservation estate by 20 per cent.

It will see new and expanded parks from the Kimberley in the north, across WA's Midwest and Goldfields, through areas from Perth to Bunbury, to the South West forests and a potential new marine park on the southern coastline. Areas that have been identified in the plan have high conservation and cultural heritage values, and pave the way for enhanced tourism and Aboriginal joint management.

Plan for Our Parks is a whole of government initiative overseen by a multiagency Directors General Steering Group and approved by the Ministers for Environment, Aboriginal Affairs and Mines and Petroleum. The establishment of new marine parks will also require approval by the Minister for Fisheries.

### How were opportunities for new parks and reserves determined?

The opportunities for new national parks, marine parks and other conservation reserves under Plan for Our Parks will contribute to the National Reserve System and the development of a comprehensive, adequate and representative reserve system for Western Australia.

Plan for Our Parks addresses the findings and recommendations of previous enquiries into the establishment and management of marine parks and reserves and former pastoral leases. This includes the 1994 report on *A Representative Marine Reserve System for Western Australia* and 2016 Auditor General's report into the *Management of Marine Parks and Reserves* which identified the



Top: Ningaloo Coast. Photo - Tourism WA

Above: Yawuru rangers collecting benthic samples in the Kimberley. Photo - DBCA

south coast as a gap in the marine reserve network and the 2010 Economics and Industry Standing Committee inquiry into the management of former pastoral leases. These pastoral leases were purchased by the State Government for conservation over the past two decades but remained unreserved. Plan for Our Parks also builds on decades of relationships with Aboriginal people and approaches to the Government from traditional owner groups with aspirations for the creation, joint vesting and joint management of new parks and reserves.

Plan for Our Parks considers biodiversity and other values, native title and mineral prospectivity of the areas to be reserved and the practicalities for long-term management. Plan for Our Parks brings all of this together at a state-wide scale.

### How flexible is Plan for Our Parks and can additional areas be included?

Plan for Our Parks includes election commitments, Government strategic priorities and reservation commitments for rangelands properties.

**PLAN FOR OUR PARKS**  
**SECURING 5 MILLION HECTARES OVER 5 YEARS**



The State Government is aware that there may be other areas that have been previously identified or warrant possible inclusion to the conservation estate. There is flexibility in the design of a detailed Plan for Our Parks, and accordingly other areas may be added.

**How will the management of the parks be funded?**

The State Government has already committed funding towards delivery of some proposals and will further invest into the joint management of other proposals under Plan for Our Parks. This will enable more focussed management of the new conservation areas, including the provision of jobs and tourism infrastructure.

**How will the Government work with traditional owners to implement Plan for Our Parks?**

The State Government will work together with traditional owners and other stakeholders to develop a detailed Plan for Our Parks.

The reservation of marine and national parks generally requires the consent of Native Title holders by way of an Indigenous Land Use Agreement (ILUA) in accordance with the Commonwealth Native Title Act 1993. The State Government will pursue successful resolution of outstanding relevant native title consent as a key element for finalisation of additions to the conservation estate.

**How will Plan for Our Parks support Aboriginal employment?**

Plan for Our Parks will provide long-term employment, and joint management outcomes supporting Aboriginal peoples' desire to manage country and respond to the growing demand for on-country jobs for Aboriginal rangers. It is designed to complement other initiatives, such as the successful Aboriginal Ranger Program, which was established in 2017 to protect the environment and leverage the social and economic benefits that employment provides in regional and remote Western Australia.

**Will the new parks and reserves have any impact on mining and exploration, fishing and forestry?**

Plan for Our Parks will have regard for relevant industry and resource-related matters including commercial and recreational fishing and other industries that support regional growth and employment. The Government will consult extensively across the

resource and industry sectors, including legal interest holders, to address potential impacts.

All park proposals will be assessed by the Department of Mines, Industry Regulation and Safety (DMIRS) for mineral and petroleum prospectivity and all relevant mining tenement and petroleum title holders will be contacted by DMIRS for comment (both applicants and granted titles).

The establishment of a marine park on the South Coast will include consultation with the representative fishing sector bodies to ensure fishing interests are recognised and considered, and that opportunities for a marine park are identified that enables continued recreational and commercial uses. Fishing interests will be considered along with conservation interests and other uses in determining the marine reserve boundaries and internal zoning schemes.

**What is the expected timeline for Plan for Our Parks?**

An initial consultation process is underway with traditional owners, key stakeholders and interest holders. A detailed Plan for Our Parks is expected to be developed by late 2019, after which time the Government will commence the process of negotiating ILUAs with traditional owners. The reservation of new parks and reserves will be completed by 2024, after ILUA negotiations, management planning and joint management arrangements have been completed.



Top right: Sea lions at the Houtman Abrolhos Islands. Photo – DBCA. Above: Danggou Geikie Gorge National Park. Photos – DBCA

**More information: Web [www.wa.gov.au/government/announcements/plan-our-parks](http://www.wa.gov.au/government/announcements/plan-our-parks).  
 Email [planforourparks@dbca.wa.gov.au](mailto:planforourparks@dbca.wa.gov.au).**

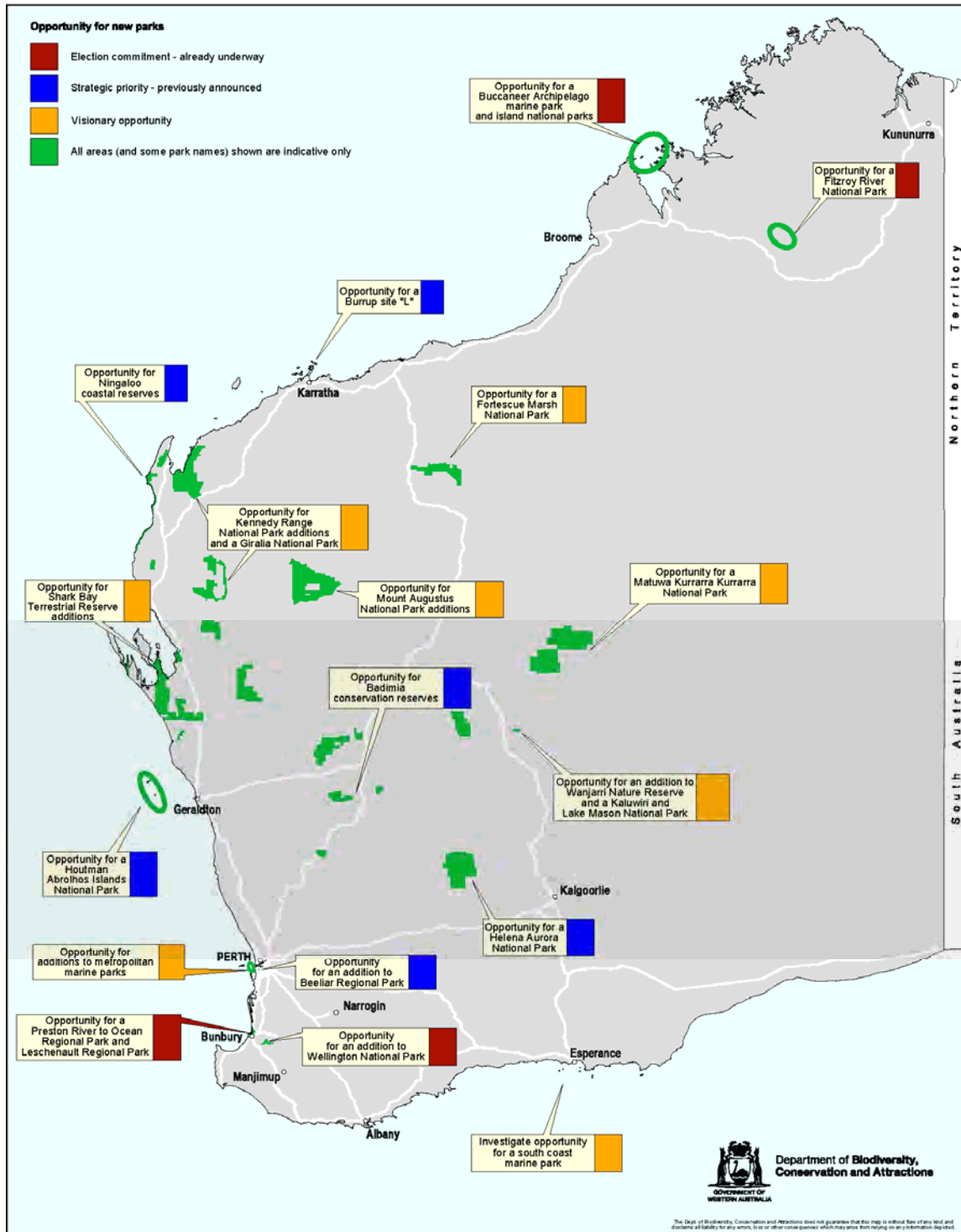
This information is current at April 2019. This publication is available in alternative formats on request.

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MINUTES OF THE ORDINARY COUNCIL MEETING

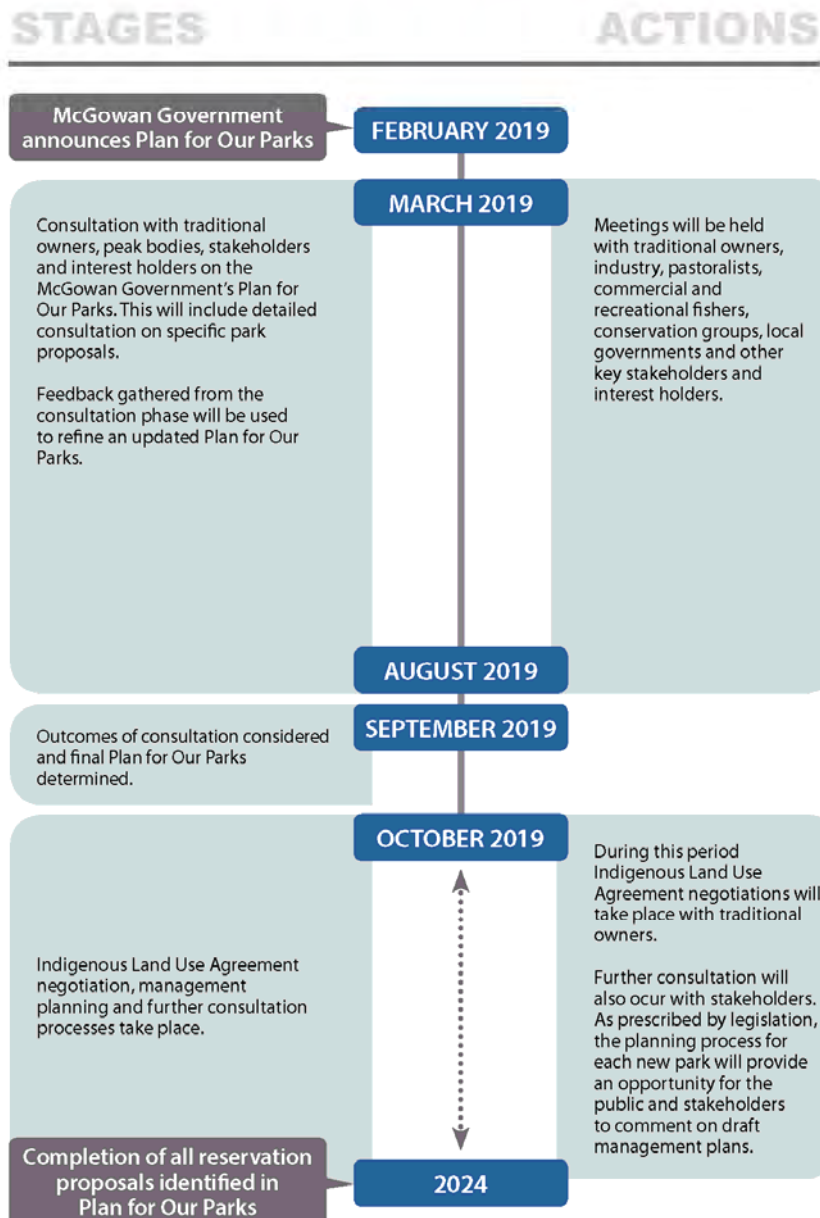
26 AUGUST 2020





**PLAN FOR OUR PARKS**

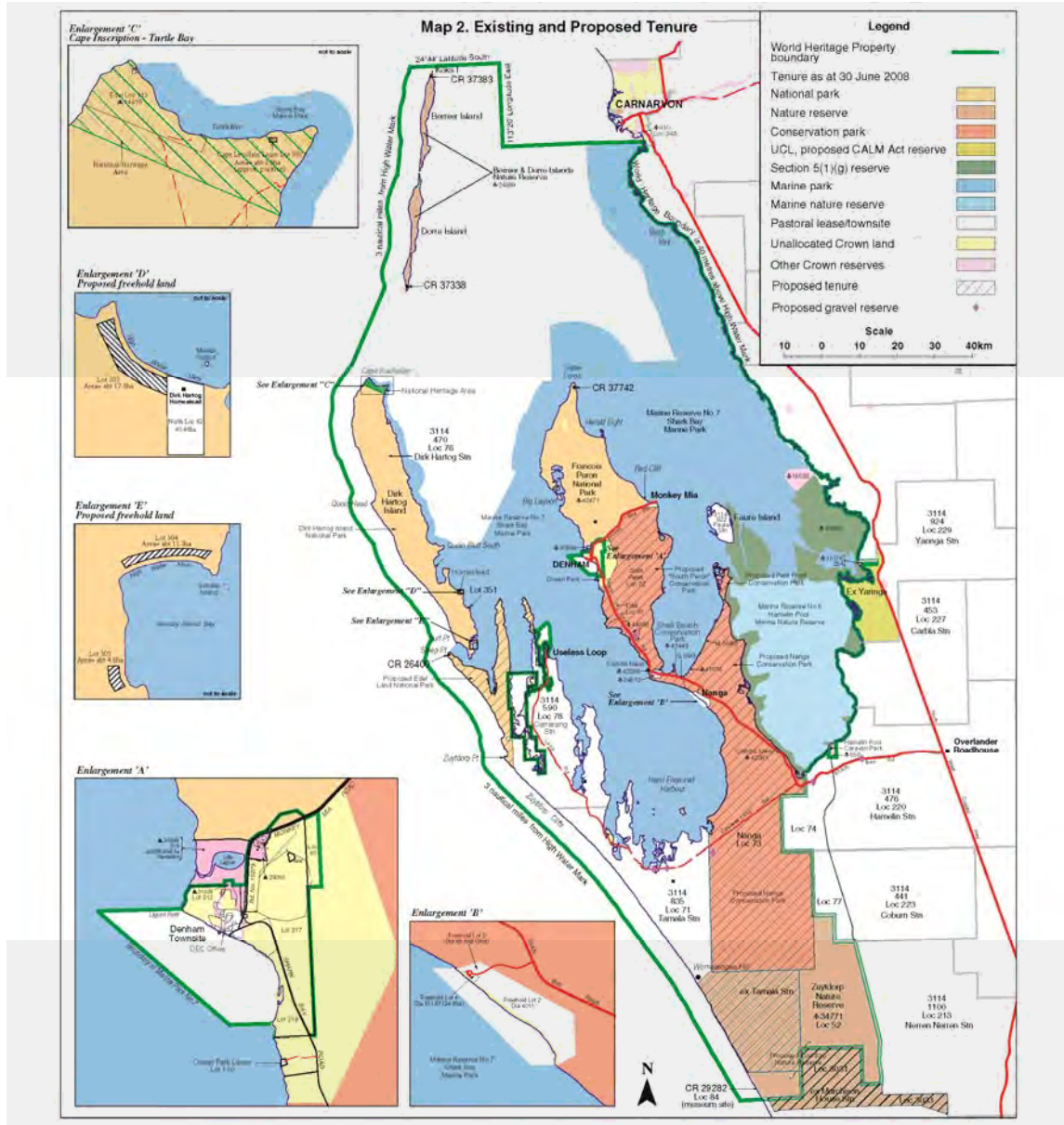
**THE CONSULTATION PROCESS**



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13/8

**LEGISLATIVE COUNCIL  
Question Without Notice**

**Thursday, 13 August 2020**

**C791. Hon Ken Baston to the Minister for Environment**

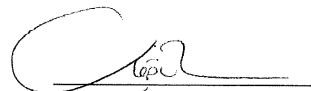
I refer to the information provided on the Department of Biodiversity, Conservation and Attractions website - 'Plan for our Parks'. In regards to the Gascoyne/Shark Bay region; I ask;

1. Are boundary plans for proposed reserve additions that '*will substantially increase the area of conservation estate within the Shark Bay World Heritage property*' finalised?
2. If yes to 1. Are these boundary plans publicly available? If yes, would the Minister please table this information?
3. Are there plans to increase the level of Department of Biodiversity, Conservation and Attractions staffing in the Shark Bay Region?
4. If yes to 3.) How many extra staff will be required in this region?

<https://www.dbca.wa.gov.au/parks-and-wildlife-service/plan-for-our-parks/regions>

**Answer**

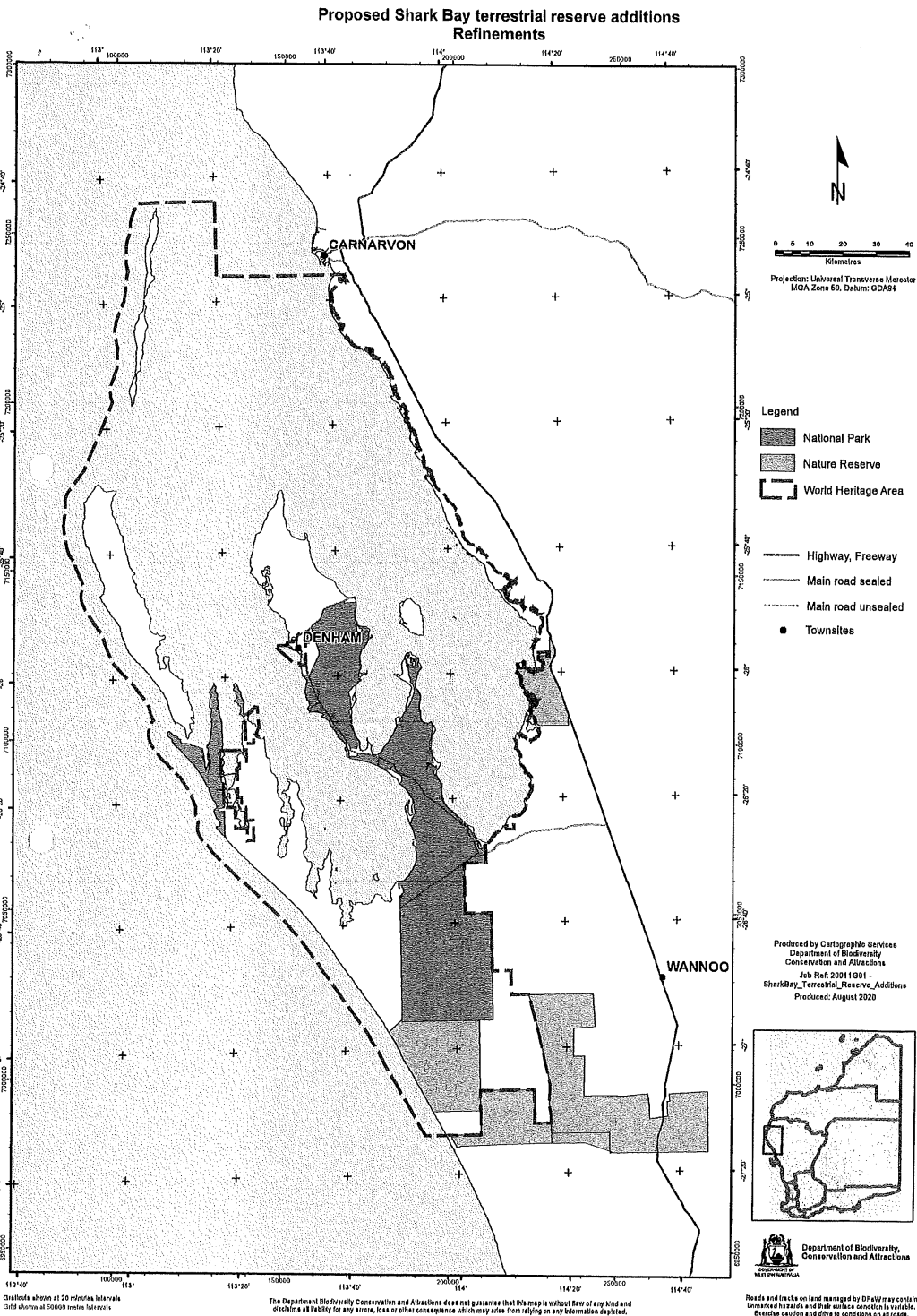
- 1.-2. The Government has provided in-principle approval for the proposed reserves in the Shark Bay World Heritage property. The boundaries will not be finalised until they are negotiated with the native title parties (Malgana and Nanda people) as part of the Indigenous land use agreement negotiation process, as required under the *Native Title Act 1993*. Broad scale maps of the proposed reserves are available on the Department of Biodiversity, Conservation and Attractions' website. I table a more detailed map of the current boundary (tabled paper x).
3. There are plans to increase the Department of Biodiversity, Conservation and Attractions' staffing levels within the Shark Bay District.
4. Preliminary planning for staff indicates that several positions will be required, including Aboriginal rangers. It is planned to jointly manage the reserves with the native title parties and therefore the final staff numbers will be subject to agreement with Malgana and Nanda people.



Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT;  
DISABILITY SERVICES; ELECTORAL AFFAIRS**

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020





26 AUGUST 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 Ridgely  
Seconded       Cr Burton

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$576,248.77 be accepted.**

**6/0 CARRIED**

Comment

The schedules of accounts for payment covering -  
Municipal fund credit card direct debits for the month of July 2020 totalling \$579.19

Municipal fund account cheque numbers 26928 to 26929 totalling \$8,603.42

Municipal fund direct debits to Council for the month of July 2020 totalling \$19,967.71

Municipal fund account electronic payment numbers MUNI 26848 to 26952 totalling \$403,752.90

Municipal fund account for July 2020 payroll totalling \$111,220.00

Municipal fund Police Licensing for July 2020 transaction number 202101 totalling \$32,125.55 and

No Trust fund account cheque numbers were issued for July 2020

The schedule of accounts submitted to each member of Council on 21 August 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.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

MINUTES OF THE ORDINARY COUNCIL MEETING

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26 AUGUST 2020

The payments listed have been disbursed throughout the month.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

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

Voting Requirements

Simple Majority Required

Signature

Author

*A Pears*

Chief Executive Officer

*P Anderson*

Date of Report

14 August 2020

MINUTES OF THE ORDINARY COUNCIL MEETING

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

**CREDIT CARD TOTAL \$ 579.19**

**EMFA**

<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
1/07/2020	SHARK BAY FUEL, FISHING AND CAMPING	2 FUSES FOR P189 – TOWN UTE	22.80
6/07/2020	AUSTRALIA POST	SQUARE CONTACTLESS EFTPOS FOR REFUSE SITE	59.00
7/07/2020	PETALS NETWORK	FLOWERS FOR TIAZA AND ADAM WATKINS PO 9316	145.75
9/07/2020	SURVEY MONKEY	ANNUAL SURVEY MONKEY MEMBERSHIP 2020/2021 PO 9339	288.00
15/07/2020	OFFICEWORKS ONLINE	STATIONERY DEPOT PO 9335	55.14
			<b>\$ 570.69</b>

**BILLING MASTER CARD**

<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
9/07/2020	BANKWEST	FOREIGN TRANSACTION FEE	8.50
			<b>\$ 8.50</b>

**SHIRE OF SHARK BAY – MUNI CHQ**

**JULY 2020**

**CHEQUE # 26928-26929**

<b>CHQ/EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
26928	01/07/2020	SHIRE OF SHARK BAY	SHIRE VEHICLE REGISTRATIONS FROM 1 JULY 2020 TO 30 JUNE 2021	-8519.05
26929	24/07/2020	WATER CORPORATION - OSBORNE PARK	SERVICE CHARGES FOR TOILETS AT KNIGHT TERRACE	-84.37
			<b>TOTAL</b>	<b>\$8,603.42</b>

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



MINUTES OF THE ORDINARY COUNCIL MEETING

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**JULY 2020**

<b>DD #</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
DD15587.1	05/07/2020	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-4076.14
DD15587.2	05/07/2020	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-213.77
DD15587.3	05/07/2020	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-434.15
DD15587.4	05/07/2020	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-206.22
DD15587.5	05/07/2020	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.86
DD15587.6	05/07/2020	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-220.13
DD15587.7	05/07/2020	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-359.73
DD15587.8	05/07/2020	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-403.85
DD15587.9	05/07/2020	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-71.95
DD15604.1	19/07/2020	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-3964.87
DD15604.2	19/07/2020	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-213.77
DD15604.3	19/07/2020	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-434.15
DD15604.4	19/07/2020	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-206.22
DD15604.5	19/07/2020	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.86
DD15604.6	19/07/2020	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-267.63
DD15604.7	19/07/2020	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-314.43
DD15604.8	19/07/2020	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-397.89
DD15604.9	19/07/2020	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-90.53
DD15617.1	28/07/2020	EXETEL PTY LTD	AUGUST 2020 INTERNET CHARGES FOR SHIRE OFFICE AND STAFF HOUSING	-374.97
DD15587.10	05/07/2020	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1732.58
DD15587.11	05/07/2020	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-216.17
DD15587.12	05/07/2020	REST	SUPERANNUATION CONTRIBUTIONS	-467.36
DD15587.13	05/07/2020	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-447.16
DD15587.14	05/07/2020	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-202.45
DD15587.15	05/07/2020	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-191.62
DD15604.10	19/07/2020	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-900.98
DD15604.11	19/07/2020	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1596.47
DD15604.12	19/07/2020	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-146.77
DD15604.13	19/07/2020	REST	SUPERANNUATION CONTRIBUTIONS	-553.96

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD15604.14	19/07/2020	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-202.45
DD15604.15	19/07/2020	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-191.62
			<b>TOTAL</b>	<b>\$19,967.71</b>

SHIRE OF SHARK BAY – MUNI EFT

JULY 2020  
EFT 26848 - 26952

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26848	03/07/2020	JAMES SNR POLAND	BOOKEASY JUNE 2020	-1220.00
EFT26849	03/07/2020	MAC ATTACK FISHING CHARTERS	BOOKEASY JUNE 2020	-2380.00
EFT26850	03/07/2020	SHARK BAY AVIATION	BOOKEASY JUNE 2020	-726.00
EFT26851	03/07/2020	SHARK BAY B&B	BOOKEASY JUNE 2020	-125.30
EFT26852	03/07/2020	BLUE DOLPHIN CARAVAN PARK	BOOKEASY JUNE 2020	-799.00
EFT26853	03/07/2020	BAY LODGE MIDWEST OASIS	BOOKEASY JUNE 2020	-3956.36
EFT26854	03/07/2020	DENHAM SEASIDE CARAVAN PARK	BOOKEASY JUNE 2020	-1046.60
EFT26855	03/07/2020	CARNARVON MOTEL	BOOKEASY JUNE 2020	-484.50
EFT26856	03/07/2020	HARTOG COTTAGES	BOOKEASY JUNE 2020	-409.20
EFT26857	03/07/2020	HAMELIN POOL CARAVAN PARK AND TOURIST CENTRE	BOOKEASY JUNE 2020	-1528.30
EFT26858	03/07/2020	HERITAGE RESORT	BOOKEASY JUNE 2020	-549.12
EFT26859	03/07/2020	INTEGRITY COACH LINES (AUST) PTY LTD	BOOKEASY JUNE 2020	-96.05
EFT26860	03/07/2020	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	FAREHARBOR JUNE 2020	-3232.80
EFT26861	03/07/2020	MONKEYMIA WILDSIGHTS	BOOKEASY WILDSIGHTS VILLAS JUNE 2020	-1408.00
EFT26862	03/07/2020	WA OCEAN PARK PTY LTD	BOOKEASY JUNE 2020	-44.88
EFT26863	03/07/2020	OCEANSIDE VILLAGE	BOOKEASY JUNE 2020	-726.00
EFT26864	03/07/2020	SHARK BAY SCENIC QUAD BIKE TOURS	BOOKEASY JUNE 2020	-204.00

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CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26865	03/07/2020	RAC TOURISM ASSETS P/L T/A MONKEY MIA DOLPHIN RESORT	BOOKEASY JUNE 2020	-2222.00
EFT26866	03/07/2020	SHARK BAY DIVE AND MARINE SAFARIS	FAREHARBOR JUNE 2020	-4251.60
EFT26867	03/07/2020	SHARK BAY HOTEL MOTEL	BOOKEASY JUNE 2020	-1734.00
EFT26868	03/07/2020	SHARK BAY CARAVAN PARK	BOOKEASY JUNE 2020	-2475.40
EFT26869	03/07/2020	SHARK BAY HOLIDAY COTTAGES	BOOKEASY JUNE 2020	-6326.00
EFT26870	03/07/2020	SHIRE OF SHARK BAY	SBDC COMMISSION JUNE 2020	-6625.04
EFT26871	03/07/2020	SUNSET VIEW ACCOMMODATION	BOOKEASY JUNE 2020	-918.00
EFT26872	03/07/2020	SHARK BAY SEAFRONT APARTMENTS	BOOKEASY JUNE 2020	-726.00
EFT26873	03/07/2020	WULA GURA NYINDA ECO ADVENTURES	FAREHARBOR JUNE 2020	-1797.60
EFT26874	03/07/2020	WINTERSUN CARAVAN & TOURIST PARK	BOOKEASY JUNE 2020	-208.25
EFT26875	03/07/2020	AUSTRALIA POST	SHIRE POSTAGE JUNE 2020	-119.99
EFT26876	03/07/2020	CDH ELECTRICAL	AIRCON AND HOT WATER SYSTEM MAINTENANCE AND ELECTRICAL INSPECTION – 5 SPAVEN WAY	-1017.50
EFT26877	03/07/2020	ENVIRONMENTAL HEALTH AUSTRALIA	I'M ALERT FOOD SAFETY PROGRAM 2020-2021	-330.00
EFT26878	03/07/2020	C.M & G.D BELL	LABOUR HIRE FOR RRG EAGLE BLUFF ROAD - JUNE 2020	-3850.00
EFT26879	03/07/2020	HORIZON POWER	STREETLIGHT TARIFF CHARGES - JUNE 2020	-3524.70
EFT26880	03/07/2020	ITVISION	RENEW SYNERGY SOFT AND UNIVERSE ANNUAL LICENCE FEES FOR 2020-2021	-34845.80
EFT26881	03/07/2020	MCLEODS BARRISTERS AND SOLICITORS	LEGAL COSTS - BILLABONG ROADHOUSE EXCAVATOR	-925.23
EFT26882	03/07/2020	MONKEYMIA WILDSIGHTS	ACCOMMODATION FINAL AUDIT SEPTEMBER 2020	-979.40
EFT26883	03/07/2020	ONEMUSIC AUSTRALIA	ANNUAL MUSIC LICENCE FOR SHIRE VENUES 2020-2021	-350.00
EFT26884	03/07/2020	OAKLEY EARTHWORKS PTY LTD	REPAIR SCOURS SHARK BAY ROAD	-14520.00
EFT26885	03/07/2020	PROFESSIONAL PC SUPPORT	JULY MONTHLY BILLING FOR WORKSTATION MONITORING AND REMOTE MANAGEMENT, ANTIVIRUS, ONLINE BACKUP SERVICE, 3CX PHONE SUPPORT, BACKUP SOFTWARE AND COMPUTER LICENCES	-1419.40
EFT26886	03/07/2020	RAMM SOFTWARE PTY LIMITED	RENTAL OF POCKET RAMM SOFTWARE FOR 2020-2021 AND RAMM ANNUAL SUPPORT AND MAINTENANCE FEE	-7670.18
EFT26887	03/07/2020	SHARK BAY STATE EMERGENCY SERVICE UNIT INC	FIRST QUARTER DFES – LOCAL GOVERNMENT GRANTS SCHEME PAYMENT 2020-2021	-12441.00

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26888	03/07/2020	SHARK BAY COMMUNITY RESOURCE CENTRE	2020-2021 ANNUAL MEMBERSHIP TO SHARK BAY COMMUNITY RESOURCE CENTRE	-100.00
EFT26889	03/07/2020	MCKELL FAMILY TRUST	MONTHLY CHARGES FOR RUBBISH PICK UP AND STREET SWEEPING JUNE 2020	-11719.05
EFT26890	03/07/2020	SHIRE OF CARNARVON	CONTRIBUTION TO THE COMMUNITY EMERGENCY SERVICES MANAGER FOR 2019/2020	-11536.48
EFT26891	03/07/2020	SHARK BAY SEAFRONT APARTMENTS	ACCOMMODATION LLOYD SOUNESS - LGIS OHS CONSULTANT	-495.00
EFT26892	03/07/2020	URL NETWORKS PTY LTD	SHIRE VOIP TELEPHONE CHARGES - JUNE 2020	-256.58
EFT26893	10/07/2020	SEBASTIAAN BUSH	GYM CARD DEPOSIT REFUND	-20.00
EFT26894	14/07/2020	AMY TREZONA	GYM CARD DEPOSIT REFUND	-20.00
EFT26895	14/07/2020	KYLIE CULLINAN	BOOKEASY REFUND SB QUAD BIKE TOUR BKG8565177	-230.00
EFT26896	14/07/2020	BOOKEASY AUSTRALIA PTY LTD	JUNE 2020 COMMISSION ON BOOKINGS VIA BOOKEASY	-777.70
EFT26897	14/07/2020	BOC LIMITED	MONTHLY GAS CONTAINER RENTAL DEPOT JUNE 2020	-46.46
EFT26898	14/07/2020	CDH ELECTRICAL	QUARTERLY ELECTRICAL TAGGING JUNE 2020 DEPOT & REFUSE SITE	-451.00
EFT26899	14/07/2020	DENHAM IGA X-PRESS	JUNE 2020 MONTHLY ACCOUNT	-432.43
EFT26900	14/07/2020	SHARK BAY SUPERMARKET	JUNE 2020 MONTHLY ACCOUNT	-18.59
EFT26901	14/07/2020	REFUEL AUSTRALIA (formerly GERALDTON FUEL COMPANY)	MONTHLY ACCOUNT BULK PURCHASES (ENGINE OIL, GREASE, HYDRAULIC OIL, BULK FUEL AND DIESEL FOR CEO AND WORKS MANAGERS VEHICLES) JUNE 2020	-9256.04
EFT26902	14/07/2020	TOLL IPEC PTY LTD	TOLL IPEC FREIGHT ACCOUNT FOR PATHWEST, STATE LIBRARY, HOSE MANIA, JASON SIGNMAKERS, PLASTRAL AND FORTUS JUNE 2020 DELIVERIES	-551.87
EFT26903	14/07/2020	LANDGATE (WA LAND INFORMATION AUTHORITY)	GROSS RENTAL VALUATIONS JUNE 2020	-67.85
EFT26904	14/07/2020	LYN PRICE	SBDC MERCHANDISE	-133.80
EFT26905	14/07/2020	SHARK BAY MARINE AND HARDWARE	HARDWARE ACCOUNT JUNE 2020	-478.31
EFT26906	14/07/2020	R & L COURIERS	MONTHLY FREIGHT ACCOUNT FOR GERALDTON LOCK & KEY, TRUCKLINE, BUNNINGS, OFFICE NATIONAL AND BOLTS R US JUNE 2020 DELIVERIES	-308.55
EFT26907	14/07/2020	WINC AUSTRALIA PTY LIMITED	OFFICE STATIONERY AND ARCHIVE BOXES	-1134.29

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26908	14/07/2020	SHARK BAY SKIPS	MONTHLY SKIP BIN ACCOUNT LOOP TURN OFF AND DENHAM MARINA - JUNE 2020	-4136.00
EFT26909	14/07/2020	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES JUNE 2020	-3960.00
EFT26910	14/07/2020	WA HOLIDAY GUIDE PTY LTD	MAY AND JUNE BOOKINGS MARKETING FEE - BOOKEASY	-231.15
EFT26911	21/07/2020	AUSTRALIAN TAXATION OFFICE	JUNE 2020 BAS, TAXATION, FUEL REBATE AND FBT	-29699.00
EFT26912	16/07/2020	TYLER DAVIS	GYM CARD DEPOSIT REFUND	-20.00
EFT26913	24/07/2020	SHIRE OF NORTHAMPTON	MAY AND JUNE 2020 HEALTH CONSULTING SERVICES - WENDY DALLYWATER	-4620.00
EFT26914	24/07/2020	BUNNINGS BUILDING SUPPLIES PTY LTD	FLOURO TUBES FOR EXIT LIGHTS AT DEPOT AND SPARE RUBBISH BIN PINS	-134.43
EFT26915	24/07/2020	BLACKBOX CONTROL PTY LTD	BLACKBOX CONTROL - ANNUAL VEHICLE TRACKING	-396.00
EFT26916	24/07/2020	CHUBB FIRE & SECURITY LTD	ANNUAL PERMACONN MONITORING AND PREVENTATIVE MAINTENANCE FOR SBDC	-257.40
EFT26917	24/07/2020	CITY OF GREATER GERALDTON	BUILDING CERTIFICATION SERVICES APRIL TO JUNE 2020	-1366.33
EFT26918	24/07/2020	CANDICE USZKO	SALARY SACRIFICE - COMMUNICATIONS	-79.00
EFT26919	24/07/2020	ELGAS LIMITED	ANNUAL GAS CYLINDER SERVICE CHARGE - SHIRE HOUSES, REFUSE, TAMALA STATION CAMP AND OVERLANDER HALL	-614.90
EFT26920	24/07/2020	FAR WEST ELECTRICAL	REPLACE FAULTY LIGHT SWITCH & CHECK TV PENSIONER UNIT 7	-216.52
EFT26921	24/07/2020	C.M & G.D BELL	5 DAYS LABOUR HIRE - RRG EAGLE BLUFF ROAD	-2282.50
EFT26922	24/07/2020	HOUSE OF MUGS	SBDC MERCHANDISE	-972.50
EFT26923	24/07/2020	HORIZON POWER	MAY AND JUNE 2020 ELECTRICITY CHARGES- INCLUDES CREDIT FOR OVERCHARGE OF ELECTRICITY TO SHIRE OFFICE	-1177.96
EFT26924	24/07/2020	TOLL IPEC PTY LTD	FREIGHT FOR WEST COAST FASTENERS, PROFESSIONAL PC SUPPORT, CAROLINE BALDWIN, STATE LIBRARY, RYCO AND JASON SIGNS JULY DELIVERIES	-742.26
EFT26925	24/07/2020	JASON SIGNMAKERS	PRIVATE WORKS MAIN ROADS WA SIGNS	-2492.16
EFT26926	24/07/2020	KOMATSU AUSTRALIA	CARTRIDGE FOR KOMATSU FRONT END LOADER (P147)	-86.22
EFT26927	24/07/2020	LGIS INSURANCE BROKING	SALARY CONTINUANCE AND MARINE INSURANCE 2020/2021	-7003.81

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26928	24/07/2020	LGISWA	PROPERTY INSURANCE AND WORKCARE INSURANCE FIRST INSTALMENT 2020/2021 MOTOR VEHICLE, PERSONAL ACCIDENT, TRAVEL, MANAGEMENT, CRIME AND CYBER, BUSHFIRE AND LIABILITY INSURANCE FOR 2020/2021	-135033.30
EFT26929	24/07/2020	THE SECRETARY LOCAL HEALTH AUTH ANALYTICAL COMM	ANALYTICAL SERVICES 2020/2021 LESS 50% COVID-19 DISCOUNT	-198.00
EFT26930	24/07/2020	NATSALES ADVERTISING	PROMOTION BIN STICKERS FOR LOCALS TO PURCHASE	-522.45
EFT26931	24/07/2020	NATURALISTE PLUMBING PTY LTD	UNBLOCK MALE TOILET SBDC	-480.00
EFT26932	24/07/2020	POLYWELD MACHINERY PTY LTD	HIRING OF UNIVERSAL ELECTROFUSION MACHINE FOR TOWN OVAL BORE	-2046.00
EFT26933	24/07/2020	PROFESSIONAL PC SUPPORT	SOFTWARE SUPPORT FOR SYNERGY AND SETUP OF SECURITY GROUPS ON NEW SERVER	-231.00
EFT26934	24/07/2020	PAPER PLUS OFFICE NATIONAL	STATIONERY FOR SHIRE OFFICE	-1158.00
EFT26935	24/07/2020	PAUL ROBB	FOURTH QUARTER GYM REFUND OCM RESOLUTION - COVID-19	-63.00
EFT26936	24/07/2020	SHARK BAY COMMUNITY RESOURCE CENTRE	RECREATION CENTRE MANAGEMENT FOR JUNE 2020 AND INSCRIPTION POSTS FOR MANAGEMENT STAFF	-2324.00
EFT26937	24/07/2020	SILVER CHAIN GROUP LIMITED	REMOTE AREA NURSE RELIEF ACCOMMODATION - JULY 2020 SCHOOL HOLIDAYS	-2310.00
EFT26938	24/07/2020	SUMMER GYPSEA	SBDC MERCHANDISE	-180.00
EFT26939	24/07/2020	MOORE STEPHENS	2020 BUDGET AND FINANCIAL REPORTING COMBO - TEMPLATES AND DOCUMENTATION	-1595.00
EFT26940	24/07/2020	TELSTRA CORPORATION LTD	REFUSE SITE MOBILE PHONE CHARGES	-25.00
EFT26941	24/07/2020	TRUCKLINE PARTS CENTRE	FILTER KITS FOR HINO PRIME MOVER (P196)	-339.16
EFT26942	24/07/2020	TEGAN REINA TOMSHIN	REIMBURSEMENT FOR DOT TRELIS TRAINING – (MEALS AND TRAVEL) TEGAN TOMSHIN	-1013.94
EFT26943	24/07/2020	TOTAL UNIFORMS	BACKORDERED OFFICE STAFF UNIFORMS	-115.08
EFT26944	24/07/2020	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	WALGA SUBSCRIPTIONS 1 JULY 2020 TO 30 JUNE 2021	-27777.17
EFT26945	24/07/2020	AFGRI EQUIPMENT	TIE RODS FOR GRADER (P156)	-743.52

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26946	24/07/2020	WA HINO	REGISTRATION COSTS NOT PREVIOUSLY PAID FOR NEW HINO PRIME MOVER (P196)	-427.85
EFT26947	24/07/2020	YADGALAH ABORIGINAL CORPORATION	DRY HIRE OF DIGGER INCLUDING DELIVERY FOR CEMETERY	-160.00
EFT26948	28/07/2020	ANNE FEIST	GYM CARD DEPOSIT REFUND	-20.00
EFT26949	28/07/2020	DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY	BSL PERMIT 3336	-200.09
EFT26950	28/07/2020	LATISHA BROWNE	GYM CARD DEPOSIT REFUND	-20.00
EFT26951	28/07/2020	SARAH LOWE	GYM CARD DEPOSIT REFUND	-20.00
EFT26952	28/07/2020	SHIRE OF SHARK BAY	BSL COLLECTION FEE PERMIT 3336	-15.00
			<b>TOTAL</b>	<b>\$403,752.90</b>

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

DATE	NAME	DESCRIPTION	AMOUNT
07/07/2020	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 5 JULY 2020	54,482.00
21/07/2020	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 19 JULY 2020	56,738.00
		<b>TOTAL</b>	<b>\$111,220.00</b>

**SHIRE OF SHARK BAY  
JULY 2020  
POLICE LICENSING TRANSACTION # 202101**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
202101	31/07/2020	COMMISSIONER OF POLICE	POLICE LICENSING JULY 2020	32,125.55
			<b>TOTAL</b>	<b>\$32,125.55</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

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12.2 FINANCIAL REPORTS TO 31 JULY 2020  
CM00017

Author  
Executive Manager Finance and Administration

Disclosure of Any Interest  
Nil

Moved           Cr Burton  
Seconded       Cr Smith

**Council Resolution**

**That the monthly financial report to 31 July 2020 as attached be received.**  
**6/0 CARRIED**

Comment

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

VARIANCE ANALYSIS

Operating Revenue was under the year to date budget by \$57,683 the majority of which was due to application of Accounting Standards AASB 15 and AASB 1058 where the Shire must transfer caravan park rent received in advance and Grants not yet acquitted to a liability account. However, this has been offset by increases in Shark Bay World Heritage Discovery and Visitor Centre, Entrance Fees, Sales and Booking commissions as a result of the high turnover of visitors to Shark Bay during July.

As depreciation cannot be run until the finalisation of the year end audit this has contributed to Operating Expenditure being under the year to date budget by \$139,450.

Capital Revenue year to date actual was under the year to date budget by \$1,945 and is not a reportable variance.

Capital Expenditure is over the year to date budget by \$4,678 and is not a reportable variance.

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The financial report shows the financial position of the Shire has exceeded the year to date budget as a result of strategies put in place to address the significant adverse trend in the financial position of the Shire, as the Operating Surplus Ratio has been below the Department of Local Government, Sports and Cultural Industries standard for the past three years. In addition, due to the COVID-19 pandemic further strategies

MINUTES OF THE ORDINARY COUNCIL MEETING

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26 AUGUST 2020

were implemented in March 2020 to further reduce expenditure and the predicted adverse impact on cashflow forecast for the 2020/2021 financial year.

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

*A Pears*

Chief Executive Officer

*P Anderson*

Date of Report

17 August 2020

<b>SHIRE OF SHARK BAY</b>					
<b>MONTHLY FINANCIAL REPORT</b>					
<b>For the Period Ended 31 July 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

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SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 31 July 2020							
	Note	Draft Annual Budget	Draft YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
<b>Operating Revenues</b>		\$	\$	\$	\$	%	
Governance		2,502	669	0	(669)	(100.00%)	▼
General Purpose Funding - Rates	9	1,416,289	0	0	0		▲
General Purpose Funding - Other		948,046	1,907	1,418	(489)	(25.7%)	▼
Law, Order and Public Safety		67,340	14,355	19,925	5,570	39%	▲
Health		1,800	645	641	(4)	(0.62%)	▼
Housing		126,780	10,453	12,006	1,553	14.9%	▼
Community Amenities		308,876	4,629	11,826	7,197	155.47%	▼
Recreation and Culture		552,130	21,118	62,231	41,113	194.7%	▼
Transport		522,620	258,748	185,652	(73,096)	(28.3%)	▲
Economic Services		798,900	76,752	39,269	(37,483)	(48.8%)	▲
Other Property and Services		40,000	3,333	1,959	(1,374)	(41.2%)	▲
<b>Total Operating Revenue</b>		<b>4,785,283</b>	<b>392,609</b>	<b>334,926</b>	<b>(57,683)</b>	<b>(14.69%)</b>	
<b>Operating Expenditure</b>							
Governance		(240,462)	(90,754)	(25,086)	65,668	(72.4%)	▲
General Purpose Funding		(123,220)	(9,102)	(13,673)	(4,571)	50.2%	▲
Law, Order and Public Safety		(259,359)	(35,486)	(34,518)	968	(2.7%)	▲
Health		(87,889)	(4,059)	(7,214)	(3,155)	77.7%	▲
Housing		(224,065)	(24,629)	(14,726)	9,903	(40.2%)	▲
Community Amenities		(698,626)	(58,036)	(46,141)	11,895	(20.5%)	▲
Recreation and Culture		(2,564,061)	(206,370)	(106,252)	100,118	(48.5%)	▲
Transport		(1,780,612)	(114,121)	(89,542)	24,579	(21.5%)	▲
Economic Services		(1,047,114)	(40,992)	(43,998)	(3,006)	7.3%	▲
Other Property and Services		(39,500)	(20,629)	(83,579)	(62,950)	305.2%	▲
<b>Total Operating Expenditure</b>		<b>(7,064,908)</b>	<b>(604,178)</b>	<b>(464,728)</b>	<b>139,450</b>	<b>(23.1%)</b>	
<b>Funding Balance Adjustments</b>							
Add back Depreciation		1,886,365	160,209	0	(160,209)		
Adjust (Profit)/Loss on Asset Disposal	8	139,130	139,130	34,174	(104,956)		
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>(254,130)</b>	<b>87,770</b>	<b>(95,628)</b>	<b>(183,398)</b>		
<b>Capital Revenues</b>							
Grants, Subsidies and Contributions	11	887,763	6,852	6,852	0	0.0%	▲
Proceeds from Disposal of Assets	8	257,182	58,182	56,237	(1,945)	3.3%	▼
<b>Total Capital Revenues</b>		<b>1,144,945</b>	<b>65,034</b>	<b>63,089</b>	<b>(1,945)</b>	<b>(3.0%)</b>	
<b>Capital Expenses</b>							
Land and Buildings	13	(462,721)	0	0	0		▲
Infrastructure - Roads	13	(815,936)	(8,203)	(11,021)	(2,818)	34.3%	▼
Infrastructure - Public Facilities	13	(180,000)	0	(1,860)	(1,860)		▼
Infrastructure - Footpaths	13	(260,000)	0	0	0		▲
Plant and Equipment	13	(519,000)	0	0	0		▲
Furniture and Equipment	13	0	0	0	0		▼
<b>Total Capital Expenditure</b>		<b>(2,237,657)</b>	<b>(8,203)</b>	<b>(12,881)</b>	<b>(4,678)</b>	<b>(57.0%)</b>	
<b>Net Cash from Capital Activities</b>		<b>(1,092,712)</b>	<b>56,831</b>	<b>50,208</b>	<b>(6,623)</b>	<b>11.65%</b>	
<b>Financing</b>							
Proceeds from Loans		0	0	0	0		
Transfer from Reserves	7	1,028,914	0	0	0		
Repayment of Debentures	10	(74,957)	0	0	0		
Transfer to Reserves	7	(1,388,957)	0	0	0		
<b>Net Cash from Financing Activities</b>		<b>(435,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Net Operations, Capital and Financing</b>		<b>(1,781,842)</b>	<b>144,601</b>	<b>(45,420)</b>	<b>(190,021)</b>	<b>131.41%</b>	<b>▲</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>1,781,842</b>	<b>1,781,842</b>	<b>1,759,902</b>	<b>(21,940)</b>		
<b>Closing Funding Surplus(Deficit)</b>	3	<b>(0)</b>	<b>1,926,443</b>	<b>1,714,482</b>	<b>(211,961)</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 Land and Buildings and end of year accounts have been finalised.

MINUTES OF THE ORDINARY COUNCIL MEETING

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SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 31 July 2020				
	Note	Draft Annual Budget	Draft YTD Budget (a)	YTD Actual (b)
<b>Operating Revenues</b>				
Rates	9	\$ 1,416,289	\$ 0	\$ 0
Operating Grants, Subsidies and Contributions	11	1,434,024	262,884	195,838
Fees and Charges		1,512,891	119,384	118,712
Interest Earnings		9,650	792	230
Other Revenue		411,927	9,047	20,147
Profit on Disposal of Assets	8	502	502	0
<b>Total Operating Revenue</b>		<b>4,785,283</b>	<b>392,609</b>	<b>334,926</b>
<b>Operating Expense</b>				
Employee Costs		(2,260,080)	(168,792)	(130,246)
Materials and Contracts		(1,910,483)	(143,179)	(142,648)
Utility Charges		(194,240)	(16,249)	(12,250)
Depreciation on Non-Current Assets		(1,886,365)	(160,209)	0
Interest Expenses		(31,159)	1,233	(1,673)
Insurance Expenses		(168,073)	(101,289)	(129,710)
Other Expenditure		(474,876)	(15,693)	(14,028)
Loss on Disposal of Assets	8	(139,632)	0	(34,174)
<b>Total Operating Expenditure</b>		<b>(7,064,908)</b>	<b>(604,178)</b>	<b>(464,728)</b>
<b>Funding Balance Adjustments</b>				
Add back Depreciation		1,886,365	160,209	0
Adjust (Profit)/Loss on Asset Disposal	8	139,130	139,130	34,174
Adjust in Pensioner Rates Non Current		0	0	0
Adjust Provisions and Accruals		0	0	0
<b>Net Cash from Operations</b>		<b>(254,130)</b>	<b>87,770</b>	<b>(95,628)</b>
<b>Capital Revenues</b>				
Grants, Subsidies and Contributions	11	887,763	6,852	6,852
Proceeds from Disposal of Assets	8	257,182	58,182	56,237
<b>Total Capital Revenues</b>		<b>1,144,945</b>	<b>65,034</b>	<b>63,089</b>
<b>Capital Expenses</b>				
Land and Buildings	13	(462,721)	0	0
Infrastructure - Roads	13	(815,936)	(8,203)	(11,021)
Infrastructure - Public Facilities	13	(180,000)	0	(1,860)
Infrastructure - Footpaths	13	(260,000)	0	0
Infrastructure - Drainage	13	0	0	0
Plant and Equipment	13	(519,000)	0	0
Furniture and Equipment	13	0	0	0
<b>Total Capital Expenditure</b>		<b>(2,237,657)</b>	<b>(8,203)</b>	<b>(12,881)</b>
<b>Net Cash from Capital Activities</b>		<b>(1,092,712)</b>	<b>56,831</b>	<b>50,208</b>
<b>Financing</b>				
Proceeds from Loans		0	0	0
Transfer from Reserves	7	1,028,914	0	0
Repayment of Debentures	10	(74,957)	0	0
Transfer to Reserves	7	(1,388,957)	0	0
<b>Net Cash from Financing Activities</b>		<b>(435,000)</b>	<b>0</b>	<b>0</b>
<b>Net Operations, Capital and Financing</b>		<b>(1,781,842)</b>	<b>144,601</b>	<b>(45,420)</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>1,781,842</b>	<b>1,781,842</b>	<b>1,759,902</b>
<b>Closing Funding Surplus(Deficit)</b>	3	<b>(0)</b>	<b>1,926,443</b>	<b>1,714,482</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

SHIRE OF SHARK BAY							
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING							
For the Period Ended 31 July 2020							
Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	Draft YTD Budget (d)	Draft Annual Budget	Variance (d) - (c)
		\$	\$	\$	\$	\$	\$
Land and Buildings	13	0	0	0	0	462,721	0
Infrastructure Assets - Roads	13	0	11,021	11,021	8,203	815,936	(2,818)
Infrastructure Assets - Public Facilities	13	1,860	0	1,860	0	180,000	(1,860)
Infrastructure Assets - Footpaths	13	0	0	0	0	260,000	0
Infrastructure Assets - Streetscapes	13	0	0	0	0	0	0
Plant and Equipment	13	0	0	0	0	519,000	0
Furniture and Equipment	13	0	0	0	0	260,000	0
<b>Capital Expenditure Totals</b>		<b>1,860</b>	<b>11,021</b>	<b>12,881</b>	<b>8,203</b>	<b>2,497,657</b>	<b>(4,678)</b>

Month	Budget 2020-21	Actual 2020-21
Jul	0	165
Aug	0	0
Sep	0	0
Oct	0	5
Nov	0	0
Dec	0	0
Jan	0	0
Feb	0	0
Mar	0	0
Apr	0	0
May	0	0
Jun	0	0

Month	Budget 2020-21	Actual 2020-21
Jul	8	48
Aug	0	0
Sep	0	0
Oct	0	0
Nov	0	0
Dec	0	0
Jan	0	0
Feb	0	0
Mar	0	0
Apr	0	0
May	0	0
Jun	0	0

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

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

26 AUGUST 2020

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

26 AUGUST 2020

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

26 AUGUST 2020

SHIRE OF SHARK BAY			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 31 July 2020			
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>			
<b>(j) Fixed Assets (Continued)</b>			
<b>Revaluation</b>			
Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.			
<b>Transitional Arrangement</b>			
During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.			
Those assets carried at cost will be carried in accordance with the policy detailed in the <b>Initial Recognition</b> section as detailed above.			
Those assets carried at fair value will be carried in accordance with the <b>Revaluation</b> Methodology 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

26 AUGUST 2020

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

26 AUGUST 2020

SHIRE OF SHARK BAY	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 July 2020	
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>
	<b>(k) Fair Value of Assets and Liabilities (Continued)</b>
	As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.
	To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).
	For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.
	<b>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

26 AUGUST 2020

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

26 AUGUST 2020

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



MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

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

26 AUGUST 2020

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

26 AUGUST 2020

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

26 AUGUST 2020

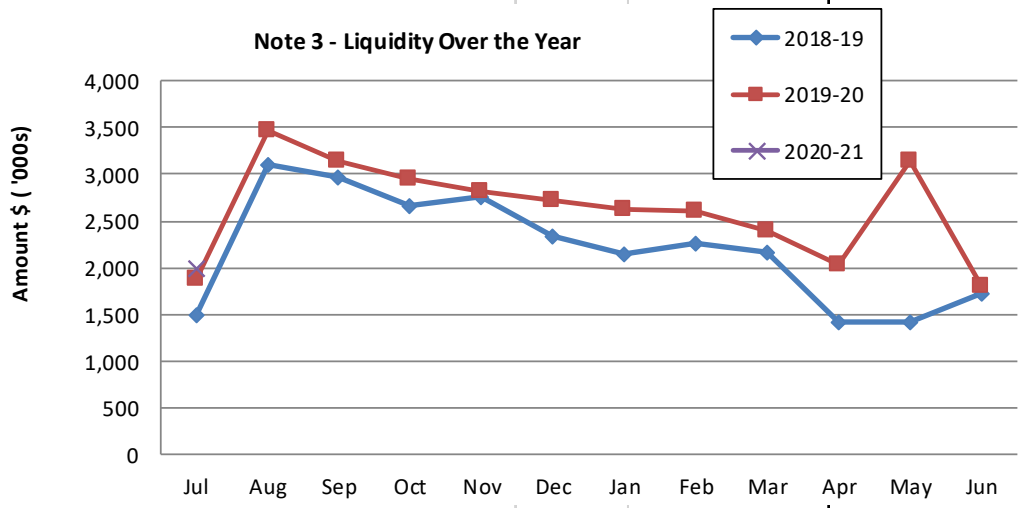
Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 31 July 2020					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
Governance	(669)	(100.0%)	▼	Timing	No Reportable Variance
General Purpose Funding - Rates	0	0.0%	▲	Timing	No Reportable Variance
General Purpose Funding - Other	(489)	(25.7%)	▼	Timing	No Reportable Variance
Law, Order and Public Safety	5,570	38.8%	▲	Timing	Reimbursements from SES and St Johns Ambulance Services for Annual Insurances and Vehicle Registrations
Health	(4)	(0.6%)	▼	Timing	No Reportable Variance
Housing	1,553	14.9%	▼	Timing	No Reportable Variance
Community Amenities	7,197	155.5%	▼	Timing	Increase in Refuse Site Fees and Development Applications compared to YTD Budget
Recreation and Culture	41,113	194.7%	▼	Timing	Increase in SBDC Entrance Fees, Sales and Booking Commissions compared to YTD Budget
Transport	(73,096)	(28.3%)	▲	Timing	The variance is largely due to the Useless Loop Road Funding 40% 1 Claim of \$132,000 being in excess of YTD Actual Expenditure of \$64,823 therefore giving rise to the balance \$67,177 transferred to Income /Grants Received in Advance as stipulated by the Office of the Auditor General resulting in a budget deficit even though the monies have been received.
Economic Services	(37,483)	(48.8%)	▲	Timing	The Caravan Park Rent is paid up front for the 2020/2021 year. However as this relates to a specific period the 11 months of the rent has been transferred to Income Received in Advance as stipulated by the Office of the Auditor General resulting in a budget deficit even though the monies have been received.
Other Property and Services	(1,374)	(41.2%)	▲	Timing	No Reportable Variance
<b>Operating Expense</b>					
Governance	65,668	(72.4%)	▲	Timing	Governance Overheads Recovered timing in front of YTD Budget
General Purpose Funding	(4,571)	50.2%	▲	Timing	No Reportable Variance
Law, Order and Public Safety	968	(2.7%)	▲	Timing	No Reportable Variance
Health	(3,155)	77.7%	▲	Timing	No Reportable Variance
Housing	9,903	(40.2%)	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
Community Amenities	11,895	(20.5%)	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
Recreation and Culture	100,118	(48.5%)	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
Transport	24,579	(21.5%)	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
Economic Services	(3,006)	7.3%	▲	Timing	No Reportable Variance
Other Property and Services	(62,950)	305.2%	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	0	0.0%	▲	Timing	No Reportable Variance
Proceeds from Disposal of Assets	(1,945)	0.0%	▲	Timing	No Reportable Variance
<b>Capital Expenses</b>					
Land and Buildings	0		▲	Timing	No Reportable Variance
Infrastructure - Roads	(2,818)	34.3%	▼	Timing	No Reportable Variance
Infrastructure - Public Facilities	(1,860)		▼	Timing	No Reportable Variance
Infrastructure - Footpaths	0		▲	Timing	No Reportable Variance
Plant and Equipment	0		▲	Timing	No Reportable Variance
<b>Financing</b>					
Loan Principal	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

26 AUGUST 2020

Shire of Shark Bay			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 31 July 2020			
<b>Note 3: NET CURRENT FUNDING POSITION</b>			
		Positive=Surplus (Negative=Deficit)	
	Note	31 July 2020	31 July 2019
		\$	\$
<b>Current Assets</b>			
Cash Unrestricted	4	2,087,589	1,664,350
Cash Restricted	4	2,922,352	1,904,459
Receivables - Rates	6	28,061	30,884
Receivables -Other	6	207,591	385,709
Interest / ATO Receivable		8,315	7,427
Inventories		129,990	129,611
		5,383,899	4,122,440
<b>Less: Current Liabilities</b>			
Payables		(246,984)	(121,139)
Provisions		(208,068)	(212,524)
Grants/Income Received in Advance		(278,220)	0
Bond Liability (Formally Trust Account)		(13,793)	0
		(747,065)	(333,663)
Less: Cash Reserves	7	(2,922,352)	(1,904,459)
<b>Net Current Funding Position</b>		<b>1,714,482</b>	<b>1,884,318</b>



Comments - Net Current Funding Position

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 July 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%	330,751			330,751	Bankwest	At Call
Reserve Bank Account	0.00%		179		179	Bankwest	At Call
Reserve Telenet Saver Account	0.25%		2,922,173		2,922,173	Bankwest	At Call
Municipal Telenet Saver	0.50%	1,755,938			1,755,938	Bankwest	At Call
Trust Bank Account	0.00%	0		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>		<b>2,087,589</b>	<b>2,922,352</b>	<b>0</b>	<b>5,009,941</b>		
<b>Comments/Notes - Investments</b>							
Surplus funds invested for terms conducive to cashflow requirements.							

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 July 2020				
<b>Note 6: RECEIVABLES</b>				
<b>Receivables - Rates Receivable</b>	<b>31 July 2020</b>	<b>30 June 2020</b>	<b>Receivables - General</b>	<b>Current    30 Days    60 Days    90+Days</b>
	\$	\$		\$            \$            \$            \$
Opening Arrears Previous Years	32,544	31,927	Receivables - General	186,825    9,239    8,752    2,776
Levied this year	228	1,827,891	<b>Total Receivables General Outstanding</b>	<b>207,591</b>
less Collections to date	(4,711)	(1,827,274)	<b>Amounts shown above include GST (where applicable)</b>	
Equals Current Outstanding	<b>28,061</b>	<b>32,544</b>		
<b>Net Rates Collectable</b>	<b>28,061</b>	<b>32,544</b>		
% Collected	14.37%	98.25%		

**Note 6 - Rates Receivable**

Month	2019-20 (Amount \$ '000s)	2020-21 (Amount \$ '000s)
Jul	~50	~50
Aug	~1,700	~50
Sep	~1,100	~50
Oct	~700	~50
Nov	~550	~50
Dec	~450	~50
Jan	~350	~50
Feb	~250	~50
Mar	~200	~50
Apr	~100	~50
May	~50	~50
Jun	~50	~50

**Receivables-General**

Category	Percentage
Current	90%
30 Days	5%
60 Days	4%
90+Days	1%

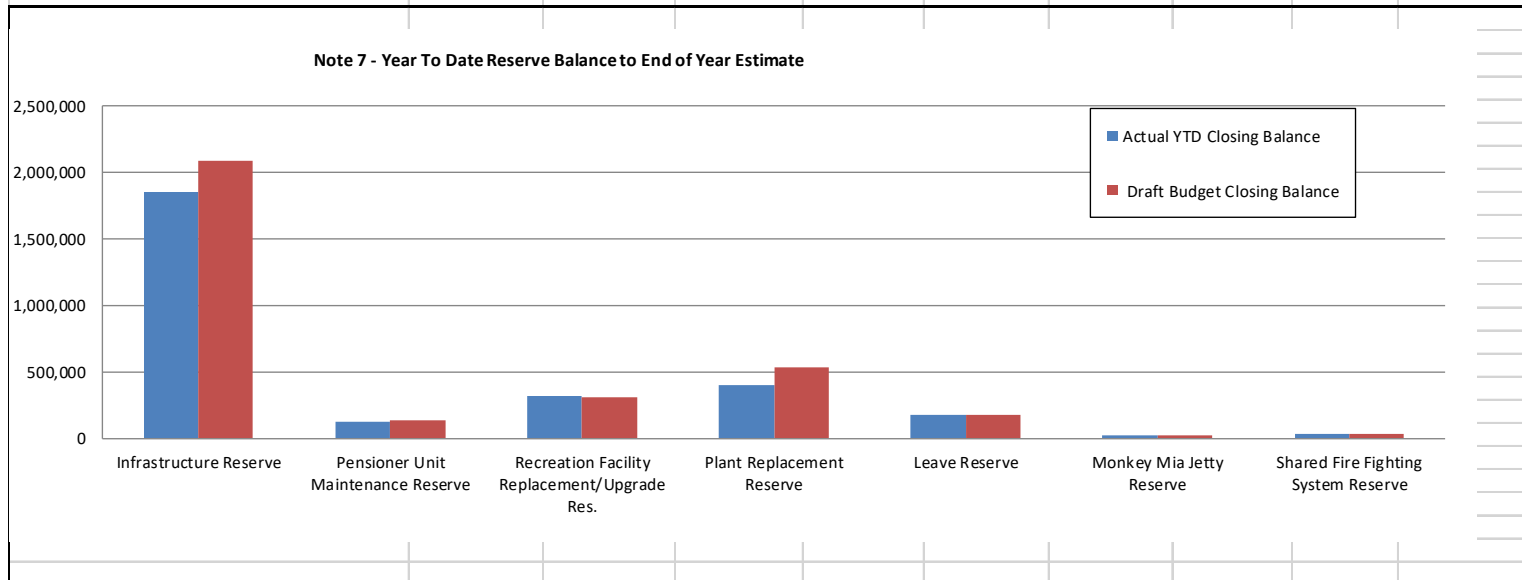
<b>Comments/Notes - Receivables Rates</b>	<b>No major issues at this time</b>
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MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 31 July 2020									
<b>Note 7: Cash Backed Reserve</b>									
<b>2020-21</b>									
Name	Opening Balance	Draft Budget Interest Earned	Actual Interest Earned	Draft Budget Transfers In (+)	Actual Transfers In (+)	Draft Budget Transfers Out (-)	Actual Transfers Out (-)	Draft Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Infrastructure Reserve	1,847,921	1,500	0	710,457	0	(480,476)	0	2,079,402	1,847,921
Pensioner Unit Maintenance Reserve	127,114	30	0	45,000	0	(35,000)	0	137,144	127,114
Recreation Facility Replacement/Upgrade Res.	322,812	850	0	180,000	0	(193,438)	0	310,224	322,812
Plant Replacement Reserve	401,851	300	0	450,000	0	(320,000)	0	532,151	401,851
Leave Reserve	171,006	680	0	0	0	0	0	171,686	171,006
Monkey Mia Jetty Reserve	22,087	60	0	0	0	0	0	22,147	22,087
Shared Fire Fighting System Reserve	29,560	80	0	0	0	0	0	29,640	29,560
	<b>2,922,352</b>	<b>3,500</b>	<b>0</b>	<b>1,385,457</b>	<b>0</b>	<b>(1,028,914)</b>	<b>0</b>	<b>3,282,394</b>	<b>2,922,351</b>



MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 July 2020							
Note 8 CAPITAL DISPOSALS							
Actual YTD Profit/(Loss) of Asset Disposal					Draft Annual Budget		
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 31 07 2020		
\$	\$	\$	\$		Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance
				<b>Plant and Equipment</b>	\$	\$	\$
				<b>Governance</b>			
			0	CEO Vehicle	502	0	(502)
0	0	0	0		502	0	(502)
				<b>Transport</b>			
				Dual Cab Ute - Works Manager	(5,229)	0	5,229
				Dual Cab Ute - Town	(9,310)	0	9,310
				Dual Cab Ute - Country	(9,310)		
				Country Loader	(84,389)	0	84,389
95,000	(4,589)	56,237	(34,174)	Vibration Roller - Sale Proceeds	(31,394)	(34,174)	(2,781)
95,000	(4,589)	56,237	(34,174)		(139,631)	(34,174)	96,147
95,000	(4,589)	56,237	(34,174)		(139,129)	(34,174)	95,645
<b>Comments - Capital Disposal/Replacements</b>							

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 31 July 2020											
Note 9: RATING INFORMATION	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2020/21 Draft Budget Rate Revenue \$	2020/21 Draft Budget Interim Rate \$	2020/21 Draft Budget Back Rate \$	2020/21 Draft Budget Total Revenue \$
RATE TYPE											
<b>Differential General Rate</b>											
GRV Residential	0.102840	316	3,817,320				0	392,577			392,577
GRV Commercial	0.105690	42	2,104,556				0	222,420			222,420
GRV Vacant	0.102840	18	360,100				0	37,033			37,033
GRV Rural Commercial	0.106880	5	315,379				0	33,709			33,709
GRV Industrial/Residential	0.113800	46	640,229				0	72,860			72,860
GRV Industrial/Residential Vaca	0.102840	2	0				0	0			0
GRV Rural Resort	0.112820	3	1,346,803				0	151,949			151,949
UV General	0.207090	7	827,677				0	171,402			171,402
UV Pastoral	0.141820	11	617,357				0	87,556			87,556
UV Mining	0.282450	1	7,948				0	2,245			2,245
UV Exploration	0.271580	2	761,716				0	206,866			206,866
<b>Sub-Totals</b>		453	10,799,085	0	0	0	0	1,378,617	0	0	1,378,617
<b>Minimum Payment</b>											
GRV Residential	876.00	52	372,762				0	43,800			43,800
GRV Commercial	876.00	17	93,834				0	14,892			14,892
GRV Vacant	876.00	83	268,180				0	71,832			71,832
GRV Rural Commercial	876.00	0	0				0	0			0
GRV Industrial/Residential	876.00	3	19,439				0	2,628			2,628
GRV Industrial/Residential Vaca	546.00	0	0				0	0			0
GRV Rural Resort	876.00	0	0				0	0			0
UV General	735.00	6	9,263				0	4,410			4,410
UV Pastoral	920.00	0	0				0	0			0
UV Mining	920.00	1	653				0	920			920
UV Exploration	920.00	2	2,039				0	920			920
<b>Sub-Totals</b>		164	766,170	0	0	0	0	139,402	0	0	139,402
Concessions											(138,834)
<b>Amount from General Rates</b>											<b>1,379,185</b>
Specified Area Rates											37,104
<b>Totals</b>							<b>0</b>				<b>1,416,289</b>
<b>Comments - Rating Information</b>											

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 July 2020								
10. INFORMATION ON BORROWINGS								
(a) Debenture Repayments								
Particulars	Principal 1-Jul-20	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			2020/21 Actual \$	2020/21 Draft Budget \$	2020/21 Actual \$	2020/21 Draft Budget \$	2020/21 Actual \$	2020/21 Draft Budget \$
Loan 57 Monkey Mia Bore	102,963	0	0	32,951	102,963	70,012	(412)	3,782
Loan 56 - Staff Housing	9,901	0	0	9,901	9,901	0	(110)	143
Loan 58 - Town Oval Bore	800,000		0	32,105	800,000	767,895	(1,151)	26,716
	912,864	0	0	74,957	912,864	837,907	(1,673)	30,641

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

26 AUGUST 2020

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 July 2020								
Note 11: GRANTS AND CONTRIBUTIONS								
Program/Details	Grant Provider	Approval	2020-21 Draft 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	692,158	0	692,158	0	0	692,158
Grants Commission - Roads	WALGGC	Y	226,736	0	226,736	0	0	226,736
<b>LAW, ORDER, PUBLIC SAFETY</b>								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Services	Y	8,970	0	8,970	0	2,344	6,627
Grant FESA - SES	Dept. of Fire & Emergency Services	Y	45,240	0	45,240	0	11,310	33,930
<b>RECREATION AND CULTURE</b>								
Contributions - HMAS Sydney Exhibit	Visitors to Discovery Centre	Y	200	0	200	0	46	154
Little Lagoon Rehabilitation Project	Department of Industry, Science, Energy and Resc	Y	12,500	0	0	12,500	0	0
<b>ECONOMIC SERVICES</b>								
Thank a Volunteer	Dept of Communities	Y	700	0	700	0	0	700
<b>TRANSPORT</b>								
Road Preservation Grant	State Initiative - Main Roads WA	Y	117,315	0	117,315	0	117,315	0
Useless Loop Road - Mtce	Main Roads WA	Y	330,000	0	330,000	0	64,823	265,177
Contributions - Road Projects	Pipeline	Y	12,705	0	12,705	0	0	12,705
Roads To Recovery Grant - Cap	Roads to Recovery	Y	297,245	0	0	297,245	0	297,245
RRG Grants - Capital Projects	Regional Road Group	Y	243,956	0	0	243,956	6,852	237,104
Local Road and Community Infrastrutre		Y	334,062	0		334,062	0	334,062
<b>TOTALS</b>			<b>2,321,787</b>	<b>0</b>	<b>1,434,024</b>	<b>887,763</b>	<b>202,690</b>	<b>2,106,597</b>
			Operating		1,434,024		195,838	
			Non-operating		887,763		6,852	
					<b>2,321,787</b>		<b>202,690</b>	
<b>Comments - Operating and Non Operating Grants</b>								

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 July 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 20	Amount Received	Amount Paid	Closing Balance 31-Jul-20
	\$	\$	\$	\$
CITF Levy	294	460	0	754
Library Card Bond	150	0	0	150
Bookeasy- Sales	199	100,454	(100,653)	0
Kerb/Footpath Deposit	4,800	0	0	4,800
Bond Key	3,850	220	(200)	3,870
Hall Bond	825	(275)	(275)	275
Police Licensing	4,705	28,480	(32,126)	1,060
Election Deposit	-	0	0	0
Marquee Deposit	-	0	0	0
Building Licence Levy	277	315	(215)	377
Road Reserve - Hughes Street	2,298	0	0	2,298
Tour Sales	-	0	0	0
Property Rental Bonds	-	0	0	0
Rates Unidentified Deposit	210	0	0	210
	<b>17,607</b>	<b>129,654</b>	<b>(133,468)</b>	<b>13,793</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

CAPITAL WORKS PROGRAM 2020/2021								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Draft Annual Budget	Draft YTD Budget	YTD Actual	Variance (Over)/Under	YTD Actual (Renewal Exp)	Comment
<b>Land and Buildings</b>								
<b>Governance</b>								
Asbestos Removal - Shire Office	3.1, 4.1	WKSM	(75,000)	0	0	0	0	
<b>Governance Total</b>			<b>(75,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Housing</b>								
Staff housing Capital Works	4.1	WKSM						
Staff Housing - 5 Spaven Way			(10,000)	0	0	0	0	
Staff Housing - 65 Brockman St			(10,000)	0	0	0	0	
Staff Housing - 51 Durlacher St			(10,000)	0	0	0	0	
Staff Housing - 80 Durlacher St			(10,000)	0	0	0	0	
Pensioner Units Capital	4.1	WKSM	(25,000)	0	0	0	0	
Pensioner Units Door/Water Pipe Replacement	4.1	WKSM	(10,000)	0	0	0	0	
<b>Housing Total</b>			<b>(75,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Community Amenities</b>								
<b>Buildings</b>								
Morgue	4.1	EMCD	(40,000)	0	0	0	0	
<b>Community Amenities Total</b>			<b>(40,000)</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	3.1, 4.1	EMCD	(75,000)	0	0	0	0	
Stable Refurbishment	4.1	EMCD	(50,000)	0	0	0	0	
Denham Town Hall Access Upgrade	4.1, 5.1, 5.2	EMCD	(40,000)	0	0	0	0	
Recreation Centre Panel and Paint Renewal	4.1	EMCD	(50,000)	0	0	0	0	
Day Care Centre Site Works	5.1	EMCD	(40,000)	0	0	0	0	
<b>Recreation Total</b>			<b>(255,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Transport</b>								
<b>Buildings</b>								
Depot - Office Awning	4.1	WKSM	(10,000)	0	0	0	0	
Depot - Boundary Fencing	4.1	WKSM	(7,721)	0	0	0	0	
<b>Transport Total</b>			<b>(17,721)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Land and Buildings Total</b>			<b>(462,721)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Footpaths</b>								
<b>Infrastructure</b>								
Footpath Construction-Denham Footpath Plan	1.1, 4.1, 5.1	WKSM	(100,000)	0	0	0	0	
Francis Street Lighting on Dual Purpose Pathway	1.1, 4.1, 5.1	WKSM	(80,000)	0	0	0	0	
Stella Rowley Lighting on Dual Purpose Pathway	1.1, 4.1, 5.1	WKSM	(80,000)	0	0	0	0	
<b>Footpaths Total</b>			<b>(260,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	



MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	Draft YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Plant , Equipment and Vehicles</b>								
<b>Governance</b>								
CEO Vehicle	4.1	CEO	(70,000)	0	0	0	0	
<b>Total Governance</b>			<b>(70,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Transport</b>								
Major Plant Items	4.1	WKSM	(20,000)	0	0	0	0	
Dual Cab Ute -Works Manager	4.1	WKSM	(57,000)	0	0	0	0	
Dual Cab Ute - Town	4.1	WKSM	(46,000)	0	0	0	0	
Dual Cab Ute - Country	4.1	WKSM	(46,000)	0	0	0	0	
Country Loader	4.1	WKSM	(280,000)	0	0	0	0	
<b>Transport Total</b>			<b>(449,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Plant , Equipment and Vehicles Total</b>			<b>(519,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

Infrastructure Assets	Plan Reference	Responsible Officer	Draft Annual Budget	Draft YTD Budget	YTD Actual	Variance (Under)/Over	(Renewal Exp)	Comment
<b>Public Facilities</b>								
<b>Community Amenities</b>								
Cemetery Shade	4.1	WKSM	(5,000)	0	0	0	0	
Hamelin Pool Carpark	4.1	WKSM	(10,000)	0	0	0	0	
West End Toilet Roof Replacement	4.1	WKSM	(15,000)	0	0			
<b>Community Amenities Total</b>			<b>(30,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Recreation And Culture</b>								
Playground Fence Replacement	4.1, 5.1, 5.2	WKSM	(15,000)	0	0	0	0	
Playground Softfall Replacement - Town Oval	4.1, 5.1, 5.2	WKSM	(20,000)	0	0	0	0	
Foreshore Limestone Wall	4.1	WKSM	(45,000)	0	0		0	
Charlie Sappie Park Bed Removal and Replacement	4.1	WKSM	(20,000)	0	0	0	0	
Multi Purpose Courts Light Upgrade	4.1	WKSM	(25,000)	0	0	0	0	
Little Lagoon Signs and Barriers	3.1, 4.1	WKSM	(25,000)	0	0	0	0	
Town Oval Bore Capital			0	0	(1,860)	(1,860)	1,860	
<b>Recreation And Culture Total</b>			<b>(150,000)</b>	<b>0</b>	<b>(1,860)</b>	<b>(1,860)</b>	<b>0</b>	
<b>Public Facilities Total</b>			<b>(180,000)</b>	<b>0</b>	<b>(1,860)</b>	<b>(1,860)</b>	<b>0</b>	

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

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 20-21 Brockman Street	1.1	WKSM	(450,000)	0	0	0	0	
Useless Loop Road - RRG 20-21	1.1	WKSM	(229,958)	0	(274)		274	
Eagle Bluff - RRG 19-20 CF	1.1	WKSM	(8,203)	(8,203)	(8,672)		8,672	
Eagle Bluff - RRG 20-21	1.1	WKSM	(127,775)	0	(2,075)		2,075	
<b>Transport Total</b>			<b>(815,936)</b>	<b>(8,203)</b>	<b>(11,021)</b>	<b>0</b>	<b>11,021</b>	
<b>Roads (Non Town) Total</b>			<b>(815,936)</b>	<b>(8,203)</b>	<b>(11,021)</b>	<b>0</b>	<b>11,021</b>	
<b>Capital Expenditure Total</b>			<b>(2,237,657)</b>	<b>(8,203)</b>	<b>(12,881)</b>	<b>(1,860)</b>	<b>11,021</b>	

26 AUGUST 2020

12.3 REQUEST FOR RATES WAIVER – YADGALAH ABORIGINAL CORPORATION  
P4028 / RES33517

Author  
Executive Assistant

Disclosure of Any Interest  
Declaration of Interest: Cr Bellottie  
Nature of Interest: Financial Interest as he is Chairperson of Yadgalah Aboriginal Corporation

Cr Bellottie left the Council Chambers at 4.13 pm

Moved           Cr Ridgley  
Seconded       Cr Smith

**Council Resolution**

**That Council, in accordance with Section 6.47 of the *Local Government Act 1995*, grant a concession of 25% on the general rates for Assessment # 4028 being property located at 9 Francis Road, Denham and owned by the Yadgalah Aboriginal Corporation on the basis that the land is not exclusively used for charitable purposes.**

**5/0 CARRIED BY ABSOLUTE MAJORITY**

Cr Bellottie returned to the Council Chambers at 4.18 pm

Background  
Council has received a request from the Yadgalah Aboriginal Corporation for a waiver of 25% of the general rates for the property located at 9 Francis Road, Denham. The rates on this property excluding Emergency Service Levy and Domestic Rubbish Charge are \$4,491.61.

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

The objectives of the Corporation are to:

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

Yadgalah Aboriginal Corporation promotes the cultural aspects of the Aboriginal people in the Shark Bay region. It provides both indigenous and non-indigenous people insight into the culture and history of the Aboriginal people who live within Shark Bay.

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The Corporation is requesting a 25% rates waiver as a non-profit organisation and feel that the waiver of the annual rates would inject funds back into maintaining the Corporation.

The current rates total \$5,182.36. This includes an amount of \$220.75 for Emergency Service Levy which is a State Government Charge and therefore not able to be waived by Council and an amount of \$470.00 for Commercial / Industrial rubbish charge.

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

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

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

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

Legal Implications

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

*6.47. Concessions*

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

**\* Absolute majority required.**

Policy Implications

There are no policy implications with this item.

Financial Implications

The amount of the concession at 25% would be \$1,122.90. Emergency Service Levy charges and rubbish collection charges would still need to be paid by the Corporation.

Strategic Implications

There are no strategic implications with this item.

Risk Implications

This is a low risk item to Council.

Voting Requirements

Absolute Majority Required

Signatures

Author  
Chief Executive Officer  
Date of Report

*A Pears*  
*P Anderson*  
13 August 2020

26 AUGUST 2020



6<sup>TH</sup> August 2020

Dear Paul

Yadgalah Aboriginal Corporation is a local Community Organization and would like to apply for a Rate concession of 25% for the 2020/2021 rates.

We are not used for charitable purposes and are a non for profit Organization.

At the moment we provide a venue for: -

- a recreation facility
- Markets on the School Holidays
- Work for the dole program

Thank you for your consideration.

Debbie Bellottie

Co/ordinator

Yadgalah Aboriginal Corporation

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

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

12.4 REQUEST FOR WRITE OFF OF ANNUAL FEES FOR BED AND BREAKFAST AT 35A FRY COURT, DENHAM – MRS E MANNING  
FM00004 / P1442

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Officer Recommendation

1. That Council write-off \$36.05 of the Annual Licence to operate Bed and Breakfast raised to Mrs E Manning on invoice number 19076 for the amount of \$125.00 due to the COVID-19 15 week forced closure.

OR

2. That Council advise Mrs E Manning that invoice number 19076 for \$125.00 for the licence to operate a Bed and Breakfast remains.

OR

3. That Council write-off \$36.05 for each Annual Licence to operate Bed and Breakfast fees for the 2020/2021 financial year due to the COVID-19 15 week forced closure.

Moved Cr Stubberfield

Seconded Cr Cowell

Council Resolution

**That Council advise Mrs E Manning that invoice number 19076 for \$125.00 for the licence to operate a Bed and Breakfast remains.**

**6/0 CARRIED**

Background

Mrs E Manning has requested the Council write off \$36.05 due to the COVID-19 15 week forced enclosure period from the current annual charges being \$125 for the licensing of a Bed and Breakfast as per email below.

**From:** Elizabeth Manning <[elizabeth.manning@bigpond.com](mailto:elizabeth.manning@bigpond.com)>  
**Sent:** Friday, 24 July 2020 2:56 PM  
**To:** Rhonda Mettam <[Rhonda@sharkbay.wa.gov.au](mailto:Rhonda@sharkbay.wa.gov.au)>  
**Subject:** Invoice 19076 2020/21 BnB registration annual renewal

Hello there,

I have recently received an invoice (19076) for 2020/2021 Bed and Breakfast Registration Renewal - \$125.00.

Due to Covid 19 – my Airbnb was forced to close in early March and was unable to open until the 3<sup>rd</sup> week in June; a total of 15 weeks. This enforced closure period coincided with Easter and the School Holidays, the peak busy time for Airbnb guests.

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

I ask the Shire to take into consideration this forced closure and loss of income and to amend my invoice so I am not charged for the 15 weeks I was unable to operate. This time equates to almost one third of a year.

Kind regards,  
Elizabeth Manning.

**From:** Donnelle [mailto:Debtors@sharkbay.wa.gov.au]  
**Sent:** Friday, 24 July 2020 3:49 PM  
**To:** [elizabeth.manning@bigpond.com](mailto:elizabeth.manning@bigpond.com)  
**Subject:** Invoice 19076 2020/21 BnB registration annual renewal

Hi Liz,

Just to clarify that the invoice is for the 2020/2021 financial year. The forced closure you refer to is not in the period that this invoice covers.

Thanks Liz, take care.

Kind regards

**Donnelle Oakley**  
**Finance Officer**

Shire Office: 08 9948 1218

Address : 65 Knight Tce, Denham, WA 6537

Shire Depot: 08 9948 1013

Shark Bay World Heritage Discovery & Visitor Centre: 08 9948 1590

Visitors Centre Website: <http://www.sharkbayvisit.com.au/>

Shire Website: <http://www.sharkbay.wa.gov.au/>

**From:** Elizabeth Manning <[elizabeth.manning@bigpond.com](mailto:elizabeth.manning@bigpond.com)>  
**Sent:** Tuesday, 28 July 2020 9:00 PM  
**To:** Donnelle <[Debtors@sharkbay.wa.gov.au](mailto:Debtors@sharkbay.wa.gov.au)>  
**Subject:** RE: Invoice 19076 2020/21 BnB registration annual renewal

Hi Donnelle,

Yes you are correct in this point. However, I pay this annual fee in advance (in good faith of being able to operate as fully as I am able), and I ask the Shire of Shark Bay to adjust these current charges to recompense for the period of lost earnings incurred in the 2019/2020 year.

I would like to add that I have received written notice from the Shire of York stating it has waived its annual food/ business registrations for the 2020/2021 year in lieu of the impact COVID 19 has had on the small business operators within its Shire.

I hope Shire of Shark Bay can/will demonstrate a similar level of understanding and amend my invoice for this BnB registration.

Kind regards,  
Elizabeth Manning.

Comment



26 AUGUST 2020

Mrs E Manning's licence to operate a Bed and Breakfast is raised every year under the Council's fees and charges as part of the budget setting process.

As per council's resolution in response to COVID-19 fees and charges have not been increased for the 2020/2021 year.

The Financial Hardship COVID-19 Policy was adopted by council during the 27 May Ordinary Council Meeting however this policy's scope relates to rates only and not fees and charges. However, the policy's objective ensures that the Council offer fair, equitable, consistent and dignified support to the ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

Therefore in applying the COVID-19 Financial Hardship policy objective in the event of the council adopting either option 1 or 3, it will be setting a precedent for all fee payers that were forced to close due to COVID-19 thereby substantially increasing the financial risk to the Council.

Legal Implications

There are no legal implications relative to this report.

Policy Implications

There are no policy implications relative to this report.

Financial Implications

**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) waive 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: No. 64 of 1998 s. 39.]*

*Should the council adopt :*

Option 1

MINUTES OF THE ORDINARY COUNCIL MEETING

---

26 AUGUST 2020

The loss of revenue to the Council will be \$36.05 based on the fee relating to the COVID-19 15 week forced closure for Mrs E Manning's Bed and Breakfast Accommodation.

Option 2

There is no financial implications relevant to this report.

Option 3

The loss of revenue to the Council will be \$180.25 based on the fee relating to the COVID-19 15 week forced closure for all 5 Bed and Breakfast licence holders.

Strategic Implications

There are no strategic implications relative to this report.

Voting Requirements

Absolute Majority Required if writing off a debt.

Signatures

Author	<i>A Pears</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	13 August 2020

To:  
All Councillors  
Shire of Shark Bay

From:  
Elizabeth Manning

26 AUGUST 2020

35A Fry Court  
Owner, Operator of 'Shark Bay Sunset Stays'

**AIRBNB ANNUAL REGISTRATION**

Dear Councillors,

I recently received an invoice (19076) for 2020/2021 Bed and Breakfast Registration Renewal - \$125.00. I'm asking Council to consider amending this fee in lieu of imposed COVID19 closures earlier this year impacting my small Airbnb business.

Due to COVID 19 – my Airbnb was forced to close in early March and was unable to open until the 3<sup>rd</sup> week in June; a total of 15 weeks (almost 4 months). I lost income through cancellation of confirmed bookings as well as loss of potential income during what is the peak busy time for Shark Bay tourism (Easter, School holidays and the autumn period).

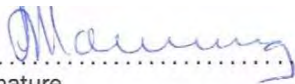
I pay this annual fee in advance in good faith of being able to operate as fully as I am able. I ask the Shire of Shark Bay to adjust these current charges to recompense for the period of lost earnings incurred in the 2019/2020 year.

No one can foresee if COVID 19 restrictions will be re-imposed in WA, however there is a strong possibility given the situation swamping the east coast.

I would like to add I have received written notice from the Shire of York stating it has waived its annual food/ business registrations for the 2020/2021 year in lieu of the impact COVID 19 has had on the small business operators within its Shire. This has directly helped compensate our small olive oil production business for loss of income.

I hope Shire of Shark Bay can implement a similar level of understanding.

Kind regards,

  
.....  
Signature

Elizabeth Manning  
20<sup>th</sup> August, 2020.

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

12.5 REQUEST FOR WRITE OFF OF ANNUAL FEES FOR RESERVE 49809 – MRS HARGREAVES FM00004 / RES 49809

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Officer Recommendation

1. That Council write-off the Annual Fee for the licence to occupy Reserve 49809 raised to Mrs M Hargreaves on invoice number 19054 for the amount of \$165.00.  
OR
2. That Council advise Mrs M Hargreaves that invoice number 19054 for \$165.00 for the licence to occupy Reserve 49809 remains.  
OR
3. That Council write-off:
  - a. \$660 (\$165 per licence) for the 4 current Annual Licence fees to occupy Reserve 49809 for Non Commercial, and
  - b. \$500 for the 1 Annual Licence fee to occupy Reserve 49809 for Commercial Use.Total Write- Off \$1,160.

Moved           Cr Ridgley  
Seconded       Cr Bellottie

**Council Resolution**

**That Council advise Mrs M Hargreaves that invoice number 19054 for \$165.00 for the licence to occupy Reserve 49809 remains.**

**4/2 CARRIED**

Cr Stubberfield is recorded as voting against the motion.

Background

Mrs M Hargreaves as requested the council write off the current annual charges for Reserve 49809 being \$165.00 as per email below.

26 AUGUST 2020

**Rhonda Mettam**

---

**From:** Tim Hargreaves <sharkbayherald@westnet.com.au>  
**Sent:** Wednesday, 12 August 2020 1:05 PM  
**To:** Donnelle; Rhonda Mettam  
**Cc:** chezza@westnet.com.au; Councillor Ed Fenny; benjaminbellotie@gmail.com; gregridg@westnet.com.au; Councillor Pietr Stubberfield; mark\_smith\_690@outlook.com  
**Subject:** I-CR-28821 - RE: Shire of Shark Bay - Debtor Invoice or Statement  
**SynergySoft:** I-CR-28821

To the Councillors  
Shire of Shark Bay  
WA6537

c.c. Admin & CEO

Dear Councillors  
**Commonage – waiver of Annual charge  
&160.00**

In view of severe financial hardships this year with the Corona Virus restrictions & in keeping with many Shires policies to alleviate what financial burdens they can of ratepayers, I request the customary charge I have been billed for be waived this year.

1. There has been no horse grazing here for 2 years & no expenses incurred by the Shire.
2. Whilst on the subject of Commonage I courtesly point out the following-
3. My husband & I , at the initial behest of Shire Clerks Brett Pollock & subsequently Mark Hook, established the present Commonage in Shark Bay back in the 1980's.
4. Many hours were spent in manually removing miles of discarded & rusty fencing wire.
5. The Shire built fencing around the entire outer perimeter to prevent stock wandering onto the Monkey Mia & Hamelin Denham Roads as likewise the Airport.
6. The Shire also built the gate leading into the Common with a cattle grid at that same entrance.



7. Thus we - & the subsequent owners of horses & camels – could graze our animals in safety, economise on feeding & keep the grass & low lying vegetation safe from fire risk.
8. After the CEO Mr. Andersons appointment to this Shire, the essence of Commonage was soon changed to become a source of revenue for the Shire & a financial burden for the few users except one private individual who somehow acquired a large tract of said Commonage at the far end close to the Airport. Numerous letters to the Shire from my husband as to the details of this acquisition of land were for the most part ignored except one reply giving ambiguous indications of some sort of a deal with the Golf Club.
9. Committee members of the Golf Club were equally uncertain of what had been arranged. There were no Public

Gazettes or similar Public Notices in the Local Newspapers or publications such as the Inscription Post as required by the Lands Acquisition Act.

10. Fundamental & ancient Laws of Commonage eroded & with the removal of the Gate & cattle grid: mine & other owners' horses were restricted to small paddocks with compulsory public liability insurance required (\$1,000.00 p.a.)
11. Added costs were incurred because of the non-allowance of free-range grazing on the Common proper with likewise the resultant fire hazard of the bush.
12. What had started as an affordable public amenity enabling much pleasure to not just the horse owners but public at large due to the presence of the odd tame goat or sheep, roosters not allowed in town limits plus



26 AUGUST 2020

horse manure for gardeners became financially & generally untenable.

I do not want to relinquish what little stake I have in what we started & in light of major changes envisioned here in Shark Bay & across Australia due to the Pandemic & invite Councillors to contribute any ideas they think worth considering for this hard won tract of Crown land deemed Commonage.

I request this correspondence be tabled at the next meeting & its contents recorded in full in the minutes.

Thank you – Mrs. M.A. Hargreaves 12<sup>th</sup>  
August 2020

**From:** debtors@sharkbay.wa.gov.au [mailto:debtors@sharkbay.wa.gov.au]  
**Sent:** Friday, 7 August 2020 1:49 PM  
**To:** sharkbayherald@westnet.com.au  
**Subject:** Shire of Shark Bay - Debtor Invoice or Statement

Please find attached a copy of your Debtors Invoice or Statement

Regards,

Debtors Officer Shire of Shark Bay, Phone : 08 9948 1218, Fax : 08 9948 1237

Disclaimer

This email message is intended only for the addressee (s) and contains information that may be confidential and/or copyright. If you are not the intended recipient please notify the sender by reply email and immediately delete this email. Use, disclosure or reproduction of this email by anyone other than the intended recipient (s) is strictly prohibited. No representation is made that this email or any attachments are free of viruses. Virus scanning is recommended and is the responsibility of the recipient

Comment

26 AUGUST 2020

Mrs M Hargreaves's licence to occupy a portion of Reserve 49809 is under licence number 01/2016 which is due to expire on the 30 March 2021. A copy of the licence is attached at the end of this report.

The last Public & Product Liability Certificate of Currency supplied by Mrs M Hargreaves expired on the 8 December 2016.

The General Policy Statement upon and for the duration of occupations states:

Proof of current Public Liability Insurance to \$10,000,000 to be supplied by the licence holder.

As per council's resolution in response to COVID-19 fees and charges have not been increased for the 2020/2021 year.

The Financial Hardship COVID-19 Policy was adopted by council during the 27 May Ordinary Council Meeting however this policy's scope relates to rates only and not fees and charges. However, the policy's objective ensures that the Council offer fair, equitable, consistent and dignified support to the ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

Therefore in applying the COVID-19 Financial Hardship policy objective in the event of the council adopting either option 1 or 3, it will be setting a precedent for all fee payers that have suffered financial hardship as a result of COVID-19 substantially increasing the financial risk to the Council.

#### Legal Implications

There is a risk that the Public Liability Insurance for Reserve 49809 has not been kept up to date which is a condition of licence.

#### Policy Implications

There are no policy implications relative to this report.

#### Financial Implications

### **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) waive 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.

MINUTES OF THE ORDINARY COUNCIL MEETING

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- (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: No. 64 of 1998 s. 39.]*

*Should the council adopt :*

Option 1

The loss of revenue to the Council will be \$165 based on the annual licence fee to occupy Reserve 49809 for Non Commercial Use.

Option 2

There is no financial implications relevant to this report.

Option 3

The loss of revenue to the Council will be \$1,160 based on 4 non commercial licences and 1 commercial licence currently active to occupy Reserve 49809..

Strategic Implications

There are no strategic implications relative to this report.

Voting Requirements

Absolute Majority Required if writing off a debt.

Signatures

Author

*A Pears*

Chief Executive Officer

*P Anderson*

Date of Report

12 August 2020

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020



REG 49809  
LS00012  
1-LEG-21305

Government of Western Australia  
Department of Lands

Regional and Metropolitan Services

RECEIVED

13 JUL 2016

SHIRE OF SHARK BAY

Your Ref: RES49809  
Our ref: 11819-1908-01 (Job No. 162778)  
Enquiries: Ph: (08) 6552 4585  
Jan Pruyn Fax: (08) 6552 4417  
Email: [jan.pruyn@lands.wa.gov.au](mailto:jan.pruyn@lands.wa.gov.au)

Chief Executive Officer  
Shire of Shark Bay  
PO Box 126  
Denham WA 6537

Dear Sir

**SECT 18 MINISTERS CONSENT FOR LICENCE OVER PT COMMON RESERVE  
49809  
BETWEEN SHIRE OF SHARK BAY AND MARGARET HARGREAVES**

Thank you for your recent correspondence regarding the proposed Licence being portion of Lot 3005 on Deposited Plan 54344 between the Shire of Shark Bay and Margaret Hargreaves.

In accordance with section 18 of the *Land Administration Act 1997* (LAA) the Minister's approval is granted to the licence provided to Department of Lands (DoL) by letter dated 15 June 2016 on condition that the licence is on the same terms as that provided to DoL (via the Minister) with that letter.

Please note that this approval is for the purposes of section 18 LAA only and does not constitute an endorsement as to the terms and effect of the document. DoL cannot provide any advice in respect of the licence and recommends that each party obtain their own independent advice as to their rights and obligations under the Licence.

Please note that Section 18 consents are approved under delegation by this office. Should you have any enquiries please contact me on (08) 6552 4585 quoting the above reference number.

Yours sincerely

**JAN PRUYN  
SENIOR STATE LAND OFFICER  
CASE DELIVERY**

5 July 2016

162778jp01consent letter  
Gordon Stephenson House, 140 William Street Perth Western Australia 6000 PO Box 1143 West Perth Western Australia 6872  
Telephone (08) 6552 4400 Facsimile (08) 6552 4417 Freecall: 1800 735 784 (Country only)  
Email: [info@lands.wa.gov.au](mailto:info@lands.wa.gov.au) Website: [www.lands.wa.gov.au](http://www.lands.wa.gov.au)  
ABN: 68 565 723 484

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

**SHIRE OF SHARK BAY**

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

Our Ref: RES49809



Telephone (08) 9948 1218  
Facsimile (08) 9948 1237  
Email admin@sharkbay.wa.gov.au  
All correspondence to the  
Chief Executive Officer

**LICENCE No.  
01/2016**

**RESERVE 49809  
LICENCE TO OCCUPY**

*The relationship created by this agreement is between the applicant as the licensee and the Shire of Shark Bay as the licensor and the Minister for Lands as the property owner.*

Licence No 02 / 2016 is granted to: Mrs Margaret Hargreaves

*Margaret Hargreaves*  
Signature - Mrs Hargreaves

The licence is to occupy a 1,500 meters square portion of Lot 3005 on deposited plan 54344 "Common" Reserve 49809 and as identified on the attached plans.

Reserve 49809 is located on a portion of Unallocated Crown Land and is not a contaminated site under the Contaminated Site Act 2003 (the act).

The Minister for Lands is indemnified from any Public Liability suffered by any persons approved under this licence to occupy the common.

This Licence to Occupy applies for a maximum stay of:-

Maximum Five Years

Ⓢ Please note the expiry date of the licence as set put on the last page of this agreement.

Activity permitted at the Town Common	Amount of stock permitted at the Common
1. STOCK TENURE	1. One Horse

Special circumstances approved for licensee:
STOCK TO BE TETHERED WITHIN SUITABLE AND APPROPRIATE ENCLOSURES AT ALL TIMES

1  
Shire of Shark Bay  
Reserve 49809 Licence to Occupy

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

<b>Stock control devices relevant to the licence approval:</b>
FENCED AREA TO BE CONSISTANT WITH APPLICATION AND NOT TO BE ALTERED WITHOUT APPROVAL.

**Licence is subject to General Policy Statement upon and for the duration of occupation-**

- *All occupiers of the Common will observe basic requirements for its occupation.*
- *All occupiers of the Common will ensure that all of their activities conform to any relevant legislation or other statutory requirement.*
- *Illegal activities of any nature are not to take place at the Common.*
- *The Shire of Shark Bay, its officials, employees and agents shall not be held responsible for personal injuries or damages sustained or property or stock lost or stolen on the Common.*
- *Activities are to be controlled and maintained to ensure long term environmental sustainability and ultimate re-instatement of its land use.*
- *Occupiers are to be responsible for any damages caused to the Common other than general deterioration of the site.*
- *The Common will be left clean and tidy; all rubbish etc is to be removed.*
- *Due respect is to be observed to other occupiers of the Common with regard to mutual required services and infrastructure.*
- *Occupiers are asked to contribute to a positive relationship with other Common users.*
- *The area utilized must have a stock control measure in place to secure their stock.*
- *Stock numbers must be maintained within the license approval. Any additional stock must be approved by Council.*
- *Activity infrastructure will be required to be set back a specified distance from the access road as determined by the Shire.*
- *Speed limits will be observed on the access and external road within the Common.*
- *Occupiers of the Common are required to address issues of concern directly to the Shire and not to other occupiers.*
- *Proof of current Public Liability Insurance to \$10,000,000.*

Failure to comply with these provisions may result in the cancellation of the licence to occupy.

MINUTES OF THE ORDINARY COUNCIL MEETING

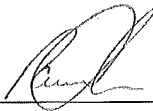
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Maximum Length of This Licence to Occupy:

Commencement of licence: \_\_\_\_\_ 1 April 2016 \_\_\_\_\_

Period of licence approval: \_\_\_\_\_ 30 March 2021 \_\_\_\_\_

Signed by the Chief Executive Officer, Shire of Shark Bay



Date: \_\_\_\_\_ 13 June 2016 \_\_\_\_\_

**Chief Executive Officer  
Shire of Shark Bay**

Signed by the Minister of Lands, Western Australia

*Please Note  
The attached letter  
is the Sect 18 Consent*

3  
Shire of Shark Bay  
Reserve 49809 Licence to Occupy

MINUTES OF THE ORDINARY COUNCIL MEETING

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16 December 2015

Jardine Lloyd Thompson Pty Ltd  
ABN 60 009 098 864

Level 3, 170 Railway Pde  
West Leederville, WA 6007  
GPO Box E203  
Perth WA 6841

Tel 1300 883 146  
Direct +61 8 9428 0498  
Mob +61 412 394 058  
Fax +61 8 9428 0999  
Annie.Chan@jlt.com.au  
www.jlt.com.au

Certificate of Currency

Our Ref HARGREA-183053

<b>INSURANCE CLASS</b>	Public & Product Liability	
<b>INSURED NAME</b>	Mrs Margaret Hargreaves	
<b>POLICY EXPIRY DATE</b>	8 December 2016	
<b>SITUATION</b>	2.52 Ha portion of Lot 3005 on deposited plan 54344 "Common" Reserve 49809	
<b>INTEREST</b>	Legal liability to third parties for Injury and/or Damage to Property caused by an occurrence in connection with the Insured's business	
<b>LIMIT OF LIABILITY</b>	\$10,000,000	
<b>INSURER</b>	<b>PROPORTION</b>	<b>POLICY NUMBER</b>
QBE Insurance (Australia) Ltd through Thistle Underwriting - QBE EDI Sunrise	100.000%	1AJU135591BPK

This certificate of currency provides a summary of the policy cover and is current on the date of issue. It is not intended to amend, extend, replace or override the policy terms and conditions contained in the actual policy document. This certificate of currency is issued as a matter of information only and confers no rights upon the certificate holder. We accept no responsibility whatsoever for any inadvertent or negligent act, error or omission on our part in preparing these statements or in transmitting this certificate by email or for any loss, damage or expense thereby occasioned to any recipient of this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Annie Chan', is written over a horizontal line.

Annie Chan  
Account Manager - Consumer Business & Solutions



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12.6 ADOPTION OF THE 2020/2021 BUDGET  
FM00005

Author  
Executive Manager Finance and Administration

Disclosure of Any Interest  
Nil

Moved Cr Smith  
Seconded Cr Burton

**Council Resolution**

**That Council consider revoking the decision made at Item 4.0 Part B.(point 4) 2020/2021 General Conditions, Charges and Interest – Due Dates for the payment of rates of the Special Council meeting held on 6 August 2020 as listed below:**

**PART B.(point 4) 2020/2021 GENERAL CONDITIONS, CHARGES AND INTEREST**

**That Council:**

**4. Adopt the following due dates for the payment of rates either as a single payment or by 2 or 4 instalments;**

- |                              |               |                                    |
|------------------------------|---------------|------------------------------------|
| <b>i. Single payment</b>     |               | <b>Due Date: 07 September 2020</b> |
| <b>ii. Two instalments</b>   | <b>First</b>  | <b>Due Date: 07 September 2020</b> |
|                              | <b>Second</b> | <b>Due Date: 11 January 2021</b>   |
| <b>iii. Four instalments</b> | <b>First</b>  | <b>Due Date: 07 September 2020</b> |
|                              | <b>Second</b> | <b>Due Date: 09 November 2020</b>  |
|                              | <b>Third</b>  | <b>Due Date: 11 January 2021</b>   |
|                              | <b>Four</b>   | <b>Due Date: 15 March 2021</b>     |

**6/0 CARRIED BY ABSOLUTE MAJORITY**

Moved Cr Ridgley  
Seconded Cr Cowell

**Council Resolution**

**That Council rescind the following resolution**

**PART B. 2020/2021 GENERAL CONDITIONS, CHARGES AND INTEREST – POINT 4**

**4. Adopt the following due dates for the payment of rates either as a single payment or by 2 or 4 instalments;**

- |                           |                                    |
|---------------------------|------------------------------------|
| <b>iv. Single payment</b> | <b>Due Date: 07 September 2020</b> |
|---------------------------|------------------------------------|

MINUTES OF THE ORDINARY COUNCIL MEETING

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- |                      |        |                             |
|----------------------|--------|-----------------------------|
| v. Two instalments   | First  | Due Date: 07 September 2020 |
|                      | Second | Due Date: 11 January 2021   |
| vi. Four instalments | First  | Due Date: 07 September 2020 |
|                      | Second | Due Date: 09 November 2020  |
|                      | Third  | Due Date: 11 January 2021   |
|                      | Four   | Due Date: 15 March 2021     |

**6/0 CARRIED BY ABSOLUTE MAJORITY**

Moved Cr Smith  
Seconded Cr Stubberfield

**Council Resolution**

**That Council replace the Instalment due dates so that the levelling of  
Installment dates complies with the *Local Government Act 1995*:**

**Adopt the following due dates for the payment of rates either as a single  
payment or by 2 or 4 instalments;**

- |                       |        |                             |
|-----------------------|--------|-----------------------------|
| vii. Single payment   |        | Due Date: 18 September 2020 |
| viii. Two instalments | First  | Due Date: 18 September 2020 |
|                       | Second | Due Date: 22 January 2021   |
| ix. Four instalments  | First  | Due Date: 18 September 2020 |
|                       | Second | Due Date: 20 November 2020  |
|                       | Third  | Due Date: 22 January 2021   |
|                       | Four   | Due Date: 26 March 2021     |

**6/0 CARRIED BY ABSOLUTE MAJORITY**

**Background**

The budget was presented to Council at the Budget Review meeting held on the 29 July 2020 with the intention to present to Council for adoption at the Ordinary Council Meeting held on the same day. After further discussion it was decided to amend the Capital Budget, funded by the Governments COVID-19 Local Roads and Community Infrastructure Program Grant, to reflect more community based projects due to the grants broader range of eligible grant activity instead of applying the grant primarily toward road projects. To enable the budget to be amended the Council agreed to hold a special council meeting on the 6<sup>th</sup> August 2020 to adopt the budget. Unfortunately, due to an administrative oversight the due dates for rates payment either as a single or 2 to 4 instalments were not updated to reflect the budget adoption occurring at the later date.

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Comment

The *Local Government Act 1995* of Western Australia stipulates that a rate becomes due and payable at least 35 days after the issue date on the rates notice. As the rates were issued on the 7 August 2020 the due dates for payment of rates were updated to ensure that the Shire was not in contravention of the *Local Government Act 1995*.

Legal Implications

Section 6.2 of the *Local Government Act 1995* requires Council to adopt a budget prior to 31 August each year while Part 3 of the Local Government (Financial Management) Regulations 1996 states what needs to be included in the budget. In addition Section 6.50 stipulates that the date determined by a local government is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.

Policy Implications

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

Financial Implications

The 2020/2021 budget provides Council with the opportunity to continue to review its service levels and ongoing future maintenance requirement, while addressing the operational financial deficiency's, which highlights the reliance of Council on grant funding and the need to become more "self-sufficient" financially in the event that grant funding is not available in future years. This strategy, which began in 2018/2019, focuses on Council becoming more reliant on own sourced income in future years to fund the continuation of high quality services to the community and maintain its assets in a sustainable manner. As a result other Council revenue streams have been reviewed such as waste and recycling to lessen the financial impost upon the general rates income.

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

Strategic Implications

Outcome 7.2.2 Maintain accountability and financial responsibility in accordance with Long Term Financial Plan.

Risk Management

There is a high risk of not adopting the 2020/2021 Budget as this provides the authority for the administration to continue to provide services to the community.

Voting Requirements

Absolute Majority is required for this item.

MINUTES OF THE ORDINARY COUNCIL MEETING

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Signatures

Author

*A Pears*

Chief Executive Officer

*P Anderson*

Date of Report

11 August 2020

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**13.0 TOWN PLANNING REPORT**

**13.1 LOCAL DEVELOPMENT PLAN - LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND P4281**

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Cowell –

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

Moved Cr Stubberfield

Seconded Cr Smith

**Council Resolution**

**That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 4.31 pm for open discussion on Item 13.1 Local Development Plan – Lot 304 Sunday Island Bay, Dirk Hartog Island.**

**6/0 CARRIED**

Moved Cr Stubberfield

Seconded Cr Smith

**Council Resolution**

**That Council reinstate Standing Orders at 5.14 pm.**

**6/0 CARRIED**

**Officer Recommendation**

That Council:

1. Note the submissions in Attachment 9 and 10.
2. Resolve to refuse the Local Development Plan prepared by Taylor Burrell Barnett for Lot 304 Sunday Island Bay, Dirk Hartog Island in accordance with Part 6, Schedule 2, Clause 52(1)(c) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
  - (i) The proposal does not provide guidance on future land uses and does not demonstrate compliance with the objective of Special Use Zone (No 14 ) which is to provide for eco-tourism development which by definition means ‘ecologically sustainable tourism’.
  - (ii) The Management Plan does not satisfactorily address Condition 3(i) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.
  - (iii) The proposed Local Development Plan provisions or design guidelines do not demonstrate that development will achieve a high architectural quality, will be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and the unique character of the surrounding area as required under Condition

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- 3(ii) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.
- (iv) The proposal would facilitate development that would place the lives of vulnerable visitors at an unacceptable risk through non-compliance with 'State Planning Policy 3.7 – Planning in Bushfire Prone areas'. Proposed development cannot be classified as 'unavoidable' development under State Planning Policy 3.7.
  - (v) The Local Development Plan, Environmental Report and Biosecurity Plan do not satisfactorily address Condition 3(v) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.
  - (vi) The extent of clearing, building envelopes and development footprint does not demonstrate that there will be a low impact on the natural environment, that the high conservation values will not be compromised or demonstrate that the ecological values and special attributes of the Island will not be compromised as required by Condition 3(v) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.
  - (vii) The proposal does not demonstrate that development sympathetic to the natural character of Dirk Hartog Island as required by Condition 3(vi) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4 will be achieved.
  - (viii) The proposal does not demonstrate that future development will not have a negative impact on the environment, World Heritage values, or the adjacent foreshore and marine park.
  - (ix) The proposal does not demonstrate compliance with the Government Sewerage Policy.
  - (x) There is insufficient quantified information on groundwater for a location that is in close proximity to high value assets (ie the marine environment within the Shark Bay World Heritage area).
  - (xi) There is insufficient information to establish that development will be provided with adequate co-ordinated services including waste management, power, a reliable potable water supply and non potable water supply.
  - (xiii) The proposed clearing will have an impact on the visual appearance of the lot, result in a loss of a natural setting for ecotourism, and causes potential for dust, wind erosion and dune destabilisation.
3. Authorise the Chief Executive Officer to advise all authorities and submitters of the Council decision in writing.

**AMENDMENT TO OFFICERS RECOMMENDATION**

**Reason:** Mover considered the Council should consider modification to the Local Development Plan.

Moved           Cr Stubberfield  
Seconded       Cr Ridgley

Councillor Motion

That Council endorse Option 3 – To require modification to the Local Development Plan and resubmission of a modified plan for approval.

4/2 LOST

Moved           Cr Burton  
Seconded       Cr Smith

**Council Resolution**

**That Council:**

1. **Note the submissions in Attachment 9 and 10.**
2. **Resolve to refuse the Local Development Plan prepared by Taylor Burrell Barnett for Lot 304 Sunday Island Bay, Dirk Hartog Island in accordance with Part 6, Schedule 2, Clause 52(1)(c) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
  - (i) **The proposal does not provide guidance on future land uses and does not demonstrate compliance with the objective of Special Use Zone (No 14 ) which is to provide for eco-tourism development which by definition means 'ecologically sustainable tourism'.**
  - (ii) **The Management Plan does not satisfactorily address Condition 3(i) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.**
  - (iii) **The proposed Local Development Plan provisions or design guidelines do not demonstrate that development will achieve a high architectural quality, will be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and the unique character of the surrounding area as required under Condition 3(ii) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.**
  - (iv) **The proposal would facilitate development that would place the lives of vulnerable visitors at an unacceptable risk through non-compliance with 'State Planning Policy 3.7 – Planning in Bushfire Prone areas'. Proposed development cannot be classified as 'unavoidable' development under State Planning Policy 3.7.**
  - (v) **The Local Development Plan, Environmental Report and Biosecurity Plan do not satisfactorily address Condition 3(v) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.**
  - (vi) **The extent of clearing, building envelopes and development footprint does not demonstrate that there will be a low impact on the natural environment, that the high conservation values will not be compromised or demonstrate that the ecological values and special attributes of the Island will not be compromised as required by Condition 3(v) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.**
  - (vii) **The proposal does not demonstrate that development sympathetic to the natural character of Dirk Hartog Island as required by Condition 3(vi) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4 will be achieved.**
  - (viii) **The proposal does not demonstrate that future development will not have a negative impact on the environment, World Heritage values, or the adjacent foreshore and marine park.**
  - (ix) **The proposal does not demonstrate compliance with the Government Sewerage Policy.**
  - (x) **There is insufficient quantified information on groundwater for a location that is in close proximity to high value assets (ie the marine environment within the Shark Bay World Heritage area).**
  - (xi) **There is insufficient information to establish that development will be provided with adequate co-ordinated services including waste**

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management, power, a reliable potable water supply and non potable water supply.

(xiii) The proposed clearing will have an impact on the visual appearance of the lot, result in a loss of a natural setting for ecotourism, and causes potential for dust, wind erosion and dune destabilisation.

3. Authorise the Chief Executive Officer to advise all authorities and submitters of the Council decision in writing.

5/1 CARRIED

BACKGROUND

• **Restrictive Covenant**

There is a restrictive covenant on the Certificate of Title of Lot 304 which allows the land to be used for the purpose of low impact eco tourism including visitor accommodation units and staff accommodation, subject to normal local government and other necessary approvals.

The restrictive covenant for Lot 304 includes clauses that:

- Limit the visitor accommodation units to not exceed three times the number of hectares of land (rounded down to the nearest whole number) – refer extract below.

(b) the number of Visitor Accommodation Units that may be built or placed on the Land must not exceed the number (rounded down to the nearest whole number) that is three times the number of hectares in the Land (for example, if the Land is 17.3 hectares, the number of Visitor Accommodation Units may not be more than 51 –  $17.3 \times 3 = 51.9$ , rounded down to 51);

- Limit the floor area of visitor accommodation units to 90m<sup>2</sup> (excluding unenclosed verandahs not used for sleeping areas);

- Limits staff numbers being housed to not more than a 1:1 staff to guest ratio and a floor area of not more than 35m<sup>2</sup> for staff accommodation.

Lot 304 has an area of 11.29 hectares therefore the covenant allows for 33 visitor accommodation units (rounded down).

The covenant is to the benefit of the Minister for Lands under the *Land Administration Act 1997*.

• **Location**

Lot 304 is a freehold lot on Dirk Hartog Island. The remainder of the Island is national park managed by the Department of Biodiversity, Conservation and Attractions.





- ***Clearing Permit Application***

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

The Shire only supported clearing for two areas (Envelopes 17 and 23A) based on the understanding that the owners would pursue revised plans for the the remainder of the development which would necessitate lodgement of a new planning application.

- ***Zoning***

Lot 304 is zoned 'Special Use' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme). Special conditions apply to the Special Use zone applicable to Lot 304 – refer Attachment 1.

Lot 304 is also within a Special Control Area for the Shark Bay World Heritage Property under the Scheme.

- ***Relevant Council decision***

A previous Local Development Plan for Lot 304 was referred to Council at the meeting held on the 27 November 2019.

Council resolved as follows:

- 'A. Note that a Local Development Plan, Bushfire Management Plan and Flora Report has been lodged for Lot 304 Sunday Island Bay, Dirk Hartog Island.

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- B. Resolve to authorise the Chief Executive Officer to write to the applicant and request additional information that specifically addresses Clauses 3(i) to 3(vi) of the Shire of Shark Bay Local Planning Scheme No 4 and matters identified by Shire Administration as outlined in the body of this report and Attachment 3.
- C. Note that the Shire has 7 days in which to assess whether any additional information lodged is sufficient to allow for processing and advertising of any revised Local Development Plan in accordance with Clause 49(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- D. Due to the statutory timeframe limitations, resolve to authorise the Chief Executive Officer to determine if any additional information lodged is sufficient to allow processing and advertising of a Local Development Plan.
- E. Endorse issue of an invoice to the applicant for the fee estimate outlined in Attachment 4. The fee has to be paid before any Local Development Plan will be processed.
- F. Note that staff and consultant availability may be limited over the Christmas / New Year period.'

- **Acceptance of revised Local Development Plan for processing**

A revised Local Development Plan was lodged on the 21 May 2020. The Shire accepted the Local Development Plan for processing and advertising on the 26 May 2020.

The applicant was advised that:

*'Whilst the Shire accepts that all the documents listed under Condition (3) for Special Use Zone 14 under Schedule B of the Shire of Shark Bay Local Planning Scheme No 4 have been lodged, it is important to note that the content and adequacy of the documents has not been assessed. Input from a wide range of government agencies and the general public will occur through formal advertising and their comments will be taken into consideration as part of the planning assessment process. '*

- **Ownership**

Lot 304 is under multi -ownership including DHI Development Pty Ltd, John Gardner, Leon Hodges and Verity Hodges. There is potential for additional owners in the future based on the current proposal.

Documents lodged as part of this application, such as the Management Plan, refer to the owners as 'co-owners'.

- **Subdivision**

The Shire is aware that the Minister for Planning has not allowed for any subdivision of Lot 304 to occur under the current Shire of Shark Bay Local Planning Scheme No 4.

COMMENT

- **Introduction**

This report highlights the main planning considerations associated with the Local Development Plan.

Due to the number of reports lodged as part of this application, this agenda report does not attempt to discuss each one in detail.

- **Attachments**

The agenda report attachments are listed below for ease of convenience:

Attachment 1	Special Use zone provisions
Attachment 2	Local Development Plan
Attachment 3	Flora Significance Assessment – Ecosystem Solutions
Attachment 4	Management Plan – DHI Development Pty Ltd
Attachment 5	Design Guidelines - DHI Development Pty Ltd
Attachment 6	Site and Soil Evaluation – Land Assessment Pty Ltd
Attachment 7	Environmental Report - DHI Development Pty Ltd
Attachment 8	Letter by MBS Environmental
Attachment 9	Table of Submissions
Attachment 10	WA Planning and Logistics (Individual Submission)

Copies of other documents including the Foreshore Management Plan, Biosecurity Plan, Bushfire Management Plan, Damara letter on coastal risk management, and Waste Management Plan are available to Councillors on request.

- **Local Development Plan**

The Local Development Plan proposes 33 building envelopes and includes provisions that:

- (i) Outline general development requirements and information that may be required for development (such as a Visual Impact Assessment);
- (ii) Requires compliance with a Bushfire Management Plan;
- (iii) Includes building setbacks;
- (iv) Provides the local government with discretion to approve development outside of building envelopes;
- (v) Requires development to be in accordance with design guidelines;
- (vi) Requires a minimum finished floor level of 4.2AHD for habitable accommodation;
- (vii) Includes a statement that development and outbuildings are to be low scale;
- (viii) Requires buildings raised more than 1 metre above the minimum finished floor level or two storey buildings to require local government approval;
- (ix) Requires future development applications to demonstrate adequate servicing with water supply (for drinking and firefighting), and electricity;
- (x) Allows temporary sea containers associated with construction;
- (xi) Includes notes referencing the separate restrictive covenants.

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A copy of the Local Development Plan submitted for Lot 304 prepared by Taylor Burrell Barnett is included as Attachment 2.

The purpose of a Local Development Plan is to strategically plan for co-ordinated development on the site, and provide the Shire with a document to guide future decision making at the subsequent development stages.

Town Planning Innovations is of the view that the Local Development Plan that has been submitted (combined with the Design Guidelines and other supporting documents) does not provide significant guidance for future eco-tourism development or demonstrate that the provisions will achieve a high quality, co-ordinated built form development outcome.

- ***Proposed Land Use***

The Local Development Plan refers to 'ecotourism' development however the documents do not substantiate how development meets that classification.

There are broad statements in some of the supporting documents about development being environmentally friendly and '*focussing on that natural environment of land, sea and sky*'.

It is not clear whether the Local Development Plan proposes a tourist development, holiday accommodation, holiday houses or some other land use.

The Management Plan states that '*a visitor accommodation unit meets the objectives of the zone whether developed as holiday accommodation, a holiday house, tourist development or nature based park camping ground when used for short term accommodation*' and that the completed development '*will be referred to as a resort*'.

The Management Statement states that all visitor accommodation units will be constructed as short term accommodation in accordance with the restrictions under the covenants, the Shires Scheme and any relevant development approvals.

- ***Development Footprint, Vegetation Assessment and Clearing***

Lot 304 has an approximate area of 11.29 hectares.

The restrictive covenants limit 'visitor accommodation units' to 90m<sup>2</sup> (excluding verandahs), however combined building envelope 1-4 is proposed to be significantly larger at 9417m<sup>2</sup>.

The size of proposed building envelopes 5 to 33 range from 700m<sup>2</sup> to 1897m<sup>2</sup>.

The proposed total combined building envelope area is 41,588m<sup>2</sup> (or 4.1558 hectares), representing approximately 36.8% of the lot area. This does not include clearing for strategic fire breaks, vehicular access, asset protection zones or pedestrian access.

A Flora Significance Assessment ('the Assessment') has been prepared by Ecosystem Solutions – Attachment 3.

The Assessment identifies that vegetation within the site is consistent in species and structure. It identifies vegetation as scattered shrubs of *Acacia ligulata*, over Open Heath in some areas of *Diplolaena grandiflora* and *Acacia ligulata*, over Low Closed

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Heath of *Thryptomene dampieri*, *Frankenia pauciflora*, *Acacia ligulata*, *Atriplex bunburyana* and *Atriplex vesicaria*. Other common species included *Senecio pinnatifolius*, *Acanthocarpus preissii* and *Spinifex longifolius* as well as numerous Poaceae weed species (Introduced Grasses)

Vegetation condition can range between 'completely degraded' to 'pristine'. The Assessment identifies most vegetation as being in 'good' condition with signs of significant alteration from past grazing. Tracks are identified as being 'completely degraded'.

The Assessment states that *'there are no matters of environmental significance. There is a minimal potential for impact on conservation significant flora species due their absence from the site and proposed areas of impact required for this development'*.

It is recognised that vegetation on Lot 304 has been degraded by past grazing activities, that clearing will be required for bushfire management and that no declared rare flora or priority listed flora have been identified in the Assessment.

Notwithstanding the above, the proposed clearing will have an impact on the visual appearance of the lot, result in a loss of a natural setting for ecotourism, and raises concerns over potential for dust, wind erosion and dune destabilisation.

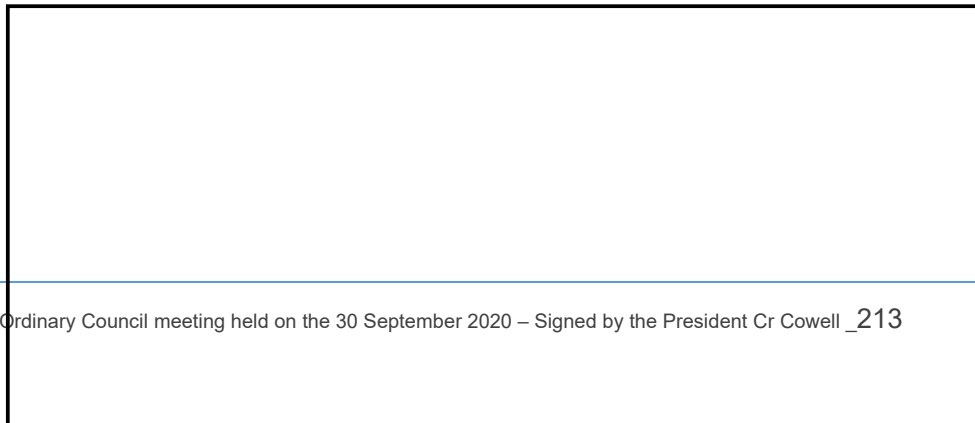
Council can consider the extent of clearing as:

- (a) The objective of the Special Use zone applicable to Lot 304 is for eco-tourism development which is defined as *'means ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmentally and cultural understanding, appreciation and conservation.'*

The extent of clearing does not minimise the impact of development on the natural environment or necessarily support the concept of 'ecologically sustainable tourism'. It may have negative impacts.

- (b) A condition of the Special Use zone requires an environmental report that demonstrates that *'the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island.'*
- (c) Under Clause 67 of the Regulations Council may have regard for the amenity of the locality including the (i) environmental impacts of the development and (ii) the character of the locality.

The existing natural setting on Lot 304 forms part of it's character – refer photos over page:





The Shire may consider it desirable for the Local Development Plan to consider smaller building envelopes, clustering of development and / or less building envelopes to allow for some defined areas of native vegetation to be conserved in a more natural state, be protected/ rehabilitated, and allow for any development to be in a natural setting.

This would need to be balanced with the need to manage bushfire.

- **Management**

A Management Plan prepared by DHI Developments is included as Attachment 4. The Chief Executive Officer has highlighted some sections for the benefit of Councillors.

The applicant, Taylor Burrell Barnett, has advised that units may be funded and owned individually but managed by an employed project or facilities manager.

The Management Plan prepared by DHI Developments makes statements that:

- (i) A facility/ project manager will be employed by the co-owners;
- (ii) If employment is terminated the facility/ project manager must be immediately replaced (no time period);
- (iii) There will be a five year contract for each facility/ project manager (or lesser period agreed to by co-owners);
- (iv) There will be a unit management agreement between the co-owners and project manager;
- (v) The project manager will be responsible for reception, bookings, security, maintenance, caretaking, refurbishment, marketing, access to units and other services required by the co-owners;
- (vi) It references 'common property' which implies some form of future strata development;
- (v) It states that the use of short stay accommodation units for permanent accommodation will not be permitted and the project manager is to ensure units are for short stay use and occupation for no more than three months;
- (vi) It refers to project managers responsibilities such as servicing units, providing linen, ensuring compliance with covenants, repair and maintenance, and implementation of the Bushfire Management Plan;



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(vii) It states that units will only be used in accordance with the Shires Scheme.

The main substance of the Management Plan is that it outlines general responsibilities for some form of future on site caretaker/ project manager which is only one aspect of property management.

The Management Plan does not substantially address the following;

- (a) Whether employment of a project manager/ caretaker is to commence prior to any site works/ construction, whether that employee will be provided with any fire training, and whether habitable buildings will only be let when a project manager / caretaker resides on site.
- (b) Management of the property in terms of visitor access paths, minimising disturbance and impact of visitors on areas outside of the building envelopes, weed control, or measurements and strategies for ongoing monitoring (eg erosion).
- (c) The Management Plan has been prepared by DHI Developments (one of the owners). It is not clear how future co-owners will be required to comply with the terms of the Management Plan or how it would be enforced if all co-owners do not agree.
- (d) It refers to some form of future co-owners Committee however it unclear how such a Committee would be governed or operated.

Clause 8.2 of the Local Development Plan makes reference to a Management Plan however has no specific provisions for a caretakers dwelling (or any guest reception/greeting/ booking area). It focuses on 33 envelopes for some form of future development.

The Local Development Plan (and Management Plan) do not demonstrate that an integrated ecotourist development will be achieved. There are no common tourist facilities, amenities, or co-ordinated servicing/infrastructure provision.

There is potential for each building envelope to be individually owned/developed (and serviced) albeit under some form of future common management.

- ***Bushfire Management Plan***

A revised Bushfire Management Plan has been prepared by Ecosystem Solutions.

Town Planning Innovations had a number of concerns over the previous Bushfire Management Plan as outlined in the November 2019 Council agenda, which was conveyed to the applicant. The issues raised in 2019 have not been substantially addressed.

The aim of any Bushfire Management Plan is to maximise the protection of life in the event of a bushfire.

Comprehensive Bushfire Management for a vulnerable tourist development is essential for Lot 304 as it is remote, and it is not known whether any rescue could occur in a reasonable time period.



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The (revised) Bushfire Management Plan does not provide for any safe evacuation for guests or any safe on-site purpose built shelter (which is a last resort option),

The Bushfire Management Plan proposes that all guests stay in each 'visitor accommodation unit' in the 33 envelopes in the event of a fire. Guests will be isolated from staff, may panic and make dangerous choices. It is not clear how guest movements would be monitored.

Construction of any buildings to a higher Australian Standard does not make buildings safe for on-site shelter during a bushfire. The Department of Fire and Emergency Services has advised that:

*'Bushfire Attack Level construction standards do not claim to constitute a refuge and have been shown to have a failure rate of around 10% during bushfires. Increased BAL construction standards should therefore not be incorrectly equated with a lower risk to life.'*

The Bushfire Management Plan is not supported by Town Planning Innovations, the Department of Fire and Emergency Services, or the Department of Planning, Lands or Heritage, and does not comply with 'State Planning Policy 3.7: Planning in Bushfire Prone Areas'.

The Bushfire Management Plan justifies the non-compliance by claiming the proposal is 'unavoidable development'. The development, and proposed number of units/envelopes, is not unavoidable as outlined in the Department of Fire and Emergency Services submission.

Town Planning Innovations is of the view that the extent of non-compliance with State Planning Policy 3.7 combined with the number of potential guests involved is too great a risk to human life.

- ***Design Guidelines***

A copy of the design guidelines is included as Attachment 5.

The design guidelines prepared by DHI Developments Pty Ltd do not demonstrate that a co-ordinated high quality built form outcome commensurate with the lot location within a world heritage area will be achieved.

Some of the design guideline content discusses building matters such as fittings details (eg quality plumbing, sanitary and electrical fittings), compliance with Wind D rating, and compliance with the Building Code of Australia – these are controlled through separate building legislation and are not relevant.

The guidelines contain minimal guidance when it comes to built form and do not provide any measurable criteria guiding style, elevations, features, architectural details, common elements, building height, building scale, building bulk etc.

The Design Guidelines do not include clear requirements for any ancillary or future development such as outbuildings, bin enclosures, shared infrastructure/ wind turbines, any communal buildings (enclosed waste storage area/ boat storage/ car storage); carports, garages, fencing, water tanks, office/reception area; walkways, gazebos, patios/ pergolas, storerooms, outdoor guest areas or non-accommodation

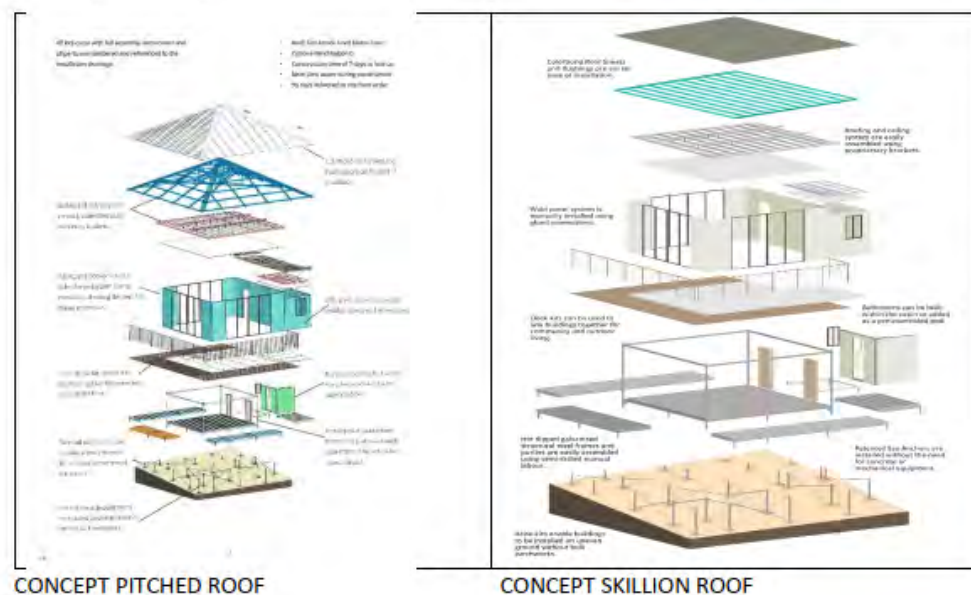
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buildings. There are no provisions requiring managed pedestrian links, fencing of vegetation to be retained, lighting or screening.

The Design Guidelines should provide existing owners, future owners, developers, and the Shire with clear measurable design criteria that will achieve an integrated and cohesive development outcome for short, medium and long term development of Lot 304.

The condition of Special Use Zone 14 that requires high architectural quality has not been adequately addressed within the Design Guidelines or the Local Development Plan.

The only real measurable guidance provided in the Design Guidelines is that a pitched or skillion roof can be used, with optional verandahs – refer extract below.



There is no guarantee that an ad hoc development of mixed architectural styles will not result if the design guidelines were accepted.

- **Minimum Finished Floor Levels**

The Local Development Plan requires a minimum finished habitable floor level of 4.2 Australian Height Datum for habitable buildings. The site is in an area identified in the Damara report 19 December 2019 (Ref: 281.02) (Damara Report) to be subject to coastal hazards in the 100-year planning timeframe.

The Damara report was lodged by the applicant in support of the Local Development Plan, and encourages construction in the landward side of the building envelopes (above +4.7m AHD) to maximise the time until retreat is required.

The Local Development Plan does not implement the recommendation of the Damara Report in regards to the finished floor level, however it is recognised that the 4.2 AHD level is consistent with the Scheme.

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- **Government Sewerage Policy - Effluent Disposal**

The lot is classified as 'environmentally sensitive' under the Government Sewerage Policy. The policy discusses addressing effluent disposal as early as possible in the planning process.

Town Planning Innovations liaised with the Department of Planning, Lands and Heritage (Water Policies) who advised that:

*'A. The Shire can exercise its discretion to determine what information is appropriate to require, however noting the intent and objectives of the GSP, it would be reasonable for the Shire to request information relating to;*

- (i) the capability of land to accommodate on-site sewage disposal; and*
- (ii) the type of system required*

*B. Essentiality the Shire should be satisfied that the Local Development Plan site will be capable of accommodating on-site wastewater without endangering public health or the environment on a cumulative level. This will include consideration of the scale, nature and intensity of future development.*

*In addition, take into consideration site characteristics including remoteness, terrain, drainage, soil types etc to determine whether or not the type of system proposed is appropriate and reasonable. '*

A Site and Soil Evaluation (On-Site Effluent Disposal) was prepared by Land Assessment Pty Ltd – Attachment 6.

This Report outlines the proposal, provides some information regarding the expected wastewater volume generated by the development; looks at the soil composition and it's leaching properties along with the natural vegetation on the land; treatment and disposal options; and the cumulative impact of an on-site wastewater disposal system on the environment.

It examines options for standard leach drains and Alternative Treatment Units.

The Shire's Environmental Health Officer has advised :

- 1) Expected Wastewater Volume – The calculations presented in the Report are not supported.

Assumptions have been made that each unit while being able to accommodate 8 people would only accommodate 2-4 people giving an average of 3 people; and that most visitations to the Island would be between February – October being 9 months or 0.66 of the year.

The Department of Health WA requires that the volume of wastewater be based on the maximum figures rather than the assumed average.

The report does not demonstrate compliance if accommodation is at full capacity.

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2) Project Area Overview – Geology, Land Systems & Hydrology and Evaluation of Lot 304 Soils

A total of 19 test holes were dug and soil samples taken for analysis (from both within and outside of Lot 304) – refer plan below.



Most of the land across Lot 304 was considered to have a Fair Capability of nutrient retention, with only two small areas where the soil was considered to have Low Capability – refer plan over page.

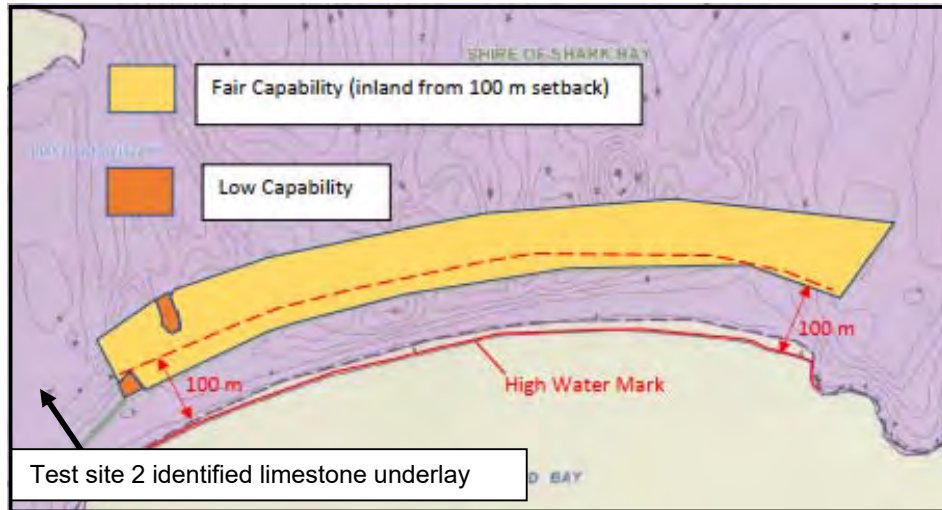
A nitrogen retention test was not carried out however both nitrogen and phosphorus are the two main contributors to adverse impact on the environment and both are found in domestic wastewater.

The Report shows that the sands have good permeability and effluent from the leach drains will soak through the sands readily.

The Report raises concerns that if the effluent leaches through the sand and comes to limestone where there will be little or no absorption by the rock, that it could be a means where the effluent flows over the rock and could thereby enter the ocean at Sunday Island Bay and affect the marine life.

This applies to a portion of the lot included as having 'low' capability (test site 2) however the report speculates that the underlying limestone layer could form part of a larger rock formation.

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- 3) Conclusions of the Report indicates that the preferred type of system for wastewater disposal should be the FujiClean CE-1500EX Alternative Treatment Units system which provides better than average nutrient retention from the effluent and has a disinfectant chamber. This system can be connected to either a sub-surface irrigation system or to leach drains.

The Shires Environmental Health Officer agrees that this type of Alternative Treatment Units wastewater disposal system would be better than a standard septic system.

Town Planning Innovations has concerns that the cumulative impact may have negative environmental impact as:

- (i) The Government Sewage Policy states that Sewage Sensitive Areas should have a minimum lot size of 1 hectares for an on-site wastewater disposal system, however that is applied for rural residential development.

The Site and Soil Evaluation considers that the existing size of Lot 304 is compliant. It may be more practical to apply a minimum area per accommodation unit.

The Government Sewer Policy states that *'for non-residential, commercial or industrial planning proposals in sewage sensitive areas, lot sizes will be assessed on a case-by-case basis. This is because the nutrient loads produced will vary according to the proposed land uses.'*

- (ii) The Site and Soil Evaluation states that the potential cumulative impact of on site effluent disposal to the waters of the marine reserve cannot be easily quantified because the pre-development hydraulic load reaching the marine park as a result of rainfall is unknown.

This implies a level of uncertainty.

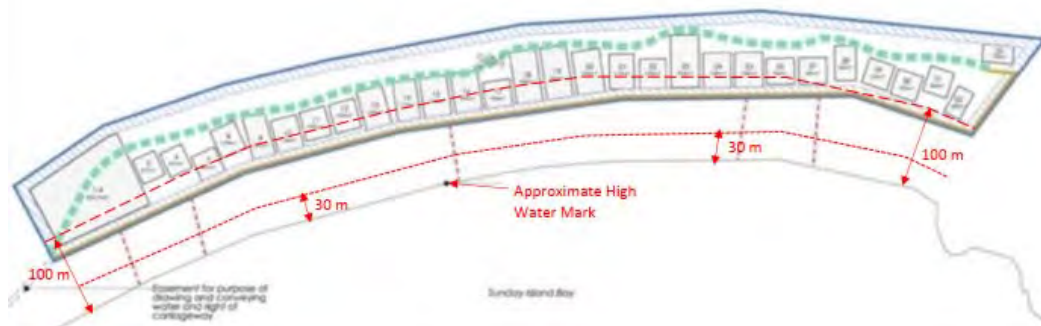


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- (iii) The Site and Soil Evaluation speculates that the underlying layer found at test site 2 could be part of a more extensive rock platform beneath the dunes and act as pathway directing the flow of effluent towards the marine environment.

Whilst not established this also implies some uncertainty. This may warrant additional test sites near to the identified limestone rock underlay.

- (iv) An Aerobic Treatment Unit is more favourable from an environmental perspective and is supported by the Shire’s Environmental Health Officer. The Local Development Plan has no provisions requiring Alternative Treatment Unit’s.
- (v) The Local Development Plan does not show any areas of the lot with ‘low’ capability as development exclusion areas.
- (vi) The risks can be reduced when on site systems are owned and operated by a single entity. In this case different envelopes (and systems) may be owned by different co-owners. Alternative Treatment Unit’s require ongoing maintenance regimes.
- (vii) There is concern over whether the scale and number of building envelopes is appropriate adjacent to the marine environment in world heritage area on a cumulative level.
- (viii) The Government Sewage Policy does not specifically address setbacks from the marine environment. It requires a 100 metre setback but that only applies to a ‘significant wetland’. For an Alternative Treatment Units, the setback distance is 30 metre. The plan below shows a 30m and 100m setback lines from the high tide mark.



There is concern over ambiguity of setback requirements for effluent disposal.

- **Summary of Scheme Requirements**

The Special Use provisions applicable to the Special Use zone that applies to Lot 304 are included as Attachment 1.

For ease of reference the most relevant Scheme requirements are summarised in the table below:

Scheme Requirement	Town Planning Innovations Comment
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under Schedule B	
<p>3) Prior to commencement of development of any of the four lots a Local Development Plan shall be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and address the following:</p>	<p>The use of the term 'shall' in the Scheme means that it is a legal statutory requirement for these provisions to be met.</p>
<p>(i) A Management Plan that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material;</p>	<p>Not Achieved.</p> <p>A co-ordinated overall property management plan has not been provided. Separate documents including a co-owners management plan, waste management plan, biosecurity plan and on site effluent disposal report have been lodged.</p> <p>Deficiencies of the Co-Owners Management Plan are explained in the body of this report.</p> <p>The Waste Management Plan does not substantially demonstrate adequate waste management strategies, measures and monitoring.</p> <p>The Waste Management Plan proposes that:</p> <ul style="list-style-type: none"> <li>a) Each unit will have a general bin waste and recycling rubbish collection area (referred to as bins/sacks/ containers);</li> <li>b) Each bin area for the accommodation units will include an area for operation of the cyclone burn unit;</li> <li>c) A cyclo burn portable incinerator will be used daily (except during fire bans);</li> <li>d) Cans and bottles will be crushed and sent to Denham tip site;</li> <li>e) A skip bin will be used for general waste if the cyclo burn cannot be used for 5 consecutive days, and waste will be taken to Denham tip;</li> <li>f) Minimalization of waste will be encouraged with education of guests.</li> </ul> <p>There is no discussion of having a dedicated enclosed waste management / storage shed. It is not clear whether use of a skip bin is feasible given the remoteness of the site or how litter would be protected from wind.</p> <p>The Waste Management Plan needs to provide demonstrated calculations for</p>

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	<p>maximum occupancy rather than being based on expected projections.</p> <p>Broad statements indicate that some waste will be transported to the Denham tip site however there is limited detail on initial storage areas on site, transportation methods, volumes and appropriate sealed containers.</p> <p>There is no information on the type of chemicals to be stored, where they would be stored and the Local Development Plan does not nominate any co-ordinated dedicated enclosed waste storage area.</p> <p>There is limited information on construction waste.</p> <p>There is an on-site effluent disposal report discussed separately in this report.</p>
<p>(ii) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;</p>	<p>Not Achieved.</p> <p>The Local Development Plan provisions include a requirement that new buildings and outbuildings be low scale.</p> <p>Some of these issues could be addressed through comprehensive design guidelines that guide the architectural quality or provide for a co-ordinated cohesive development.</p> <p>The Design Guidelines provided are unsatisfactory.</p>
<p>(iii) Coastal setbacks in accordance with relevant state planning policy;</p>	<p>Achieved.</p> <p>The site is in an area identified in the Damara report 19 December 2019 (Ref: 281.02) (Damara Report) to be subject to coastal hazards in the 100-year planning timeframe. The Damara Report provides long-term management for the development including actions for retreat based on triggers.</p> <p>The Damara Report long term pathway for development is to avoid erosion and inundation risk until not viable, then moving into a managed retreat phase.</p> <p>The managed retreat is to be undertaken within the 33 building envelopes. The Damara Report identifies that erosion risk management is to be focused on beach access and dune management until retreat is required to be implemented.</p>



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	<p>To avoid inundation risk, the report recommends that development be located landward of the 4.7m AHD contour.</p> <p>The Damara Report was referred to the Department of Planning, Lands and Heritage. The Department of Planning, Lands and Heritage recommend that if any approval is granted, it should be time limited initially to the year 2070.</p> <p>Coastal setbacks are addressed in the Local Development Plan and the Damara report has been supported by the Department of Planning, Lands and Heritage.</p>
<p>(iv) Bushfire management in accordance with relevant state planning policy;</p>	<p>Not Achieved.</p> <p>A Bushfire Management Plan has been lodged but does not comply with State Planning Policy 3.7.</p>
<p>(v) An environmental report that demonstrates that the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. The report should include information on building envelopes, visitor numbers, a vegetation assessment and how biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved.</p>	<p>Not Achieved.</p> <p>An environmental report by DHI Developments has been lodged – Attachment 7.</p> <p>The environmental report makes general statements about development being:</p> <ul style="list-style-type: none"> <li>- Low impact/ low scale;</li> <li>- Co-ordinated through design guidelines/ building envelopes;</li> <li>- Use of informal tracks;</li> <li>- Distance to the Zuytdorp cliffs and Turtle Bay;</li> <li>- Visitor impact/numbers being managed by a future project manager;</li> <li>- Includes a section on biosecurity that largely refers to the Department of Biodiversity, Conservation and Attractions Dirk Hartog Island Biosecurity Plan.</li> </ul> <p>The Environmental Report has been supported by a letter of endorsement by MBS Environmental – Attachment 8.</p> <p>The size of combined building envelopes, firebreaks, accessway, and asset protection zones will have a much larger footprint than the 90m<sup>2</sup> per unit cited within the <i>Environmental Report</i>.</p> <p>The Environmental Report does not sufficiently address the Scheme or</p>

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	<p>demonstrate a low impact on the environment.</p> <p>A flora assessment has been lodged however that is only one environmental aspect (and is discussed in the body of this report).</p>
(vi) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island may be required by the Local Government.	<p>Not Achieved.</p> <p>The proposed design guidelines are not sufficient.</p>
4) Any staged development is to address the requirements indicated in (3) above.	<p>Not Achieved.</p> <p>No definitive information on staging has been provided.</p> <p>The Site and Soil Evaluation states the initial stage of development will include Envelopes 8-13, 17 and 23 which is ad hoc.</p>
7) Any development or Local Development Plan shall demonstrate alignment with the objective of the zone.	<p>Not Demonstrated.</p> <p>The Local Development Plan refers to ecotourism however does not specify the proposed future land uses.</p>
10) A Foreshore Management Plan may be required and referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) for <u>endorsement</u> where a physical foreshore exists between the site and the coast as a condition of development.	<p>Not Achieved.</p> <p>The Department of Biodiversity, Conservation and Attractions have not endorsed the Foreshore Management Plan.</p>
11) A Visual Impact Assessment may be required to demonstrate that any development will not negatively impact on World heritage values or detract from the scenic quality of the land.	<p>Not Provided. It has been requested by the Shark Bay World Heritage Advisory Committee and the Department of Biodiversity, Conservation and Attractions.</p> <p>The Local Development Plan states that the local government may require a Visual Impact Assessment.</p> <p>If a visual impact assessment is not provided then Town Planning Innovations is of the view that the Local Development Plan needs to identify clear triggers for when one will be required (eg for stage 1 of development).</p>

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The purpose of a Local Development Plan is to significantly address the Scheme requirements in a comprehensive manner so as to guide future development, and provide clear guidelines for any future development.

A thorough Local Development Plan will essentially pave the way for future development applications and a quality development outcome.

The Local Development Plan (as submitted) does not provide thorough provisions to strategically guide development in the manner required by the Scheme and suitable for the location.

- **Consultation**

A detailed Table of Submissions (from government agencies and referral authorities) is included as Attachment 9. A detailed submission prepared on behalf of a private landowner is included in its entirety as Attachment 10.

The Local Development Plan was referred to the WA Department of Health however they had not responded at the time of writing this report.

A wide range of concerns were raised during advertising. For convenience the main objections are summarised below:

<b>Summary - Issue Raised</b>	<b>Town Planning Innovations Comment</b>
Lack of demonstration of an eco-tourism development and proposed land uses	Agreed.
Lack of guidance for future ancillary development such as outbuildings, car parking, carports,	Agreed.
Size, scale, number of envelopes, and extent of development does not demonstrate low scale or low impact	Agreed.
Defacto subdivision with potential individual ownership over envelopes (like a strata)	Noted. There is potential for 33 co-owners who may have different ambitions for future development. Some documents refer to common property and infer some form of future strata.
Does not demonstrate low impact on the environment and concern over impact of visitor activities on the marine park	Agreed.
Lack of information on servicing including potable and non potable water supply, water quality, availability and reliability as well as power.	Agreed. As Lot 304 is unserviced the proponent needs to demonstrate that there is adequate water supply for human consumption, non potable water for showering/ amenities and for fire fighting.
Depth to groundwater not demonstrated	Agreed. The Site and Soil Evaluation Assessment notes there are no existing bores or wells in or near Lot 304 and that groundwater information is anecdotal.  Explanatory notes for the Government Sewerage Policy state that <i>'In medium/ high risk situations such as medium or large scale proposals, where groundwater levels may be an issue or locations in</i>

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	<i>close proximity to high value assets, a comprehensive monitoring program may be required. The monitoring requirement to determine the groundwater regime would depend on the size, character and location of the development.'</i>
Lack of information on desalination	Agreed. Desalination is mentioned in documents however there is limited information and no reference to it on the Local Development Plan.
Extent of clearing. Dust from dune and vegetation destabilisation	Agreed. A number of environmental issues are not substantially addressed such as the impact of the extent of clearing, dust management, wind erosion mitigation, emissions, chemical storage, management of visitor impact etc
Non-compliance with bushfire requirements under State Planning Policy 3.7	Noted. The Bushfire Management is not supported by Town Planning Innovations, Department of Fire and Emergency Services or the Department of Planning, Lands and Heritage.
Non compliance with covenants	The Local Development Plan includes notes referencing the covenant and 33 building envelopes is in line with the covenant allowance for 33 visitor accommodation units.
Design Guidelines' do not provide sufficient building design detail	Agreed. The Design Guidelines are not supported at an officer level and do not provide clear provisions to guide future design and development.
The biosecurity plan does not clearly state the measures that will be taken on Lot 304 to achieve biosecurity requirements.	This is a concern raised by the Department of Biodiversity, Conservation and Attractions.
Acceptable visual impact not demonstrated	Agreed. Documents make reference to development being low scale and having a small footprint, however the design guidelines are unclear on issues such as bulk, common design elements, architectural details, and provisions for ancillary development. The Local Development Plan does not include clear triggers for any visual impact assessment.
Inconsistency with previous Environmental Protection Authority advice on 7 unit proposal in March 2015.	Noted. An example is that the Environmental Protection Authority recommends use of Alternative Treatment Units. Alternative Treatment Unit's are discussed in the Site and Soil Evaluation report but there is no requirement to use of Alternative Treatment Unit's in the Local Development Plan provisions.
Insufficient detail regarding proposed pedestrian access/ paths within Lot 304 and to the foreshore	Agreed. The Local Development Plan does not show any pedestrian paths or include provisions for controlled, sign posted, or boardwalk pedestrian paths. The location of any planned pedestrian paths is not known.

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<p>Impact of visitor numbers and vehicle numbers and access through the national park</p>	<p>Noted, however ;</p> <ul style="list-style-type: none"> <li>- There are no restrictions on the number of vehicles that can access Lot 304 via the national park,</li> <li>- Department of Biodiversity, Conservation and Attractions does have a final policy that limits vehicle numbers in the national park, and the issue has been ongoing for some time.</li> <li>- The Shire has previously been advised (by the Minister for Environment) that the Department of Biodiversity, Conservation and Attractions are scoping a visitor plan for the Island national park (17 January 2020).</li> </ul>
<p>The Foreshore Management Plan provided as an attachment to the Local Development Plan does not adequately address how threats to the DHINP will be managed.</p>	<p>The Shires Scheme specifically requires endorsement of any Foreshore Management Plan by the Department of Biodiversity, Conservation and Attractions.</p> <p>The foreshore is more of a concern to the Department of Biodiversity, Conservation and Attractions (than the Shire) as that land is outside of the development area. The Shire cannot approve development in the foreshore and the Department of Biodiversity, Conservation and Attractions has management and control over the area.</p> <p>There are no agreed pedestrian paths between Lot 304 and the foreshore. It would be preferable for pedestrian access to be agreed to for the purpose of the Local Development Plan as it a strategic document.</p> <p>As a minimum the Local Development Plan should limit access points from within Lot 304 to the adjacent foreshore.</p>
<p>Potential for referral to the Environmental Protection Authority</p>	<p>The proposed Local Development Plan is not supported at an officer level therefore in that circumstance referral to the Environmental Protection Authority is a mute point at this stage. If a new Local Development Plan is lodged in the future then the Shire may consider a new referral to the Environmental Protection Authority.</p>
<p>Potential for referral to the Commonwealth Department of Agriculture, Water and Environment under the <i>Environment Protection and Biodiversity Conservation Act</i> and deemed it 'not a controlled action'.</p>	<p>If the developer concludes that the development might have a significant impact on any of these matters of national environmental significance, then they would need to apply for approval to proceed under the Environment</p>

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	Protection and Biodiversity Conservation Act.  This is a separate approval to that from the local government.
Lack of commitment to use Alternative Treatment Units for effluent disposal	Agreed. Alternative Treatment Unit's are discussed in the Site and Soil Evaluation report but there is no requirement to use Alternative Treatment Unit's in the Local Development Plan.
Concern that the Waste Management plan is inadequate and does not focus on minimising waste	Noted.
Concern over emissions associated with burning waste and use / storage of chemicals	Noted.

• **Options Available to Council**

In accordance with Clause 52(1) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council has 3 options as follows:

**Option 1 - Refuse to approve the Local Development Plan.**

Option 1 is recommended as there are multiple issues associated with the proposal as outlined in the body of this report and in submissions.

**Option 2 - Approve the Local Development Plan.**

Option 2 is not recommended. Apart from the issues identified in this report, there are significant bushfire management concerns.

**Option 3 – Require modification to the Local Development Plan and resubmission of a modified plan for approval.**

Option 3 is not recommended as the extent of issues cannot be readily resolved through simple modifications to the Local Development Plan and / or supporting documents.

**LEGAL IMPLICATIONS**

*Environment Protection and Biodiversity Conservation Act 1999* - is Australia's national environmental law and it makes sure that [nationally significant' animals, plants, habitats and heritage places](#) are identified, and any potential negative impacts on them are carefully considered, before changes in land use or new developments are approved.

This means that landowners, developers, companies, individuals and governments must seek Commonwealth approval in addition to state and territory or local government approvals if their plans might significantly impact on matters of national significance.

Under the Environment Protection and Biodiversity Conservation Act a referral can only be made by:

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- the person proposing to take the action (which can include a person acting on their behalf); or
- a Commonwealth, state or territory government, or agency that is aware of a proposal by a person to take an action, and that has administrative responsibilities relating to the action.

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

*Planning and Development (Local Planning Schemes) Regulations 2015* –

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

Part 6 outlines the process for Local Development Plans including lodgement, acceptance for processing, advertising, consideration of submissions, decision (options) for the local government, timeframes, and review.

The local government is required to make a decision on the Local Development Plan within 60 days after the close of advertising. The formal close of advertising was the 24 June 2020 so technically a decision was required by the 24 August 2020.

The ability to meet the 24 August 2020 time frame was impeded by:

- (a) A number of government agencies requested an extension of time to lodge submissions; and
- (b) The timing of the scheduled August Council meeting date being the 26 August 2020.

If a local development Plan is approved, the approval has an effect for ten years or another period determined by the local government.

**Clause 54 outlines that a person who prepared a local development plan may apply to the State Administrative Tribunal for a review of a decision by the local government not to approve the Local Development Plan.**

*Shire of Shark Bay Local Planning Scheme No 4* – explained in the body of this report and Attachment 1.

It should also be noted that in regards to the Special Control Area for the Shark Bay World Heritage Property, Clause 37.2 requires the local government to have regard to the following:

- (a) Requirements for referral of proposals to the Environmental Protection Authority under Part IV of the *Environmental Protection Act 1986*.
- (b) Relevant State Planning Policies including and not limited to the State Coastal Planning.
- (c) Any recommendations and advice provided by relevant government agencies.



MINUTES OF THE ORDINARY COUNCIL MEETING

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- (d) Recommendations and advice by the Shark Bay World Heritage Advisory Committee or any replacement of that Committee.

The above matters are discussed in the agenda report.

Clause 37.3 of the Scheme requires any local development plan to be referred, at the discretion of the local government, to the Shark Bay World Heritage Advisory Committee and/or the Department of Biodiversity, Conservation and Attractions or any equivalent replacement of that

POLICY IMPLICATIONS

There are no policy implications associated with the development.

FINANCIAL IMPLICATIONS

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

In the event that applicant is aggrieved by the Councils decision they may apply for a review of the decision through the State Administrative Tribunal. If that occurs there will be costs associated with the State Administrative Tribunal process.

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority Require

Signatures

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	6 August 202

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ATTACHMENT # 1

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 52, Lot 303, 304 & 305 Dirk Hartog Island	<p>As 'D' Use:</p> <ul style="list-style-type: none"> <li>• Ancillary dwelling</li> <li>• Bed and breakfast</li> <li>• Camping ground</li> <li>• Caravan park</li> <li>• Car park</li> <li>• Convenience store</li> <li>• Educational establishment</li> <li>• Exhibition centre</li> <li>• Fuel depot</li> <li>• Holiday accommodation</li> <li>• Holiday house</li> <li>• Home occupation</li> <li>• Home office</li> <li>• Liquor store-small</li> <li>• Motor vehicle, boats or caravan sales</li> <li>• Nature based park</li> <li>• Office</li> <li>• Recreation-private</li> <li>• Restaurant/cafe</li> <li>• Shop</li> <li>• Single house</li> <li>• Tourist development</li> <li>• Workforce accommodation</li> <li>• Waste storage facility</li> <li>• Waste disposal facility</li> </ul> <p>As 'A' Use:</p> <ul style="list-style-type: none"> <li>• Airfield</li> </ul>	<p>1) The objective of this zone is to provide for eco-tourism development.</p> <p>2) No subdivision of lots shall be permitted.</p> <p>3) Prior to commencement of development of any of the four lots a Local Development Plan shall be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and address the following:</p> <ul style="list-style-type: none"> <li>(i) A Management Plan that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material.</li> <li>(ii) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area.</li> <li>(iii) Coastal setbacks in accordance with relevant state planning policy.</li> <li>(iv) Bushfire management in accordance with relevant state planning policy.</li> </ul>

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**SCHEDULE B – SPECIAL USE ZONES (Clause 21)**

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island  (continued)		<p>(v) An environmental report that demonstrates that the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. The report should include information on building envelopes, visitor numbers, a vegetation assessment and how biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved.</p> <p>(vi) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island may be required by the Local Government.</p> <p>4) Any staged development is to address the requirements indicated in (3) above.</p> <p>5) The local government will have due regard to coastal setbacks and bushfire management in accordance with relevant state planning policies and Clause 67, Schedule 2, Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

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SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island  (continued)		<p>6) Notwithstanding condition (3), the local government may consider development in the absence of a Local Development Plan as provided for under Clause 56(2), Schedule 2, Part 6, of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>7) Any development or Local Development Plan shall demonstrate alignment with the objective of the zone.</p> <p>8) Any development or Local Development Plan shall be referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services), the Shark Bay World Heritage Advisory committee and the Department of Planning Lands and Heritage for comment prior to determination.</p> <p>9) Any design guidelines that form part of a Local Development Plan approved by the Local Government shall be enforced as if the requirements form part of the Scheme.</p> <p>10) A Foreshore Management Plan may be required and referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) for endorsement where a physical foreshore exists between the site and the coast as a condition of development.</p> <p>11) A Visual Impact Assessment may be required to demonstrate that any development will not negatively impact on World heritage values or detract from the scenic quality of the land.</p>

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**SCHEDULE B – SPECIAL USE ZONES (Clause 21)**

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island  (continued)		12) In relation to the land use 'Motor vehicle, boats or caravan sales' only hire of motor vehicles, boats or caravans may be considered by the local government.
SU15	Lot 142 Denham Road / corner Oakley Ridge, Denham	As 'P' use: <ul style="list-style-type: none"> <li>• Single house</li> <li>• Home office</li> </ul> As 'I' use: <ul style="list-style-type: none"> <li>• Car park</li> </ul> As 'D' use: <ul style="list-style-type: none"> <li>• Aged care facility</li> <li>• Bed and breakfast</li> <li>• Grouped dwelling</li> <li>• Holiday accommodation</li> <li>• Holiday house</li> <li>• Home Occupation</li> <li>• Tourist development</li> </ul> As 'A' use: <ul style="list-style-type: none"> <li>• Park Home Park</li> <li>• Workforce accommodation</li> </ul>	1) The objective is to provide flexibility for a wide range of tourist accommodation and cater for single or grouped dwellings which may also be used for holiday accommodation, guided by a Local Development Plan.  2) Development of the site shall be generally in accordance with an approved Local Development Plan, which has been prepared in accordance with Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and approved by the local government.  3) A Local Development Plan can ensure a mix of landuses are strategically planned for and coordinated to the satisfaction of the local government.  4) Notwithstanding Condition (2), the local government may consider development prior to the approval of a Local Development Plan as provided for under Clause 56(2), Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
SU16	Lot 91 Monkey Mia Road, Denham	As 'P' use: <ul style="list-style-type: none"> <li>• Airfield</li> <li>• Carpark</li> </ul>	1) The intent of this Special Use zone is to recognise the established Shark Bay airport as an essential component of regional transport infrastructure.



ATTACHMENT # 2

### Local Development Plan Provisions

This Local Development Plan (LDP) has been prepared in accordance with Part 6 Schedule 2 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

Lot 304 Sunday Island Bay is zoned Special Use No. 14 (SU14) under the Shire of Shark Bay Local Planning Scheme No. 4 and specific conditions apply to any future development. The objectives of the SU14 zone is to provide for ecotourism development. The LDP should be read with the relevant technical documents and management plans referred to in the LDP provisions.

The following provisions apply to guide development:

- BUILDING ENVELOPES**
  - Development shall be contained within the building envelopes as shown on the LDP, unless approved by the local government.
  - All ancillary development including water tanks, car parking, servicing infrastructure, outbuildings and effluent disposal systems are to be sited having regard for the following:
    - Outbuildings are encouraged to be located so as to not obstruct the coastal aspect or views from habitable development and to minimise the visual impact as viewed from the ocean side of Lot 304;
    - Soil suitability/capability for effluent disposal (refer LDP provision 7.1);
    - Minimising removal of remnant vegetation;
    - Bushfire management;
    - Coastal hazard risks (refer to Coastal Risk Management Plan Notes); and
    - Any other practical considerations such as topography.
  - The local government may require an updated flora report or vegetation information for any clearing outside of a building envelope.
  - Where there is a conflict between the number of envelopes shown on the LDP and any written LDP provision, the written provision shall prevail.
- SITING AND SETBACK REQUIREMENTS**
  - All buildings and structures shall be setback a minimum of:
    - 11 metres from the Lot 304 cadastral boundaries in compliance with any Bushfire Management Plan and / or BAL assessment approved by the local government; or
    - In accordance with the Asset Protection Zone setbacks to classed vegetation specified in any Bushfire Management Plan and / or BAL Assessment approved by the local government.
  - No building envelopes fall within the coastal erosion hazard setback line to 2070, as illustrated on the LDP, but will require coastal risk management (refer to Coastal Risk Management Plan Notes).
  - Buildings shall be setback a minimum of 2 metres from access routes.
- BUSHFIRE MANAGEMENT**
  - Proposed development shall demonstrate compliance with any Bushfire Management Plan and / or BAL Assessment approved by the local government.
  - The developer(s) / landowner(s) shall be responsible for the implementation and management of any Bushfire Management Plan and / or BAL Assessment approved by the local government so as to ensure that development is able to occur in the intended manner. All BAL ratings identified in the Bushfire Management Plan are indicative and are required to be verified at the time of construction of individual buildings to ensure appropriate setbacks identified have been achieved.
  - Vegetation (existing or proposed) and Asset Protection Zones in Lot 304 shall be managed and maintained as 'low threat vegetation' in accordance with any Bushfire Management Plan and / or BAL Assessment approved by the local government.
  - The strategic firebreaks will allow people to access the periphery of Lot 304 and provide access to the foreshore.
- BUILT FORM**
  - Design Guidelines have been prepared and form part of this LDP. Development is to have regard to and address the Design Guidelines.
- BUILDING HEIGHT**
  - Inundation hazard is to be managed through avoidance, with minimum floor levels for habitable development to be not less than 4.2m AHD. Non-habitable development with finished floor levels less than 4.2m AHD may be considered by the local government for ancillary development that is detached from habitable development and can be easily relocated (refer to Coastal Risk Management Plan Notes).
  - New buildings and outbuildings to be low scale consistent with the Scheme. The local government may require a Visual Impact Assessment in accordance with condition 11 of the SU14 zone.
  - Buildings sited more than 1.0m above the minimum floor level, and/or buildings proposed as two-storeys may be approved by the local government where it can be demonstrated that the bulk and scale of the building takes into account topography, natural landscape and coastal amenity of the location.
- VEGETATION AND LANDSCAPING**
  - No introduced non-native species shall be planted on the lot. Revegetation shall not occur in conflict with the recommendations of any Bushfire Management Plan approved by the local government. The landowner(s) shall be guided by the Dirk Hartog Biosecurity Implementation Plan 2015.
- SERVICE INFRASTRUCTURE**
  - Development application(s) to provide details of effluent disposal in accordance with the Government Sewerage Policy 2019 and having regard to the Site and Soil Assessment Evaluation for Lot 304 Sunday Island Bay.
  - Development application(s) shall demonstrate servicing of building envelopes and development, in person with water supply (potable and firefighting 10,000L tanks) and electricity (including generation), to the satisfaction of the local government.
- MANAGEMENT**
  - Temporary sea containers and structures associated with construction may be in place for a maximum period of 12 months, or longer period approved by the local government, and thereafter removed from the island at the developer(s) / landowner(s) cost.
  - A management plan has been prepared and forms part of this LDP.
- ADVICE NOTES**
  - Regarding section 1 building envelopes, Lot 304 is subject to covenants to the benefit of the Minister of Lands and should be referred to by proponents. In particular the covenants provide details in relation to (amongst other things):
    - The number of 'visitor accommodation units' that may be built or placed on the land, and the floor area of each 'visitor accommodation unit'; and
    - The 'staff accommodation' and the ratio of staff to guests and floor area per staff personnel being housed.
  - Regarding section 1 building envelopes, the number of building envelopes shown on the LDP is nominal and not all of the building envelopes may be able to be built on. The number of building envelopes depicted on this LDP may be amended, subject to approval by the local government.
  - Regarding section 3 Bushfire Management, Lot 304 is in a designated bushfire prone area. Landowners will educate and inform all guests of the increased risks associated with bushfire when staying on a remote tourism/ holiday accommodation development.

### Location Plan

### Legend

- Lot 304
- Building Envelope
- Easement
- Access Track (notional 8m wide)
- 11m setback to cadastral boundary (fire)
- Strategic Firebreak
- Coastal Access Point - Indicative connections for construction. Pedestrian access having regard to recommendations in Damara WA 2019 and approval by DSCA.
- +2m AHD contour
- +4m AHD contour
- Coastal Erosion Hazard Setback to 2070 (Schedule One SPP2.6)

### Coastal Risk Management Plan

- Inundation risk is managed through avoidance, with all buildings on land >+4.2m AHD.
- Exception risk management is focused on beach access and dune management, with a longer-term consideration of managed retreat. Erosion risk management should follow the monitoring and management outlined in the revised Coastal Risk Management Plan (CRMP) (Damara 2019).
- Beach access and dune management: Triggers for management action when there is >50m existing buffer to buildings include:
  - scops >0.5m vertically in the beach access paths;
  - breakdown scarping sustained with <5m of dune retreat;
  - dune definition identified;
  - blowout formation;
  - additional beach tracks formed.
 Relevant management actions should be undertaken as outlined in Table 2 of CRMP including additional triggers for when 40.5m buffer remains.
- Managed retreat: strategy of planned retreat should follow Section 10 of CRMP. A detailed management retreat plan will be submitted to the local government within six (6) months of the trigger of 40m existing buffer between the 2m AHD contour and buildings. Managed retreat may be planned for small groups of buildings while others are maintained with a >40m buffer. Retreat should be undertaken when remaining buffer is 30m. Each co-owner of Lot 304 will be responsible for building removal, rehabilitation and revegetation of the site while buildings are retained. Any land rehabilitated following managed retreat shall not conflict with a Bushfire Management Plan and will not be ceded to the local government, and will require ongoing management.

### Endorsement Table

This Local Development Plan has been approved by the Shire of Shark Bay Council at its Ordinary Meeting held on the \_\_\_\_\_ in accordance with Clause 52(1) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Chief Executive Officer: \_\_\_\_\_

Date: \_\_\_\_\_

### LOCAL DEVELOPMENT PLAN

Lot 304 Sunday Island Bay, Dirk Hartog Island  
A D-H Developments Pty Ltd Project

Scale: 1:4000@A3  
d: 18 May 2020  
p: 19/061/003M

Taylor Burrill Barnett Town Planning and Design  
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Attachment # 3 – Under Separate Cover



# Flora Significance Assessment

Lot 304 Sunday Island Bay, Dirk Hartog Island

20 May 2020

Prepared for:  
DHI Developments Pty Ltd





ATTACHMENT # 4

Copy with Shire CEO comments

DHI Development Pty Ltd

# Management Plan

Lot 504, Sunday Island Bay

DHI Development Pty Ltd  
4-16-2020

# MINUTES OF THE ORDINARY COUNCIL MEETING

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## MANAGEMENT PLAN

### GENERAL INFORMATION

Lot 304 located at Sunday Island Bay on Dirk Hartog Island is an 11hectare site zoned within the Shire of Shark Bay TPS No 4 as SU14 with the objective - *providing for eco tourism development*. The provision of this plan is referred to in 8.2 of the LDP.

The theme for the development of accommodation units on the site is the appreciation of land, sea and sky: the project manager will promote and encourage visitor appreciation and cultural understanding of the area and the island including interaction with those elements.

Development will proceed as funds are available and may involve development of individual units or clusters of units in line with availability of those funds.

Not shown  
on LDP

The site is set among a stunning natural landscape within a National Park directly overlooking the Shark Bay Marine Park with opportunities for visitors to explore the land sea and sky from a pristine and unique location. Land attractions such as the 'blow holes, Steep Point, Cape Ransonnet and Surf Point are all within walking distance of the site.

With moderate weather conditions for much of the year the accommodation provides guests ongoing access to the Shark Bay embayment Marine Park where visitors, among many things, can independently swim, dive, fish or boat, or enjoy beaches, walk trails and 4wd vehicle tracks located on the island. Spectacular scenery including 600 feet cliffs on the west coast and a night sky untouched by artificial light provides the opportunity to explore and observe the stars and planets and the many satellites orbiting in the sky.

A significant new destination the site presents opportunities for guests to interact with wildlife (including bird watching and turtle nesting) and explore and observe a broad range of flora.

*The site of Australia's first botanical collection assembled by William Dampier in 1699 is a comfortable drive from the accommodation to Cape Inscription.*

Accessible only by aeroplane, car ferry or boat Dirk Hartog Island National Park is the home of the endangered black and white wren and more than 80 other species of birds.

DBCA have recently begun a reintroduction programme embracing endangered mammals including the rufous hare wallaby, the banded hare wallaby and the dibbler and chuditch; native wildlife including reptiles and skinks plus significant species of plants occur at this meeting point of the northern and southern botanical regions. The project Manager will liaise with DBCA in promoting the many eco attractions of Dirk Hartog Island.

The sea between Steep Point and Dirk Hartog island has recorded more than 320 species of fish and the surrounding waters of the island host whales, dolphins, dugongs, whale sharks turtles and sharks making the accommodation units the ideal headquarters for eco tourism experiences and the exploration of Dirk Hartog Island.

The site of the discovery of Australia in 1616 by Captain Dirk Hartog the island allows an opportunity for guests to visit and explore the many sites of historical and cultural significance from the discovery site of 1616 at Cape Inscription through the exploration of the island pre 1900 to the more recent pastoral events that have shaped the island.

# MINUTES OF THE ORDINARY COUNCIL MEETING

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- A covenant on the land limits the development of visitor accommodation to 33 units.
- A visitor accommodation unit meets the objective of the zone whether developed as holiday accommodation, a holiday house, tourist development or nature based park camping ground when used for short term accommodation.
- When completed the 33 visitor accommodation units will be referred to as a resort.
- The provision of manager, caretaker and staff accommodation is identified within the covenants on the land: separate managers, caretaker and staff accommodation will form part of any development.
- A Project Manager will manage the location under the guidance of this management plan.
- The original proprietor of the lot and initial Project Manager is DHI Development Pty Ltd.
- Each visitor accommodation unit developed - using the design guidelines - may only be used for short term occupancy. The maximum occupation time permitted at each visitor accommodation unit is three months.

Not identified on plan - how many buildings

- Visitor accommodation will be available for all classes of visitors desiring a unique experience in a unique landscape. In line with the remoteness of the site - focussing on the natural environment of land, sea and sky, the limited occupancy times allowed and the design and construction of the visitor accommodation to provide best eco built practise and maximum interaction between land, sky and sea - all guests can be regarded as eco tourists.
- Each Co Owner acknowledges that he, she or they are the Co Owner of an undivided freehold share in lot 304. The shares may be owned individually or by groups as Co Owners or in total by one entity.
- A Co-Owners committee manages the undivided shares in the lot to ensure the planning requirements of the Shire of Shark Bay Town Planning Scheme and any approved Development Application are met and is responsible to maintain the validity of any Shark Bay ("Shire") planning approval so that future building licences can be issued to Co Owners.

What is construction method

Conflicting statements

Only the undividing shares?

## MANAGEMENT PRINCIPLES

*In conformity with the objective of the zoning of the site – to provide for eco-tourism development the following management principles will apply and be administered by the appointed Project Manager in providing ongoing management including facility management for the location:*

- a. In line with the covenants on the land and the objective of the zone all visitor accommodation units erected on the lot will be constructed as short term accommodation in accordance with the length of stay restrictions included in the covenants, under the Shire's Town Planning Scheme, any relevant development approvals issued by the Shire or the Western Australian Planning Commission and any other applicable planning conditions.
- b. The appointment of a facility project manager/caretaker to manage the operation, care,

# MINUTES OF THE ORDINARY COUNCIL MEETING

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cleaning and maintenance of the accommodation units to a high standard who will also operate a letting service and be responsible for taking bookings, greeting, guiding, briefing and managing guests on the site.

- c. The termination of one facility/project management operator agreement must be immediately followed by the appointment of a replacement facility/project management operator agreement.
- d. Each Co Owner, unless otherwise agreed, shall appoint the project manager to provide unit management for a minimum term of five years providing that the Co-Owners committee has the ability to terminate the management contract between the Co-Owners and the Project Manager at the end of a five year contract or a lesser period as determined by the Co-Owners committee. The Unit Management agreement between each and every Co Owner and the Project Manager is binding upon its successors and assigns.
- e. The Unit Management Agreement between a Co Owner and the Project Management operator includes but is not limited to reception, booking, security, maintenance, caretaking, refurbishment, marketing, rights of access to units by Project Manager and other services required by the Co Owners.

f. All development refurbishment including of any common property as is required to maintain or upgrade the standard of the facility is to be managed by the Project Manager on a development wide basis.

What  
common  
property

- g. A requirement for all visitor entry and access to each accommodation unit including common areas to be controlled by the Project Manager who will ensure that the visitor accommodation units are:
  - 1. Only occupied for short stay use;
  - 2. Not occupied by any person(s) for more than three months
  - 3. available as visitor accommodation for a minimum of nine months out of twelve as provided for in the covenants to the land save except where facility maintenance precludes occupation;
  - 4. Properly Decorated, maintained and upgraded in accordance with each Unit Management Agreement;
  - 5. Managed with maintenance of records of all occupations and booking or check ins and departures of CoOwners, visitors, guests and tourists alike;
  - 6. Equally able to access any recreation, service and support facilities
  - 7. Subject to entry controls;
  - 8. Subject to facilities management in regard to short stay visitor accommodation use and maintenance and refurbishment.

*The use of the Short Stay accommodation units for permanent residential accommodation is not permitted under the covenants on the title.*

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## 1 AUTHORITY OF PROJECT MANAGER

Relevance to LDP - timeshare/  
strata?

- a. The Co Owners acknowledge and agree that for a minimum term of five years a resort may be operated by the Project Manager or its nominated operator and any replacement from time to time
- b. The Co Owners shall authorise the Project Manager to be the exclusive provider of on-site letting services and also facility management services. The terms of the authorisation (including, but not limited to, transfer and termination provisions) shall be set out in an agreement between the Project Manager and the Co Owners in a form approved by the Co Owners Committee.
- c. Each Co Owner and the Project Manager will enter into a letting agreement setting out the terms on which the Project Manager is appointed to manage the occupancy of Co Owners accommodation units.
- d. Each Co Owner, unless otherwise agreed, will engage the Project Manager to provide facilities management services in respect of the Co Owners visitor accommodation unit(s) by entering into a separate agreement with the Project Manager, to regulate the management, control, use and enjoyment of each visitor accommodation unit so as to meet the objective of the zone and to maintain the standard of their unit.

## 2 FACILITIES MANAGEMENT

As part of the facilities management services provided to Co Owners, the Project Manager will provide a general reception service, leisure destination operational service, maintenance and other ancillary services to co owners accommodation units and their tenants and guests and visitors and will control:

Where is this  
on the LDP

### a. Access

The Project Manager will control all access to the site by Co Owners, visitors and trades persons and entry to each completed visitor accommodation unit.

### b. Servicing

The Project Manager will provide a facilities management service to completed visitor accommodation units including

- (i) provision of cleaning, linen and other requested services
- (ii) security and bookings for tourists and guests
- (iii) management of the use of any facilities
- (iv) advertising marketing and promotion
- (v) guest information, briefing and guidance
- (vi) management of compliance with covenants

# MINUTES OF THE ORDINARY COUNCIL MEETING

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## c. Maintenance

(1) The Co Owners Committee shall engage the Project Manager as the caretaker for any common property. The terms of the engagement as caretaker (including, but not limited to, transfer and termination provisions) shall be set out in an agreement between the Project Manager and the Co Owners Committee in a form approved by the Co Owners.

What  
common  
property

(2) The Co Owners Committee shall delegate its responsibility to keep the common property and all common facilities and improvements on the lot clean, tidy, well maintained and in good working order (where applicable) to the Project Manager.

(3) The Co Owners through the Project Manager shall be responsible for the maintenance, repair and replacement of all buildings, structures, utilities, services, landscaping, recreational facilities and other improvements located within and/or servicing the common property

Such items include, but are not limited to, all vehicle and pedestrian access ways, thoroughfares, parking areas, paths, sewerage systems, drainage systems, water services, electrical wiring and switch systems, communication wiring and equipment, common lighting, fences, walls, lawns, gardens, trees, shrubs, plants, garden watering and the water reticulation system.

(4) The Co Owners and the Project Manager, in its role as on-site caretaker reserve the right to carry out any repairs, maintenance and other works to buildings and/or services on any common property

(5) Works the Co Owners and Project Manager may carry out include the following:

(a) repair, renovate, maintain, patch or paint any buildings on common property

and/or the exterior of any building;

(b) alter the common property, including its size, nature and arrangements;

(c) extend or alter any of the buildings on the common property;

(d) add to and alter any common property car parking facilities, their locations and the directions and access to those facilities;

(e) alter the access (pedestrian and/or vehicular) to the buildings on common property and/or any visitor accommodation unit.

Common  
property?

(6) Works must be undertaken for a proper purpose, which may include:

- improving the appearance, quality or physical arrangement of the buildings and the common property; or
- improving the convenience, safety or security of Co Owners and others when using the buildings and common property.

(7) In carrying out Works, the Project Manager must use reasonable endeavours to



# MINUTES OF THE ORDINARY COUNCIL MEETING

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minimise inconvenience or nuisance to the use and enjoyment of the lots by the proprietors and any tenants or guests. What lots?

(8) Unless the costs arise from the wilful or negligent act of a Co Owner, in which case that Co Owner shall pay the costs of the relevant Works, all Co Owners will contribute in proportion to their share of the lot. What lot?

(9) The Project Manager is responsible for maintaining each short term accommodation unit to a standard, as endorsed by the Co Owners Committee, at the direct cost of the Co Owner of such unit.

d. Waste Disposal

Waste disposal will be provided by the Project Manager in accordance with the "Waste Management Plan".

e. Effluent Disposal

Effluent disposal will be via systems approved by the Shire of Shark Bay and/or DWER referenced to the Government Sewerage policy.

f. Service Areas

Each accommodation unit or cluster of accommodation units, aligned with building envelopes, are independent: any outbuildings are to service a unit or cluster of units as provided for in DA's. Any additional areas identified to be separately necessary to service these units or clusters will be included within submitted DA's as required.

g. Rubbish Management

Rubbish Management will be provided by the Project Manager as per the Waste Management Plan

h. Transport of Construction Material

The management and transport of construction material to the site will be managed by the Project Manager as provided for in the "DHID Biosecurity Plan" attached to the "DHID Environmental Report".

### 3 PROJECT MANAGER'S RESPONSIBILITIES

a. During the building construction phase the role of the Project Manager and the number of Unit Management agreements with the Project Manager may increase as visitor accommodation units are completed and become available for use. The Co Owners Committee will ensure that the Project Manager commences providing a guest reception service from a time to be agreed with the Project Manager.

## MINUTES OF THE ORDINARY COUNCIL MEETING

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- b. Any agreements entered into, from time to time, between Co Owners and the Project Manager will be included as part of the Co Owners Committee records. A Co Owner shall be bound by and shall not do anything which constitutes a breach of the terms of any agreements between the Co Owners and the Project Manager.
- c. The Co Owners shall delegate to the Project Manager the responsibility for the overall operation of the resort to ensure that it is operated to a high standard and well maintained, regulated and in compliance with the objective of its zoning. The Co Owners may delegate any of their rights, powers, duties or roles to the Project Manager.
- d. Entry onto the Lot is restricted to the Project Manager, Co Owners and guests and tourists who have made arrangements to occupy a visitor accommodation unit, and their independent contractors, employees, agents and visitors.
- e. The Project Manager will provide an appropriate security system that will regulate the vehicles and pedestrians that enter the lot. The Co Owners will delegate its responsibility for any gate, intercom and security surveillance at the resort to the Project Manager.
- f. Co Owners are required to ensure that visitors to the resort check in with the Project Manager and receive directions from the Project Manager who will control and monitor access to the resort. Each Co Owner acknowledges that the Project Manager has the authority to direct occupiers and guests to comply with their directions at all times. Confusion of roles
- g. The Project Manager is responsible for the implementation of the Bushfire Management Plan as provided for within a BMP.
- h. The Project Manager will monitor and maintain any power and water supplies to each visitor accommodation unit as agreed with each Co Owner. Separate units?
- i. The Project Manager shall retain a key to the visitor accommodation units at all times and shall be entitled to enter any unit in emergencies or at any reasonable time (with prior notice) for the purpose of attending to repairs, maintenance, replacements, other works and inspections and for the purpose of monitoring compliance with each agreement.

**4 TERMINATION OF PROJECT MANAGEMENT AGREEMENT**

At all times the location shall be managed by a Project Manager. Except where compelling reasons dictate otherwise, the Co Owners may only terminate an agreement with the Project Manager by a special resolution passed at a duly convened general meeting of the Co Owners, and must have, prior to such a resolution, resolved by a special resolution to enter into a further agreement with another Project Manager that must contain substantially the same terms, conditions, delegation of responsibilities, duties and powers as were contained in the previous Project Manager unless varied at a meeting of Co Owners .

Conflicts ?

**5 CO OWNERS & COMMITTEE**

- (1) The Co Owners Committee administers the affairs of the Co Owners in respect to their responsibilities and obligations as may be required from time to time; the Co Owners Committee may enter into an agreement with a Project Manager for these and other management purposes.
- (2) Each Co Owner acknowledges and agrees that Lot 304 is subject to covenants and that the lot is zoned with the objective to provide for 'eco tourism development' including visitor accommodation. A Co Owner shall not use or permit his, her or its visitor accommodation unit to be used in such a manner as to be inconsistent with the Shire of Shark Bay TPS No4. SU14.
- (3) A Co Owner, tenant or other occupier shall not be permitted to occupy a visitor accommodation unit for a period greater than the length of time specified in the covenants.
- (4) The Co Owners committee may make rules from time to time in respect of the management, order, standards and operation of the accommodation (including the use and enjoyment of any common property and any common facilities). The Co Owners Committee shall notify the Project Manager of such and ensure that the rules are displayed in a prominent position on any recreational facilities, at the entrance to the property and in a prominent place in the units with a copy given to all Co Owners.
- (5) The Co Owners Committee may approve the use and occupation of part of any common area as a reception/office and management accommodation facility for the Project Manager from which the accommodation units may be managed.
- (6) The Co Owners committee will have authority to negotiate and enter into binding agreements with a Project Manager and to negotiate variations thereto and to enforce or terminate any such agreements. The Co Owners committee may delegate its power to the Project Manager and each of the Co Owners shall be bound by those rules and must ensure that those rules are complied with.

## MINUTES OF THE ORDINARY COUNCIL MEETING

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- (7) The Co Owners Committee will determine a minimum standard of internal furnishings and a minimum inventory of items that will be required to be provided by a Co Owner for each visitor accommodation unit.
- (8) A Co Owner or other occupier of the visitor accommodation unit shall not:
- (a) permit loud noises;
  - (b) have exterior speakers to the building on his, her or its unit;
  - (c) use horns, whistles, bells or other sound devices (other than security or warning devices used exclusively for such purposes); or
  - (d) use or start noisy or smoky vehicles or water craft, large power equipment or large power tools, unlicensed off-road motor vehicles or other items which may unreasonably interfere with radio or television reception on or in any location.

*The Project Manager is responsible for ensuring compliance with any noise limitation*

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DHI Development Pty Ltd  
4-16-2020

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DESIGN GUIDELINES

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# MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

## DESIGN GUIDELINES

In line with the objective of the zoning of the site – to provide for eco-tourism development -the built form and design guidelines for each visitor accommodation unit are based upon world renowned Eco Structures Australia WABI CONCEPT DESIGN of:

*“SIMPLER, SMARTER AND STRONGER environmentally sustainable construction providing experiences that are 100% authentic shaped by the environment within which they are built and designed for tourism use.”*

*These design guidelines applicable to all short term accommodation units constructed on the site ensure a coordinated development results that respects the surrounding natural environment and maintains the low impact of the development: the development is planned to respond sensitively to the unique landscape character of Sunday Island Bay.(WABI has ISO accreditation and is a member of the Eco Tourism Association of Australia and has provided eco tourism accommodation solutions throughout Australia and overseas)*

### 1 CONCEPT

Each visitor accommodation unit and any out buildings are based upon this CONCEPT of a high standard , permanent structure, constructed to comply with the Building Code of Australia(BCA) standards and engineered and manufactured to be capable of meeting the maximum cyclonic wind rating of Australia for any structure(Region D) and BAL Flame Zone requirements.

Each CONCEPT accommodation unit will meet the criteria for best practise ecotourism design/construction as adapted for the conditions at Sunday Island Bay:-

- 1 ENVIRONMENTALLY FRIENDLY – not harmful to the environment. Resource-efficient throughout its life-cycle, throughout the processes of design, construction, operation, maintenance, renovation, and eventual demolition or relocation. Capable of translocation if required.
- 2 THERMALLY EFFICIENT - providing high thermal efficiency and rating through the use of lightweight PIR structural wall panels which are extremely robust and thermally efficient(R3).
- 3 FAST INSTALLATION - can be erected in a minimum time frame and delivered to the site in kit form using innovative panel technology: can be erected at any location without earthworks.
- 4 FULLY GALVANISED STRUCTURAL STEEL SYSTEM - ensuring extended life
- 5 LOW IMPACT with minimal footprint - using innovative Eco Anchor design resulting in minimal construction waste and interference to the natural terrain
- 6 VERANDAH'S - providing protection from the sun and extensive interaction with the land and the sea and the sky.
- 7 BAL rating to meet site conditions
- 8 MINIMAL visual impact

### 2 COLOURS

Based upon the Dirk Hartog Island Colour Palette as provided by the World Heritage Committee to complement and blend in with the existing natural environment of Dirk Hartog Island and the coastal theme of the location. Excluding glazing, solar panels and or solar hot water systems highly reflective roof and wall materials and colours are not permitted.

### 3 MATERIALS

- i. Steel structure - fully galvanised
- ii. Wall panels- Lightweight SIPS
- iii. Roofing and sheeting- colourbond
- iv. Floors and ceilings- cement sheeting
- v. High quality plumbing, sanitary and electrical fittings
- vi. Quality paints
- vii. Glass windows complying with Cyclone D rating



# MINUTES OF THE ORDINARY COUNCIL MEETING

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- viii. Eco Decks manufactured using high quality polypropylene composite product that will not rot but which is termite resistant requiring minimum maintenance
- ix. Eco anchors – the environmentally friendly alternative to conventional foundation systems

## 4 BUILT FORM

Designed to be:

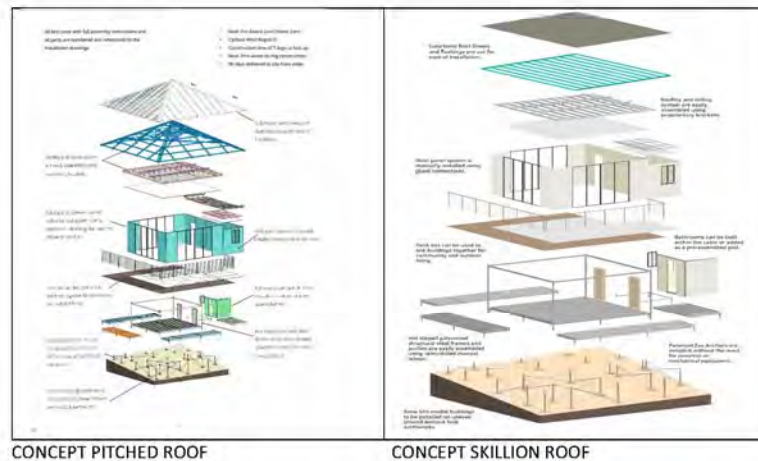
- a. Stylish and flexible accommodation that is complementary and harmonious with the surrounding landscape taking account of the topography, physical characteristics and unique character of the surrounding area.
- b. Inclusive of roof's either pitched or skillion depending upon the topography and physical characteristics within the site and each building envelope.
- c. Flexible to allow integrated multiple units, comprising each accommodation unit; complying with covenants.
- d. Optional deck kits to link units via boardwalks.
- e. Limited visual impact from the background slope of the land when viewed from the ocean
- f. Open plan accommodation and living encompassing the landscape and all of the eco aspects of the location provided by the sky, land and sea.
- g. Inclusive of undercover verandahs designed to encourage outdoor appreciation encompassing all of the eco aspects of the location provided by the sky, land and sea
- h. Constructed embracing minimal maintenance requirements.
- i. Powered by solar energy with battery storage
- j. Built involving minimum interference with the land during construction using eco-anchors.

## 5 SCALE

Low scale with undercover verandahs, complying with the covenants to the land in regard to size and complementing the natural environs of the site.

## 6 CHARACTER

- a. Complementary to the natural environment of the site designed to stand strong and to stay cool with high thermal performance, Cyclonic Region D rating and BAL Flame Zone requirements.
- b. Common eco design/construction for each unit embracing the land, sea and sky.
- c. Windows allowing full appreciation of the landscape, surrounding ocean and sky (Cyclone D rating)
- d. Verandahs encouraging the outdoor appreciation of the eco qualities of the site and surrounding land, sea and sky.



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Supplied Under Separate Cover

**SITE AND SOIL EVALUATION  
(On-Site Effluent Disposal)  
Lot 304 Sunday Island Bay  
Dirk Hartog Island.**

Prepared for  
**DHI Developments Pty Ltd**  
for submission to

**Shire of Shark Bay**  
by

**Land Assessment Pty Ltd**



LA Report No 2020  
17 April 2020

**LAND ASSESSMENT PTY LTD**  
P.O. Box 117 SUBIACO, WA 6008  
Phone: 041 7900 724  
Email: [landass@iinet.net.au](mailto:landass@iinet.net.au)

ATTACHMENT # 7

26 AUGUST 2020

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DHI Development Pty Ltd

# Environmental Report

SU14-81v) 2020

Geoff Wardle – DHI Development Pty Ltd  
1-8-2020

!

# MINUTES OF THE ORDINARY COUNCIL MEETING

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Plan 1: Lot 304 Plan

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Plan 2: Lot 304 Aerial Photo



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Plan 3: Local Development Plan

**LOCAL DEVELOPMENT PLAN**  
LDP 2016-2024  
RD - Development Officer

**LEGEND**

- Green: LDP 2016-2024
- Blue: Planning Boundary
- Black: Access Track (National Grid mile)
- Yellow: Access Track (Private/Local mile)
- Red: Access Track (Private/Local mile)
- Blue: Coastal Access Point - Public (no restriction for construction)
- Red: Coastal Access Point - Private (no restriction for construction)
- Blue: Coastal Protection (within the 200m and beyond by RPA)
- Green: Coastal Protection (within 200m of the 200m)
- Red: Coastal Protection (within 200m of the 200m)

**Site M7 Details:**

- Location: Sundry Island, Sundry Harbour, Diké Harbour Island.
- Site Area: M7.
- Planned: 6 buildings, parking, landscaping, and other site details.
- Coastal Access Point: Red line indicating access for construction.
- Coastal Protection: Green line indicating protection within 200m.

**Notes:**

The Local Development Plan has been approved by the Council of the Sundry Harbour Parish on 15th June 2016 and is now in force. It is subject to a number of conditions. The Council of the Sundry Harbour Parish has agreed to these conditions and will monitor the progress of the LDP.

**1. INTRODUCTION**

1.1 This Local Development Plan (LDP) is the key planning document for the Sundry Harbour Parish. It sets out the Council's policies and objectives for the development of the Parish and the land within its boundaries.

1.2 The LDP is a statutory document and has legal effect. It is subject to a number of conditions. The Council of the Sundry Harbour Parish has agreed to these conditions and will monitor the progress of the LDP.

**2. POLICY OBJECTIVES**

2.1 The main objective of the LDP is to ensure that the development of the Parish is sustainable and meets the needs of the community. The LDP also aims to protect the natural and cultural heritage of the Parish and to promote the economic and social well-being of the community.

2.2 The LDP also aims to ensure that the development of the Parish is in accordance with the national and local planning policies. The LDP also aims to ensure that the development of the Parish is in accordance with the principles of sustainable development.

**3. PLANNING BOUNDARIES**

3.1 The LDP sets out the planning boundaries for the Parish. These boundaries are based on the natural and cultural heritage of the Parish and the needs of the community. The LDP also sets out the planning boundaries for the Sundry Harbour, Diké Harbour, and Sundry Island.

3.2 The LDP also sets out the planning boundaries for the Sundry Harbour, Diké Harbour, and Sundry Island. These boundaries are based on the natural and cultural heritage of the Parish and the needs of the community.

**4. ACCESS TRACKS**

4.1 The LDP sets out the access tracks for the Parish. These tracks are based on the natural and cultural heritage of the Parish and the needs of the community. The LDP also sets out the access tracks for the Sundry Harbour, Diké Harbour, and Sundry Island.

4.2 The LDP also sets out the access tracks for the Sundry Harbour, Diké Harbour, and Sundry Island. These tracks are based on the natural and cultural heritage of the Parish and the needs of the community.

**5. COASTAL PROTECTION**

5.1 The LDP sets out the coastal protection zones for the Parish. These zones are based on the natural and cultural heritage of the Parish and the needs of the community. The LDP also sets out the coastal protection zones for the Sundry Harbour, Diké Harbour, and Sundry Island.

5.2 The LDP also sets out the coastal protection zones for the Sundry Harbour, Diké Harbour, and Sundry Island. These zones are based on the natural and cultural heritage of the Parish and the needs of the community.



# MINUTES OF THE ORDINARY COUNCIL MEETING

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## BACKGROUND

Dirk Hartog Island is the largest Island off the West Coast of Australia: Sunday Island Bay is located on the south east coast of the island

Lot 304 is an 11.295ha (28 acre) freehold lot located at Sunday Island bay on Dirk Hartog Island on the edge of the Shark Bay Marine Park and the Dirk Hartog Island National Park; it is within the Shark Bay World Heritage Property.(plan1 & 2 pages 3 & 4)

In order for the owners of Lot 304 to proceed with development of eco tourism holiday accommodation units there is a requirement within the Shire of Shark Bay Town Planning Scheme No 4 for the owners of land included within SU14 to prepare an Environmental Report that demonstrates that any LDP prepared and any proposed use and/or development will:-

- 1 have a low impact on the natural environment,
- 2 not compromise the high conservation values and
- 3 have regard for the need to protect the ecological values and special attributes of the island.
- 4 the report should include
  - a) Information on building envelopes
  - b) Visitor numbers
  - c) A vegetation assessment
  - d) How biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved

The proposal to construct accommodation units at the site was referred to the Western Australian Environmental Protection Authority in early 2015 and a response was received confirming that the proposal was *not significant enough to warrant assessment* as there was sufficient regulations in place to ensure compliance with any environmental concerns.

On the 16<sup>th</sup> of July 2015 the proposal to construct and operate seven eco tourism accommodation units with services at Lot 304 was submitted/referred to the Australian Government Department of the Environment. On the 6<sup>th</sup> of October 2015 the Australian Government Department of the Environment advised that the referral decision was *“that the proposal was not a controlled action”*

The Dirk Hartog Island National Park and the Shark Bay Marine Park are administered by the Western Australian Department of Biodiversity, Conservation and Attractions (DBCA) .

Standard plans for the eco tourist holiday accommodation to be located at Sunday Island Bay lot 304 have been developed by DHI Development Pty Ltd to cater for multiple guests.

It is proposed that each accommodation unit and its associated infrastructure will operate independently for the provision of power, water and sewage under the care and direction of a project/facilities manager who will coordinate development and operations on site under the Co-owners Management Statement.

Colours of all buildings will be as approved by the Shark Bay World Heritage Consultative Committee and its Dirk Hartog Island palette of colours as provided for within the LDP

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# MINUTES OF THE ORDINARY COUNCIL MEETING

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Building materials in general will be manufactured to kit level and transported by barge in knock down form for easy assembly and in compliance with the DHIBIP.

## **1 IMPACT ON NATURAL ENVIRONMENT**

A covenant on the site limits the number of permitted holiday accommodation units(33) and also their area(90m2).

In order to limit the impact on the natural environment the development proposes to

- i. Maintain a small footprint
- ii. Be low impact using eco anchors for footings
- iii. Be low scale as limited to an area of 90m2 per unit
- iv. Use controlled and marked unformed tracks internally to maintain the integrity of the site by not creating new accesses
- v. Reduce and control possible areas of trampling by visitors to the site with the use of controlled unformed tracks and ultimately proposed raised boardwalks for internal access.
- vi. Reduce impacts to the site through the use of official unformed tracks and future proposed raised boardwalks for low impact electric and diesel style vehicles internally for visitor transfers and servicing
- vii. Control any visual impact possibly created by adhoc un coordinated development on the site through the inclusion of design guidelines and boundaries for the accommodation units included within the Co Owners Agreement and Management Statement
- viii. Use solar power systems with battery back up to reduce the necessity for large generator systems(if any) which in turn reduces impact on the natural environment by limiting noise and the frequency of service vehicles required for delivering fuel and servicing powered equipment.
- ix. Provide an education program for all visitors both before and on arrival outlining the importance of only using designated tracks to minimize impacts of the possibility of transferring weeds etc on clothes and shoes in cooperation with DBCA protocols. Guidelines from the Biosecurity implementation plan will be provided to all guests, builders and any contractors accessing the site.
- x. To only use DBCA agreed controlled access tracks, using raised vehicle ramps from the site across the National Park for vehicle and equipment delivery during the construction stage or alternatively via the main track access
- xi. The use of agreed controlled unformed tracks for guests and pedestrian access across the National Park during the operational period to maintain the integrity of the National Park site and reduce the impact on the natural environment

## **2&3 CONSERVATION VALUES**

*The Shark Bay Terrestrial Reserves and Proposed Reserve Additions Draft Management Plan 2007 and the Dirk Hartog Island Interim Draft Management Plan prepared by DBCA are the guidelines by which DBCA manages the DHINP including in regard to protecting the special attributes of the island. The draft management plan was endorsed in December 2012 and will be complied with and supported in all practicable ways by the Co Owners of Lot 304.*

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# MINUTES OF THE ORDINARY COUNCIL MEETING

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*The Dirk Hartog Island National Park Interim Management Guidelines for Necessary Operations 2010* identified the following “key values” associated with Dirk Hartog Island

- Isolation of fauna habitats on islands and peninsulas resulting in survival of threatened species (by preventing predatory and competitive species from the site)
- Coastal scenery – Zuytdorp cliffs (coastal erosional and weathering processes, coastal vegetation and mechanisms of coastal resistance to erosion)
- Endemic Dirk Hartog Island subspecies of the southern emu wren
- Nesting populations of green and loggerhead turtles, listed by IUCN as endangered and vulnerable.
- Remote and Natural qualities of parts of the island

The 11ha Lot 304 is located on the south east corner of Dirk Hartog Island representing less than .00018% of the islands total 61000ha. The current reintroduction of endangered species onto the island and the need to protect the future habitats of these introduced species is fully supported by the co owners as is the understanding of the need to protect the endemic Dirk Hartog Island sub species of the southern emu wren.

The development on Lot 304 is located in the south east corner of Dirk Hartog Island and in such location has no effect upon the Coastal Scenery of the Zuytdorp cliffs: the development being low impact, low scale and unobtrusive with the built form designed to blend with the character of the National Park is more than 10kms from these cliffs.

The development on Lot 304 is located in the south east corner of Dirk Hartog Island and in such location has no effect upon the nesting populations of the green and loggerhead turtles whose primary nesting location is more than 80 kilometers from the site at Turtle Bay

The remote and natural qualities of the island are acknowledged as a hi lite for eco tourists visiting SIB and will be sought after destination for such tourists to be included within guided tours of the island emanating from the eco tourism developments.

#### **4a BUILDING ENVELOPES**

Building envelopes have been designated for the construction of eco tourism accommodation units as shown within the LDP prepared for the site. (Plan 3 page 5)

#### **4b VISITOR NUMBERS**

Each accommodation unit has the capability of accommodating 4 to 8 guests depending upon the configuration of the unit as per design plans.

Management of visitor impact will be the task of the project/facility manager as coordinator of the total site area within the guidance of the Co Owners Management Statement.

Guidelines on access to and from each site and to, from and across the National Park ( in addition to those already agreed) will be developed by the appointed project manager in cooperation with the Department of Biodiversity, Conservation and Attractions prior to completion of stage 1.

# MINUTES OF THE ORDINARY COUNCIL MEETING

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Identified possible threats to the ecological values and attributes of DHINP and World Heritage Values and integrity of the site at Sunday Island Bay :

## 1 Visitor Numbers

### a) Trampling

*It is proposed that all visitors will receive both a pre visitation briefing via information brochures and internet information and an onsite induction in regard to not straying from the authorized unformed paths that are created within the development zone and beyond the development zone as agreed with DBCA. It is proposed that vehicular access will be limited and that all internal access including pedestrian and small vehicle(solar or diesel) will consist of unmade tracks initially and ultimately be via raised walkways.*

*Each accommodation unit will provide an information instruction sheet in regard to access within, around and beyond the development zones and biosecurity as provided in Appendix 1.*

### b) Uncontrolled access

*Pets (except guide dogs) will be prohibited.*

*Firearms will be prohibited*

*Poisons will be prohibited*

*Only guests will be able to access the development zones*

*It is proposed that guests will be limited to only accessing the development site via fixed official access routes as either individual unformed tracks or ultimately by proposed raised boardwalks as agreed with DBCA.*

### c) Rubbish

*Waste will be dealt with as described in the Waste Management Plan*

### d) Weeds

*Visitors will be provided with some onsite facilities to limit the possibility of weeds and seeds entering the site. This will include beach umbrellas, towels and beach towels, bags and baskets for picnicking and cooking utensils where necessary.*

### e) Mitigating Factors

*All guests will be advised prior to arrival of what they should and should not bring to the island and this will be reinforced on arrival by direct contact with staff. In particular the aims of a weed free location will be emphasized in verbal instructions, written information and clearly visible signs relative to biosecurity as provided for in Appendix 1*

## 2 Visual pollution

### a) Buildings

*All buildings will be designed to a standard to blend with the landscape as shown in the concept design plans. The materials will be color controlled as per the pallet provided by the Shark Bay World Heritage Consultative Committee*

### b) Infrastructure

*All infrastructure required on each site will be designed to provide the minimum footprint and blend into the landscape in similar fashion to the approved DBCA base located at Herald Bay*

# MINUTES OF THE ORDINARY COUNCIL MEETING

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The recommendations outlined in the Dirk Hartog Island Strategic Management Plan prepared by Hypermarket will be followed.  
The recommendations of the Shark Bay Terrestrial Reserves and Proposed Reserve Additions Draft Management Plan 2007 will be followed  
The recommendations of the draft Dirk Hartog Island Biosecurity plan will be complied with  
The DHIBIP as included within Appendix 1 will be adhered to in line with the statements in regard to freehold owners

## **4c VEGETATION ASSESSMENT**

A vegetation assessment of the property was completed in 2019 and lodged with the Shire of Shark Bay in December 2019

## **4d BIOSECURITY MEASURES**

Biosecurity is a set of preventative measures (quarantine, surveillance and control/eradication) designed to reduce the economic, environmental and community impact of animal and plant pests, weeds and diseases. It is an essential component for the ecological restoration of Dirk Hartog Island.(DHIBIP 2014)

Biosecurity refers to “mitigating the risks and impacts to the economy, the environment, social amenity or human health associated with pests and diseases” (NEBRA 2012). Invasive or pest species can impact on native flora and fauna in their extent and/or area of occupancy, through competition for food, habitat or direct predation. Invasive species can also impact on tourism through changes in aesthetic and recreation values. Biosecurity is important for the proliferation and diversity of native species, and will have ecological, social and economic benefits on Dirk Hartog Island. Dirk Hartog Island has the potential to support a diverse native mammal assemblage, if critical non-indigenous species are eradicated and future biosecurity actions are implemented.(DHIBIP 2014)

In August 2012 Astron Environmental Services submitted a Draft Dirk Hartog Island Biosecurity Plan to DEC now DBCA for consideration. The draft plan has not been endorsed by the Department but forms the basis for future plans to be developed or future endorsement.

On 16<sup>th</sup> March 2014 the Manager, Dirk Hartog Island Ecological Restoration Project notified stakeholders that it had agreed upon and was *implementing a Dirk Hartog Island Biosecurity Plan* based upon the Astron draft; a copy of the implementation plan was provided and is referred to in the following information.

‘The purpose of the biosecurity plan is to provide guidance for implementing biosecurity actions to prevent the establishment of new invasive species on Dirk Hartog Island and assist in the success of the “Return to 1616” Dirk Hartog Island ecological restoration project’.

The Co Owners of Lot 304 have endorsed the DHIBIP upon the basis that it was presented to them and will comply, follow and meet with the recommendations wherever possible.

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## MINUTES OF THE ORDINARY COUNCIL MEETING

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‘ The DHIBIP will be principally implemented by the Department of Parks and Wildlife through its staff, volunteers and contractors with the voluntary cooperation of freehold land owners, tourism operators, private lease holders, visitors to the island, Malgana people, the Shire of Shark Bay and the Australian Maritime Safety Authority by implementing the biosecurity measures outlined in the Dirk Hartog Island Biosecurity Plan(Astron 2012)

*Visitors, contractors, builders and staff will all be provided with pre-information sheets in regard to biosecurity matters and instructed on arrival as to the importance of ensuring that they do not bring any type of weed or seeds from the mainland when visiting the site. Additionally they will be instructed on the necessity of adhering to all tracks when moving over the development site and beyond and the necessity of complying with any biosecurity measure put in place by DBCA. This will include the requirement to ensure vehicles( if being barged over) also comply with any DBCA requirements and as recommended in the separate Biosecurity Plan attached.*

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020



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Australia

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Email: [info@mbsenvironmental.com.au](mailto:info@mbsenvironmental.com.au)

10 January 2020

To Whom it May Concern

**Re: Dirk Hartog Island, Lot 304 Sunday Island Bay Development Proposal**

I have read the Environmental Report (SU14-3(v) 2020) prepared by DHI Development Pty Ltd (DHI) as well as the accompanying Biosecurity Plan. We understand the Environmental Report has been prepared to address requirements of the Shire of Shark Bay related to development of ecotourism holiday accommodation units on Lot 304.

MBS Environmental has previously assisted DHI with referral of the project to the Commonwealth Department of the Environment (now Department of the Environment and Energy) and the West Australian Environmental Protection Authority. These authorities determined the proposal did not require environmental assessment under the *Environment Protection and Biodiversity Conservation Act 1999* and *Environmental Protection Act 1986* respectively.

The information contained in the Environmental Report is consistent with that presented to the Commonwealth and State environmental authorities and is an accurate reflection of the conservation values of Lot 304. The management and mitigation measures described have been specifically designed to avoid and minimise adverse environmental impacts and are consistent with the mitigation hierarchy of avoid, minimise and rehabilitate advocated by the West Australian Environmental Protection Authority.

The Biosecurity Plan prepared by DHI is also consistent with information previously presented to Commonwealth and State environmental authorities and the Draft Dirk Hartog Island Biosecurity Implementation Plan (2014) prepared by the West Australian Department of Parks and Wildlife (now the Department of Biodiversity, Conservation and Attractions).

Yours sincerely

**MBS Environmental**

**Kristy Sell**  
Managing Director

Shire SB Letter 2020 01 10.docx





MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

ATTACHMENT # 9

Summary of Submission	(Consultant) Comment	Officer
<b>1. Department of Water and Environmental Regulation (DWER)</b>		
The Department has identified that the proposal has the potential for impact on environment and/or water resource values and/or management. Key issues and recommendations are provided below:		
<p><b>DWER 1a.</b>  <i>Issue:</i> Waste produced calculations need to be based on maximum occupancy rather than the expected.  <b>Recommendation:</b> Provide detailed calculation for the maximum occupancy. The proposal needs to demonstrate that if the maximum occupancy is obtained that the systems can support the occupancy without causing water or environmental damage.</p>	1a.	Noted. There are concerns over the Waste Management Plan and lack of enclosed waste management facility / shed.
<p><b>DWER 1b.</b>  <b>Issue:</b> Bore water lacks information to support supply availability and suitability for purpose  <b>Recommendation:</b> The proponent has identified bores on the island but have no supporting information regarding the suitability and availability. As there is no information to support the use of these bores they cannot be considered as part of the water supply.</p>	1b.	Noted and agreed. The proposal lacks information on adequate servicing and endeavours to achieve individual servicing for each building envelope rather than coordinating servicing for future development.
<p><b>DWER 1c.</b>  <b>Issue:</b> Rainfall unreliable as a long term sustainable water supply  <b>Recommendation:</b> There is a record trend of declining rainfall across the region. There is no supporting information regarding the roof area available for rainwater capture for long term suitability or sustainable supply.</p>	1c.	Noted and agreed. No rainfall or tank size calculations have been provided.
<p><b>DWER 1d.</b>  <b>Issue:</b> Depth to groundwater not demonstrated  <b>Recommendation:</b> Further information to be provided on depth to ground water to determine if there is sufficient clearance from bottom of waste water treatment system, as per the Government Sewerage Policy. In addition given the location of the proposed development as a Sewage Sensitive Area adjacent to and within the Shark Bay World Heritage property, the Department recommends the installation of alternative wastewater treatment and effluent disposal systems as the preferred option.</p>	1d.	Noted and agreed. No quantified information on ground water is included.  The Government Sewerage Policy can require groundwater information for medium or larger scale proposals in close proximity to high value assets.
<p><b>DWER 1e.</b>  <b>Issue:</b> No land allocated for desalination plant   <b>Recommendation:</b> The proposal identifies desalination as a possible water supply, however there is no information regarding the siting of the infrastructure, the power supply</p>	1e.	Noted and agreed. No details on a desalination plant or timing have been provided.

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<p>or suitability of disposal site of saline waste water. The proposal needs to include this information for assessment regarding the suitability of this water source.</p>		
<p><b>DWER 1f.</b></p> <p>Issue: No information to support the safe transport or storage of fuels and chemicals onsite</p> <p>Recommendation: The proposal needs to include information regarding the storage and use of fuels and chemicals for onsite power, maintenance and servicing of accommodation.</p>	<p>1f. Noted and agreed.</p>	
<p><b>DWER 1g.</b></p> <p>Issue: No land allocated for power supply to support site</p> <p>Recommendation: As the proposal is a standalone off the power grid activity the proponent will need to include information supporting the supply of power to the site and its suitability to meet environmental and water protection measures.</p>	<p>1g. Noted and agreed.</p>	
<p><b>DWER 1h.</b></p> <p>Issue: Suitability of proposed building style on the Edel system</p> <p>Recommendation: The Edel system is coastal dunes, with narrow swales and limestone plains. Coastal dunes when disturbed are highly mobile and increase risk of dust and vegetation destabilisation. Earthworks for the buildings foundation increase the risk of dune destabilisation, information to reduce the risk of dust and dune destabilisation should be included.</p>	<p>1h. Noted and agreed. A geotechnical report may be appropriate.</p>	
<p><b>2. Department of Planning, Lands and Heritage (DPLH)</b></p>		
<p><b>DPLH 2a.</b></p> <p>The Department of Planning, Lands and Heritage (DPLH) has reviewed the Local Development Plan for Lot 304 Sunday Island Bay, Dirk Hartog Island and has recommended the below. Please note that this is a combined response from the Aboriginal Heritage, Strategy and Engagement (Coastal and Bushfire) teams.</p>	<p>2a. Noted.</p>	
<p><b>DPLH 2b</b></p> <p><b>Heritage</b></p> <p>A review of the Register of Places and Objects as well as the DPLH Aboriginal Heritage Database concludes that the works are not within the boundary of any known Aboriginal Heritage Sites or Places. However, the land in question has only been subject to one heritage scoping survey in 1995, and additional surveys such as archaeological and ethnographic heritage are required to determine if any Aboriginal heritage sites or places exist in the area. Once a survey has been undertaken DPLH can advise if any approvals under the <i>Aboriginal Heritage Act 1972</i> (AHA) are required.</p>	<p>2a. Noted.</p>	

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<p><b>DPLH 2c.</b></p> <p><b>Coastal</b></p> <p>The site is in an area identified in the Damara report 19 December 2019 (Ref: 281.02) (Damara Report) to be subject to coastal hazards in the 100-year planning timeframe. The Damara Report provides long-term management for the development including actions for retreat based on triggers.</p> <p>The Damara Report long term pathway for development is to avoid erosion and inundation risk until not viable, then moving into a managed retreat phase. The managed retreat is to be undertaken within the 33 building envelopes. The Damara Report identifies that erosion risk management is to be focused on beach access and dune management until retreat is required to be implemented. To avoid inundation risk, development is to be located landward of the 4.7m AHD contour. Given the vulnerability of the lot within the planning timeframe and the pathway identified in the Damara Report, the DA approval should be time limited. This time limit should reflect the vulnerability identified in the Damara Report and not exceed an initial approval period of the year 2070. Also, other conditions should be imposed on an approval to ensure compliance with and implementation of the actions identified in the Damara Report.</p>	<p>2c. Noted. The DPLH accepts the Damara report findings however recommends that a time limit be imposed on any approval to the year 2070.</p>	
<p><b>DPLH 2d.</b></p> <p><b>Bushfire</b></p> <ul style="list-style-type: none"> <li>• The proposal does not meet the definition for unavoidable development and should not be assessed as unavoidable.</li> <li>• As the proposal is a tourism development, it can be assessed against the <i>Position Statement Tourism Land Uses in Bushfire Prone Areas</i> (the Position Statement). The BMP should be amended to address the requirements in the Position Statement given it provides further guidance specific to tourism proposals and the development of performance principle-based solutions which the BMP does.</li> <li>• The Position Statement outlines: <ul style="list-style-type: none"> <li>1.2 Where a building is to function as an on-site shelter, there must be sufficient separation distance from the predominant bushfire prone vegetation to avoid exposure to a radiant heat flux exceeding 10kW/m<sup>2</sup> (with an assumed flame temperature of 1200K); or where an open space area is to function as an on-site shelter, there must be sufficient separation distance from the predominant bushfire prone vegetation to avoid exposure to a radiant heat flux exceeding 2kW/m<sup>2</sup> (with an assumed flame temperature of 1200K).</li> <li>1.3 Buildings identified as suitable for on-site shelter shall be designed and constructed in accordance with National Construction Code and the ABCB Community Shelter Handbook.</li> </ul> </li> </ul>	<p>2d. Noted. The Bushfire Management Plan is not supported and does not comply with State Planning Policy 3.7.</p>	

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<p>The buildings for sheltering on-site should be modified to meet the above requirements. In addition to this, the BMP includes action 14 in the Implementation Table which requires landowner/occupier to " Install and maintain demarcation of the Refuge Open Space area as depicted within this BMP to be used in a bushfire event." However, no information is provided in the BMP regarding the location or BAL rating for this refuge open space area. The refuge open space area should also meet the requirements of the Position Statement outlined above.</p> <p>Whether this additional clearing will impact on environmental considerations should also be addressed.</p> <ul style="list-style-type: none"> <li>• Further clarification should be provided regarding what the emergency response will be in the event of a bushfire.               <ul style="list-style-type: none"> <li>○ Although 10,000L per habitable building per unit is proposed, further clarification should be sought on how the water will practically be brought to the island, and how will the water be used in the event of a bushfire. Confirmation should be sought that the local emergency services will be attending the island/site in the event of a bushfire.</li> <li>○ Dirk Hartog Island is a National Park vested to DBCA. It should be clarified if DBCA involvement has occurred regarding how an emergency response may occur as it is understood that they do have their own processes for emergency response.</li> <li>○ The EEP includes section 2.1 Firefighting equipment, but it is unclear who will use this equipment to help defend people and property if they are required to shelter-on site. It is recommended that firefighting capabilities of the owner/operator are looked into while the occupants wait for emergency services to arrive.</li> </ul> </li> </ul>		
<p><b>DPLH 2e.</b> The DPLH also provided a list of conditions for the Shire consideration.</p>	2e.	Noted.
<b>3. Department of Fire and Emergency Services (DFES)</b>		
<p><b>DFES 3a.</b> DFES has not assessed the proposal based on the Department of Planning, Lands and Heritage Tourism Position Statement. DFES considers that the position statement provides for a lower level of protection from bushfire risk compared to SPP 3.7 and the Guidelines. DFES has assessed the proposal against SPP 3.7 and the Guidelines.</p>	3a.	Noted. The Bushfire Management Plan is not supported and does not comply with State Planning Policy 3.7.
<p><b>DFES 3b.</b> Tourism land uses, such as short stay accommodation, are considered a vulnerable land use as prescribed by section 5.5.1 'Vulnerable Land Uses' of the Guidelines. Vulnerable land uses located in designated bushfire prone areas require special consideration, especially as visitors</p>	3b.	Noted and Agreed.

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<p>may be unfamiliar with their surroundings and bushfire impacts.</p>		
<p><b>DFES 3c.</b>                      DFES previously provided a response to the BMP (Revision A) on 17 March 2020.                      The BMP has continued to consider the proposed development as 'Unavoidable Development', which is not supported by DFES.</p>	<p>3c. Noted. It is agreed that the development cannot be classified as 'unavoidable' under State Planning Policy 3.7.</p>	
<p><b>DFES 3d.</b>  <b>Vehicular Access</b>                      The intent of Element 3: Vehicular Access cannot be demonstrated at this location through the acceptable solutions. Access in two different directions to two different destinations, in accordance with the acceptable solution is not available.                       DFES notes that the BMP has proposed a performance principle-based solution (PPBS) to meet the intent of Element 3: Vehicular Access. DFES does not accept the proposed PPBS has demonstrated how the performance principle for Element 3: Vehicular Access (P3) has been achieved. P3 states:   <i>'The internal layout, design and construction of public and private vehicular access and egress in the development to allow emergency and other vehicles to move through it easily and safely at all times'.</i>                       The proposed PPBS does not address how safe and efficient evacuation of residents, whilst simultaneously providing a safe operational environment for emergency services, can be achieved.                      The performance principle-based solution proposed in the BMP does not provide for an alternative solution to the acceptable solution for A3.1 of the Guidelines and only provides justification for the non-compliance.</p>	<p>3d. Noted.</p>	
<p><b>DFES 3e.</b>  <b>Sheltering in Place</b>                      Care must be taken to avoid creating a perception that sheltering on site, within a designated refuge or open space, will provide a degree of protection that aligns with it being considered a first resort option.                      It is noted that sheltering in place may be the only option in the event of a bushfire. However, sheltering in place should only be a last resort when it is too late and too unsafe to leave.                       Evacuation should always be the primary action.                       Sheltering in place must be accepted as being a last resort option when it is no longer safe to evacuate to an area not prone to bushfire risk. It should be emphasised that sheltering in place is not a standalone solution to mitigating risk to life safety.                       Further justification is provided that the proposed buildings would be constructed to BAL-29. It is important to note BAL</p>	<p>3e. Noted. The Bushfire Management Plan places people's lives at risk as it does not allow for any safe evacuation or safe on site sheltering.                       The BMP proposes that visitors stay in accommodation units which are not built to such a high construction standard that it guarantees they are safe for sheltering in during a fire.</p>	

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<p>construction standards do not claim to constitute a refuge and have been shown to have a failure rate of around 10% during bushfires. Increased BAL construction standards should therefore not be incorrectly equated with a lower risk to life.</p> <p>Should the development be supported, it is critical that the Bushfire Emergency Evacuation Plan submitted is endorsed by the local government. Further consideration should also be given to the relevant parts of the Australian Building Codes Board Handbook and the ongoing management by the local government.</p>		
<p><b>DFES 3f. Unavoidable Development</b></p> <p>The BMP has considered the proposed development as 'Unavoidable Development', which according to SPP 3.7 <i>"represents exceptional circumstances where full compliance with this policy would be unreasonable; no alternative location exists; it is not minor development; and is not contrary to the public interest"</i>. Examples of what constitutes unavoidable development are provided in the Guidelines.</p> <p>The Guidelines state that an extremely limited number of proposals can be deemed unavoidable development and may include critical State infrastructure, development associated with the preservation of historical or cultural sites or emergency services.</p> <p>DFES does not consider the proposal to meet the definition of 'Unavoidable Development' and therefore should demonstrate compliance with the above policy measures.</p>	<p>3f. Noted. It is agreed that the development cannot be classified as 'unavoidable' under State Planning Policy 3.7.</p>	
<p><b>DFES 3g.</b></p> <p>DFES does not support the LDP due to non compliance.</p> <p>The Local Development Plan is not supported for the reasons outlined above, including:</p> <ol style="list-style-type: none"> <li>1. The proposal does not comply with the intent, objectives and policy measures of SPP 3.7.</li> <li>2. The proposed development would increase the bushfire threat to people, property and infrastructure at this location.</li> <li>3. The proposal does not comply with the bushfire protection criteria contained within the Guidelines, as detailed in the table(s) above.</li> </ol>	<p>3g. Noted.</p>	
<p><b>4. Department of Biodiversity, Conservation and Attractions (DBCA)</b></p>		
<p><b>DBCA 4a.</b></p> <p>The Department of Biodiversity, Conservation and Attractions (DBCA) is of the view that overall the LDP does not adequately address the planning issues for Lot 304 and surrounding areas, including the Shire of Shark Bay Local Planning Scheme No. 4 (LPS4) and Restrictive Covenant conditions that apply to Lot 304.</p>	<p>4a. Noted.</p>	
<p><b>DBCA 4b. COMPLIANCE WITH RESTRICTIVE COVENANT</b></p>	<p>4b. Noted.</p>	<p>Issues relating to the</p>

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<ul style="list-style-type: none"> <li>• DBCA notes that Lot 304 is subject to a number of restrictive covenants, including that <i>“the land may only be used for low impact eco-tourism”</i>.</li> <li>• The restrictive covenant defines low impact as <i>“low impact on the environment having regard to the number of tourists visiting the Land and the facilities and other services provided for their use”</i>.</li> <li>• In the context of the scale and density of the development, DBCA is not satisfied that the LDP demonstrates compliance with the covenant.</li> </ul>		<p>proposed land use, lack of information demonstrating it is an eco-tourism development, clearing and size of building envelopes are discussed in the agenda report.</p>
<p><b>DBCA 4c.</b> <b>BIOSECURITY MEASURES</b></p> <ul style="list-style-type: none"> <li>• The restrictive covenant for Lot 304 requires that any development <i>“fully comply with any quarantine management plan of any Governmental Agency relating to Dirk Hartog Island”</i>.</li> <li>• LPS4 conditions require that the LDP include information on how biosecurity measures to mitigate the risks of feral animal incursions and disease impacts to the Dirk Hartog Island National Park (DHINP) will be achieved.</li> <li>• The biosecurity plan included with the LDP appears to be largely copied from DBCA’s Biosecurity Plan for Dirk Hartog Island and does not clearly state the measures that will be taken on Lot 304 to achieve biosecurity requirements.</li> </ul>	<p>4c.</p>	<p>Noted.</p>
<p><b>DBCA 4d.</b> <b>VISUAL IMPACTS</b></p> <ul style="list-style-type: none"> <li>• The LDP does not clearly demonstrate that the proposed development will have an acceptable visual impact on the surrounding landscape, consistent with requirements of the Shire of Shark Bay LPS4 or with World Heritage values.</li> <li>• The LDP and Attachment D ‘Design Guidelines’ do not provide sufficient building design detail to demonstrate this has been adequately considered and addressed.</li> <li>• In March 2015, in relation to a previous development proposal for Lot 304, the Environmental Protection Agency (EPA) recommended; <i>“Prior to approval of the development application that a Visual Impact Assessment is to be undertaken consistent with the Visual Landscape Planning in Western Australia, published by the Department of Planning (2007). This Visual Impact Assessment should be undertaken in consultation with Parks and Wildlife”</i>. DBCA considers that this advice is equally relevant to the current proposal for Lot 304 and that the LDP should meet this recommendation.</li> </ul>	<p>4d.</p>	<p>Noted.</p>
<p><b>DBCA 4e.</b> <b>CONSISTENCY WITH PREVIOUS EPA ADVICE</b></p>	<p>4e.</p>	<p>Noted. The LDP does not address</p>



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<ul style="list-style-type: none"> <li>• The March 2015 EPA advice recommended the proponent expand the existing Foreshore Management Plan to an Access Management Plan, to address impacts to DHINP from construction and operation of the proposal. The EPA recommendations included:                             <ul style="list-style-type: none"> <li>○ Protocols to minimise impacts to DHINP during construction</li> <li>○ Protocols to minimise impacts to DHINP during operation through appropriate management of visitor access and recreation</li> <li>○ Monitoring and rehabilitation procedures and protocols for areas within DHINP that are disturbed as a result of the construction operation of the proposal, with a particular emphasis on the foreshore area adjacent to the development.</li> </ul> </li> <li>• The LDP and attached Foreshore Management Plan do not adequately address these recommendations.</li> </ul>	<p>matters relating to construction.</p>	
<p><b>DBCA 4f.</b> <b>PEDESTRIAN ACCESS THROUGH DHINP</b></p> <ul style="list-style-type: none"> <li>• DBCA recognises that there will be pedestrian access through the DHINP foreshore to enable access from the Lot to the beach.</li> <li>• DBCA has previously provided detailed advice to the proponent’s consultant (email 3 March 2020) concerning development of pedestrian access pathways. This advice included that proposed pedestrian access details be included in the Local Development Plan. The advice has not been addressed in the LDP and supporting documents, and they do not provide sufficient detail regarding proposed pedestrian access.</li> <li>• The statement in the Foreshore Management Plan that “DPaW (DBCA) have agreed that long term pedestrian access to the beach front (nearshore) over the fore shore will be negotiated with DPaW (DBCA) prior to human occupation following or during the completion of any proposed development” is incorrect.</li> </ul>	<p>4f. Noted. The LDP and / or foreshore management plan makes a statement that pedestrian paths will be agreed to with DBCA.</p>	
<p><b>DBCA 4g.</b> <b>VEHICLE ACCESS THROUGH DHINP</b></p> <ul style="list-style-type: none"> <li>• The Foreshore Management Plan attached to the LDP states that “<i>The only vehicles proposed to operate within the lot are Polaris style vehicles of 2,4 or 6 seat capacity. DPaW (now DBCA) has supported approval for the operation of these low impact vehicles within the National Park subject to DoT approval.</i>” This statement is incorrect. The advice provided by DBCA concerning an earlier development plan (2 February 2015) states: “<i>The proposal to discourage guests from travelling to the</i></li> </ul>	<p>4g. Noted, however there is no restriction on the number of vehicles that can access Lot 304 via the national park. It is known from consultation on previous developments that DBCA does not have an adopted policy on vehicle numbers and does not monitor</p>	

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<p><i>island by private vehicle is supported. DoT advice on the use of Polaris vehicles is pending".</i></p> <ul style="list-style-type: none"> <li>The Foreshore Management Plan states: <i>"Apart from agreed access over the foreshore via agreed and approved vehicle access routes there will be no permanent access over the vegetated foreshore area for vehicles apart from the agreed access track to the west of the lot."</i> The intent of this statement is unclear. DBCA will not support ongoing vehicle access over the foreshore through DHINP to Lot 304. Visitor vehicle access will only be permitted on the existing vehicle track.</li> </ul>	<p>vehicle within the park.</p>	<p>numbers the national</p>
<p><b>DBCA 4h. FORESHORE MANAGEMENT</b></p> <ul style="list-style-type: none"> <li>The Foreshore Management Plan provided as an attachment to the LDP does not adequately address how threats to the DHINP will be managed. For example, the Foreshore Management Plan outlines that the proponent intends to develop pedestrian access paths/raised boardwalks, physical barriers for pedestrians and shade shelter structures within the DHINP foreshore, however no specifications or design guidelines for these structures are provided.</li> </ul>	<p>4h. Noted.</p>	
<p><b>DBCA 4i. ATTACHMENTS NOT REFERRED TO IN THE LDP</b></p> <ul style="list-style-type: none"> <li>The LDP document does not clearly refer to the attachments as comprising part of the LDP. The LDP should refer to relevant attachments as forming part of the LDP.</li> </ul>	<p>4i. Noted.</p>	
<p><b>5. Shark Bay World Heritage Advisory Committee (SBWHAC)</b></p>		
<p><b>SBWHAC 5a.</b></p> <p>Whilst the proponent has a freehold lot that provides entitlement to certain rights and expectations relating to building on this site, it is located in the midst of both a marine park and a terrestrial national park, which are within the Shark Bay World Heritage Area (SBWHA). Hence, there are acceptable standards and general environmental principles that have to be considered. These are supported to a large degree by both State and Federal Government legislation and regulations.</p> <p>Therefore, the Committee's overall view is that a development on Dirk Hartog Island should adopt environmental standards of the highest order, which should apply equally to any developments on the island that the Department of Biodiversity, Conservation and Attractions (DBCA) may develop.</p>	<p>5a. Noted.</p>	<p>Whilst there may be landowner expectations for future development it should be note that: (1) The expectation may have been partially created by the Government when the freehold lots on Dirk Hartog Island were created and as a result of the existing</p>

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	<p>(2) restrictive covenant;</p> <p>Development is still subject to approval by the local government. The development has to address the Shires Scheme requirements and be guided by a comprehensive and clear Local Development Plan;</p> <p>(3) Bushfire requirements have changed over time and the proposal needs to demonstrate compliance with State Planning Policy 3.7.</p>	
<p><b>SBWHAC 5b.</b>  <b>Environmental Protection Authority (EPA) Referral</b>            Although the development is not a subdivision, it is proposing 33 units with accommodation for up to eight people per unit, allowing potentially 264 people, plus a project/site manager, family and 'visitors'.</p> <p>In 2015, a proposal for seven (7) accommodation units on this site was referred to the WA EPA with the decision at that time being 'Not Assessed: Public Advice Given'.</p> <p>Given the magnitude of the change to the initial proposal, it is significantly different to the initial proposal and the proponent carries the risk that the EPA would see the requirement for assessment of the proposed development differently. The Committee suggests that discussion and potentially referral to EPA would provide clarity.</p> <p>The same action should also be considered in regard to the Commonwealth Department of Agriculture, Water and Environment (DAWE), which previously considered the</p>	<p>5b. Noted. The proposed Local Development Plan is not supported at an officer level therefore in that circumstance referral to the EPA is a fairly mute point. If a new Local Development Plan is lodged in the future then the Shire may consider a new referral to the EPA.</p> <p>The onus is on the developer to undertake referrals to the commonwealth DAWE.</p>	

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<p>seven unit development proposal under the <i>EPBC Act</i> and deemed it 'not a controlled action'.</p> <p><i>Note – in many instances, although previous plans are designated as 'updated', there are very limited (if any) changes made from the 2015 submission.</i></p>	<p>If the developer concludes that the development might have a significant impact on any of these matters of national environmental significance, then they would need to apply for approval to proceed under the EPBC Act.</p> <p>This approval process under the EPBC Act would be in addition to any state or local government approval that might be required.</p>	
<p><b>SBWHAC 5c.</b></p> <p><b>Amended Local Development Plan (2020)- Taylor Burrell Barnett (TBB)</b></p> <p>TBB comments - The provisions in the LDP apply to guide development; building envelopes, siting and setback requirements, bushfire management, built form, building height, vegetation and landscaping, service infrastructure and management.</p> <p>With regard to building envelopes, Lot 304 is the subject of environmental covenants imposed by the Minister for Lands which must be adhered to by the proponents.</p> <p>TBB advised that the number of building envelopes shown on the LDP is nominal and not all of these may be able to be built on. Therefore, the number of building envelopes shown on the current plan may be amended, subject to approval by the local government.</p>	<p>5c. Noted. The LDP recognises the existence of the covenants.</p>	
<p><b>SBWHAC 5d.</b></p> <p><b>Bushfire Management Plan (2020) - Ecosystem Solutions</b></p> <p>TBB comments - Lot 304 is in a designated bushfire prone area. Landowners will be required to educate and inform all guests of the increased risks associated with bushfire when staying on a remote tourism/holiday accommodation development.</p> <p>SBWHAC comment - The bushfire and clearing assessment has been professionally prepared and provides suitable</p>	<p>5b. Noted, however the Bushfire Management Plan is not supported and does not comply with State Planning Policy 3.7.</p> <p>The DPLH and DFES do not support the BMP.</p>	

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guidance, but also some challenges for maintaining fire safety.		
<p><b>SBWHAC 5e.</b></p> <p><b>Coastal Risk Management Plan (2014) and Damara WA letter (2019)</b></p> <p>This plan refers to the management of hazards and impacts from coastal processes, which can influence cyclone impacts. It is noted that Cyclone Information Procedures have been prepared separately by DHI Developments (2018). The Damara letter addresses both erosion risk and inundation management. Noted that the current proposal for 33 building envelopes differs from the layout previously shown in plans assessed by Damara WA.</p>	5c. Noted. The Damara report was referred to the DPLH and examined by their Strategy and Engagement (Coastal) team. It is generally supported subject to some recommended conditions (such a limitation on any approval).	
<p><b>SBWHAC 5f.</b></p> <p>Ghvjg#Txlghdgv#5353,#GKI#Shyhcsp hqw#Sw# Ovg##</p> <p>As the units are planned to be via a staged construction over an extended period of time, what is the potential for additional construction impacts as a result of repeat access to the site by construction workers and equipment, etc.?</p> <p>What are the procedures for managing the guest experience, particularly the likely impacts to existing guests during second and subsequent construction stages?</p> <p>What procedures and assurances will be in place to maintain the overall aesthetics and unit conformity when there will potentially be a number of years between accommodation building periods?</p>	5d. Noted. The design guidelines are not supported at an officer level and are discussed in the agenda report.	
<p><b>SBWHAC 5g.</b></p> <p><b>Site and Soil Evaluation (2020) – Land Assessment Pty Ltd</b></p> <p>As the site is very exposed and presents some challenges in terms of visibility, control of wind erosion, and the numbers of people being catered for, it will require careful management of vehicles, boats and people access.</p> <p>The style of building, lights, maintenance, extensions, vehicle and boat parking could all make the site look “ramshackle” if not appropriately managed.</p> <p>The Site and Soil Assessment is an appropriate investigation and its recommendations should be followed.</p>	5g. Noted. There are concerns over the report at an officer level, and it is not supported by the Shires Environmental Health Officer.	
<p><b>SBWHAC 5h.</b></p> <p><b>Foreshore Management Plan (2014, updated 2019) – DHI Developments Pty Ltd</b></p>	5h. Noted. Separate comments have been provided by DBCA.	

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Summary of Submission	(Consultant) Comment	Officer
<p>The Dirk Hartog Island National Park was created in October 2009. It incorporates the 40 metre strip of UCL between the former pastoral lease boundary and high water mark (HWM). On the eastern, northern and southern (Sunday Island Bay) sides it adjoins the Shark Bay Marine Park at HWM and access via the national park will need to be negotiated between the proponent and DBCA.</p>		
<p><b>SBWHAC 5i.</b></p> <p><b>Environmental Report (2020) – DHI Developments/MBS Environmental Access</b></p> <p>A septic tank system for wastewater in a development located on primary dunes next to the sea presents a risk of nutrient escape. EPA statement <i>“the use of such systems does not comply with the EPA’s principles of best practice and continuous improvement as identified in Environmental Assessment Guideline 8. The EPA therefore does not support the installation of septic systems and instead recommends that Aerobic Treatment Units (or similar) are installed for on-site effluent disposal.”</i></p> <p>Furthermore, the Site and Soil Assessment states: “The use of a secondary treatment system with nutrient retention capability within all building envelopes would significantly reduce the risk of endangering public health or the environment”.</p> <p>The SBWHAC recommends that the proponent commits to the use of a secondary treatment system as per the Site and Soil Assessment recommendations.</p>	<p>5i. Noted. A secondary treatment system is the preferred option and the LDP does not commit to use of any ATU.</p>	
<p><b>SBWHAC 5j.</b></p> <p>#</p> <p><b>Biosecurity Plan (2020) – DHI Developments Pty Ltd</b></p> <p>The quarantine and biosecurity requirements adopted by DBCA rangers, researchers etc. should be at the same level as for this development. Refer attached ‘Dirk Hartog Island Biosecurity Implementation Plan’ (June 2014, revised January 2020), DBCA, Parks and Wildlife Service.</p>	<p>5j. Noted. Separate comments have been provided by DBCA.</p>	
<p><b>SBWHAC 5k.</b></p> <p>#</p> <p>Z dwn# dgdjhp hqw#5347/#Ksgdng#534&lt;, #GKI#</p> <p>Ghyh#rsp hqw#5w#Dvg#</p> <p>Waste management becomes problematic with larger numbers. This can be managed, but again, in keeping with the SBWHA and best practice principles, waste avoidance and minimisation needs to be committed to.</p> <p>The updated plan contains limited changes from the initial 2014 version. It requires a substantial update to comply with the Shire’s current operation of the Denham refuse site and waste disposal practices e.g. it doesn’t take account of the recyclables collection centre which alleviates the necessity to burn cardboard, papers, crush glass, etc.</p>	<p>5k. Noted and Agreed.</p>	

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Summary of Submission	(Consultant) Comment	Officer
<p>Given the unsatisfactory history of waste management on the island, this is an important part of the proposal, which this plan fails to address. The waste management plan is unsatisfactory, as it focuses on minimising the environmental impact of waste generation and disposal rather than preventing waste.</p> <p>The plan to deal with 'organic waste', generally about 50% of waste produced, is not adequate. It needs to be shown that other alternatives e.g. composting, have at least been considered before burning what could be large quantities of waste in a Cyclonic Incinerator, as this will have its own environmental impacts.</p> <p>It is stated that the Cyclo unit burns 18-45kg of waste per hour and will be used 'daily to burn, reducing the waste to ash'. The advertising for Cyclonic states '<i>Simply fill an open top 205 litre drum with rubbish, close the Cyclonic lid, plug in the power cable and light the waste. There is initially a little smoke, but once the Cyclonic turbo starts generating high force air into the unit, this creates a powerful cyclone within the unit, thus generating very high temperatures and eliminating 99% of any smoke</i>'.</p> <p>How much electricity will be needed? All these units will produce ash - a toxic product – what will happen to it? Any emission from incineration such as this is not healthy and should not be part of an eco-development.</p>		
<p><b>SBWHAC 5l.</b></p> <p><b>Management Plan (Updated 2020) – DHI Developments Pty Ltd</b></p> <p>The management model will require coordination of up to 33 different owners (via a council/committee of owners) through a manager. This management model represents a potential problem (for both the proponent and regulator) of who may be liable.</p> <p>No detail is provided on how the additional vehicle and people numbers will be managed to retain the outstanding wilderness and natural values of Dirk Hartog Island. Nor does the plan address the ecotourism zoning of the area.</p> <p>#</p>	<p>5l. Noted. The Management Plan is not supported at an officer level and is discussed in the agenda report.</p>	
<p><b>SBWHAC 5m.</b></p> <p><b>Staged approach to accommodation development</b></p> <p>Are planning and mitigation strategies necessary if there is the potential for additional construction impacts as a result of repeat access to the site?</p> <p>What assurances exist to maintain the overall aesthetics and that unit structures remain within the design guidelines, if there are a number of years between accommodation build stages?</p> <p>#</p>	<p>5m. Noted. It is not considered that the LDP and Design Guidelines provide sufficient guidance for future development, which is discussed in the agenda report.</p>	



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Summary of Submission	(Consultant) Comment	Officer
<p><b>SBWHAC 5n.</b> # <b>Visual Impact</b> The Shark Bay World Heritage Landscape Study (2001) identified areas of DHI in terms of sensitivity zoning, with the visual impacts of any construction to be carefully considered with particular regard to colours and designs which minimise visual impacts. The SBWHAC subsequently commissioned the development of a DHI Colour Palette to be used for the trim, roofs and walls of buildings on the island. It is recommended these be adopted.#</p>	<p>5n. Noted. It is open to the Shire to require a visual impact assessment as part of the LDP.</p>	
<p><b>SBWHAC 5o.</b></p> <p><b>Additional Information Required</b> The increased scale of development and the management documents provided have raised a number of queries for the Committee. Additional information on how the following should be managed is required.</p> <ul style="list-style-type: none"> <li>• It is unclear which access tracks marked on various site maps are identified for what access purpose, i.e. vehicle, pedestrian or both?</li> <li>• Assuming some guests will arrive by vehicle, what vehicle parking envelopes are planned i.e. at each unit or common carpark area?</li> <li>• What are the site aesthetic considerations for vehicles i.e. will they be hidden behind units?</li> <li>• Which predicted stage of development will see the use of raised boardwalks and/or the removal of car access and site access by ATVs only?</li> <li>• What provisions are made for minimising light pollution from lighting systems on the property?</li> <li>• What are the guidelines determining species, planting, landscaping and reticulation?</li> <li>• Will boat launching be permitted from the beach?</li> <li>• What guidelines or requirements are there for visitors arriving by private vessel?</li> <li>• What are the requirements for boat storage overnight i.e. beach anchor, mooring or retrieval?</li> <li>• What trailer turn-around space considerations have been made?</li> </ul>	<p>5o. Noted.</p>	
<p><b>SBWHAC 5p.</b></p> <p><b>General Comments</b> The proposed development is significantly scaled up from that of existing accommodation on the island and the proponent must provide a much higher degree of management to reflect this.</p> <p>The proposal appears more focused on the economic outcome of the development, rather than the environment</p>	<p>5p. Noted and Agreed.</p>	

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<p>impacts. The accommodation to be provided will be part of a coordinated development aimed specifically at promoting the economic sustainability of the site.</p> <p>Water is critical – and this part of the proposal also lacks detail. There are plans to use a combination of rainwater (the annual rainfall for DHI is limited and what are the predictions for the impact of global warming?), desalinated ocean water and groundwater from existing wells at West Wells and Two Wells.</p> <p>The proposal gives no indication of how groundwater supplies will be impacted, whether this is feasible, what will be required to pipe water from these wells and how much water would be needed? Desalination plants have a brine discharge component that must be carefully located and managed and there is no information provided on this.</p> <p>The International Union for the Conservation of Nature (IUCN) guidance document provides guidelines and some examples of compatible developments within World Heritage Areas and may be of assistance to the proponent – see Attachments.</p>		
<p><b>SBWHAC 5q.</b></p> <p><b>Recommendation</b></p> <p>The concept of developing Lot 304 has been progressing for many years now and there would likely be benefits for the proponent, the Shire of Shark Bay and the local tourism industry in having an agreed basis to progress this proposed development.</p> <p>However, the SBWHAC considers that there is insufficient information and assurances provided by the proponent in this LDP to ensure that the principles of a high-quality, sustainable, eco-tourism development (<i>ecologically sustainable tourism with a primary focus on experiencing natural areas that foster environmental and cultural understanding, appreciation and conservation</i>) can be achieved.</p> <p>Therefore, the current LDP is not supported by the Committee. #</p>	5q.	Noted.
<p>Vxep lvrlrq# #v# #qfoxghg# #v# #vhsduw# #dwfkp hqw Qr#131#</p>		

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ATTACHMENT # 10



PO Box 1570,  
Geraldton WA 6531  
☎ 0459 186 171  
✉ Admin@waplanning.com.au

17 July 2020

Shire of Shark Bay  
PO Box 126  
DENHAM WA 6537

Attention: Chief Executive Officer – Mr Paul Anderson

Dear Paul,

**PROPOSED LOCAL DEVELOPMENT PLAN – LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND**

WA Planning & Logistics writes on behalf of the owners of [REDACTED] in response to the proposed local development plan outlined within the Shire's correspondence dated 19 May 2020.

There are a number of concerns in relation to the proposed Local Development Plan, some of which are considered grounds for a refusal of this application, and at the very least a dramatic modification to ensure that the development actually meets the definition of 'ecologically sustainable tourism'.

This application has the potential to set a precedent for all future freehold development and we are highly concerned that this application represents development that is neither suitable or desirable for this pristine location.

We understand that the lot has potential for development, however both the Shires Scheme and the fundamental requirement stipulated as a Covenant Burden on the registered title require that the development be only for the purpose of ecologically sustainable tourism and that development be of a low scale and high architectural standard.

This is a World Heritage Listed property and a proposal for development needs to reflect this status and be of such a standard that there is absolute confidence that the development will not detrimentally and irrevocably damage the environment and bring about a continual compliance and degradation nightmare which could have been avoided with careful and considered planning for the area.

It is considered that the Local Development Plan as presented should be refused on the grounds that it does not satisfy the objectives and conditions of the *Shire of Shark Bay's Local Planning Scheme No. 4*, and for all of the reasons presented collectively. Should Council consider approving the Plan (subject to substantial modification), it is respectfully requested that the number of building envelopes and holiday units be substantially reduced, so as to support the conservation values and priorities of the highly significant, and ecologically and biologically important, reserves upon Dirk Hartog Island and the wider Shark Bay Marine Park and World Heritage property.

[www.waplanning.com.au](http://www.waplanning.com.au)

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We believe the proposed development of this size and scale and set within such an environmentally sensitive area should have the highest degree of assessment and development standards applied.

We believe this application requires significant reconsideration and would seek the further opportunity to be able to comment on any revised submissions to the Shire in relation to this proposal.

Trusting that this correspondence and the enclosed information meets with your requirements, however, should further information be required please do not hesitate to contact Kathryn Jackson from WA Planning & Logistics on 0459 186 171.

Yours faithfully,



Kathryn Jackson  
Town Planner & Bushfire Consultant

26 AUGUST 2020

1. **Local Planning Scheme**

1.1 **Does not meet the objective of the Special Use 14 zone**

The property is zoned Special Use Area 14 under *Local Planning Scheme No. 4*. The Scheme states that:

*"The objective of this zone is to provide for eco-tourism development."*

The Scheme defines 'ecotourism' as:

*"ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation."*

Condition 7 of the zone specifically states that "Any development or Local Development Plan shall demonstrate alignment with the objective of the zone".

The Local Development Plan and accompanying information does not demonstrate alignment with the objective of providing an eco-tourism development.

Some of those factors that **do not warrant** this development as **ecologically sustainable**, noting that this list is not exhaustive, but representative of some of those factors that cause this proposal to be unacceptable. The development is not considered ecologically sustainable due to the:

- **Type of Development:** no clear reference as to the land use that will be applied to the Local Development Plan, only an indication that it would involve short term accommodation. This can be considered under the land uses of 'holiday home', 'tourist development' or 'workers accommodation' under SU14. Each of these involves different considerations to ensure that the surrounding supporting documentation clearly defines and regulates the permitted land use in a way that meets with the ecologically sustainable requirement as well as high quality developmental standards.
- **Defacto subdivision:** The proposal is essentially being rolled out like a strata development where individuals can gain control over a building envelope and then develop when and how they like, which at the moment is only governed by very vague and insufficient guidelines.
- **Complete assessment not possible:** A development upon this lot should not be allowed to have individual applications made in a random manner for each building envelope. This would make difficult an accurate assessment against the Schemes requirements as one would not be seeing the complete development with the level of information required to make an informed decision.

An application needs to demonstrate the full development potential being proposed with plans and supporting information so that it can be assessed against the Scheme properly. You cannot assess a development for its ability to be low scale, have a high architectural standard, be ecologically sustainable if you don't know what's going to



be built, when it will be built, in what order it will be built and how any of it will look as a complete development.

A visual impact assessment is necessary as part of this assessment to show scale and bulk is absolutely necessary to provide a complete picture of what the lot will look like completely developed to the full extent of the proposed LDP.

Staging: It should need to be a staged development where plans for the entire lot are submitted, assessed and approved and then individual buildings can be built in stages but in accordance with an overall plan.

This would ensure that the development is undertaken in a predetermined manner to ensure has connection to each other and appropriate measures to prevent environmental damage.

- **Scale of development:** This is a large development. The allocation of 33 building envelopes that will contain holidays units which may comprise of two-storey developments, up to 33 x 10,000L water tanks plus additional water storage requirements, service areas, ad-hoc outbuildings, parking areas, access roads. This is not a low scale development and requires much more oversight to make it even begin to look and produce ecologically sustainable outcomes.
- **Design Guidelines:** The design guidelines are inadequate and do not demonstrate strict design controls. This has the ability to become an ad-hoc assortment of buildings where the Scheme clearly states that development needs to be cohesive and informed by a Visual Impact Assessment and produce guidelines that actually represent high architectural standards and low scale development.
- **Scale of clearing:** To implement construction of the built form and the requirements of the Bushfire Management Plan and Asset Protection Zones essentially the majority of the lot will be cleared. For such a pristine and environmentally sensitive area almost full-scale clearing of the lot is not considered an acceptable design approach for any development and does not represent that kind of development that should be supported as being ecologically sensitive.
- **Large number of people:** As each unit can have up to 8 people then at maximum capacity there would be 264 people onsite. This number of people is substantial, and this contends that there needs to be an even greater emphasis on the design guidelines, waste management, foreshore management and other documentation. It is not considered that the LDP has been written in a way that would support this number of visitors in a sustainable way.
- **Large number of vehicles:** (33 units with up to 8 people is 2 cars per unit = 66 cars). This number of cars need to be parked and traverse the tracks of the island. This is a significant increase from the number of vehicles currently permitted by DBCA. One document speaks to the use of Polaris vehicles however with no central management body how would this be managed and controlled, how many Polaris vehicles to accommodate this number of people onsite, where would they be garaged, fuelled and maintained?

- **Impact on Marine Park:** With the number of visitors it is considered that there needs to be strict guidance on the interaction with the foreshore and marine park areas. Hundreds of additional people being brought into a pristine location to recreate along the foreshore and fish will have a significant impact on marine life. This interaction with guests to the surrounding area needs to be addressed as part of any application as it goes to the heart of any application being environmentally sensitive and sustainable as a tourism venture.

The scale of the development, lack of direction for built form and potential for a large number of visitors coupled with emissions (noise, dust, light, rubbish, nuisance, pollution to name a few) is not acceptable and does not demonstrate an understanding of the fragility of the environment and the need for ongoing oversight to ensure ongoing environmental protection and observation of the arising needs of the location. As a consequence, we believe a more coordinated, ecologically sustainable and strategic approach to the development of the land is necessary to provide confidence in the project. Without these being in place the Local Development Plan should be refused.

**1.2 Does not meet the requirements of the conditions of Special Use Zone 14**

Many of the required supporting information documents that are to form part of the LDP and gain their enforcement through the Scheme are inadequate in their form and content and does not address the main contention of any proposal development; can the proposal be considered ecologically sustainable tourism and are there sufficient guidelines to ensure that the site is managed and maintained to a high standard in perpetuity for this purpose.

The conditions of Special Use Zone 14 require high architectural quality and low scale which has not been adequately addressed within the Design Guidelines or other documentation. A Visual Impact Assessment has not been supplied and therefore underlines our concerns in relation to providing an LSP and Design Guidelines that actually take into consideration the landform characteristics of the site and provide a sensitive and considered design outcome in terms of the siting of built and ancillary structures, density, scale and building design and materials. Two storey developments in particular could not possibly be considered low scale, and any approval should limit the height of all buildings to one storey development.

Comments on the supplied documentation provided in further detail below.

**1.3 No Land Uses specified in conjunction with Local Development Plan**

It is seen as a fatal flaw of the Local Development Plan that there is no indication as to the future land uses that are to be applied to the area for its development. There is a significant difference between considering this LDP for future 'workers accommodation', 'tourist development', 'camping ground' 'fuel depot' or 'shop' or any of the other land uses listed for SU14.

This is vitally important to being able to rationalise how these uses would fit with the design of the Local Development Plan, to create documentation and design guidelines that reflect the intended built form and to accurately assess the proposal in terms of potential impact, emissions, servicing levels and ultimately determine whether this indeed meets an 'ecologically sustainable tourism' development.



If specific land uses are not to be identified for the LDP, then the LDP needs to address all permitted land uses that can be applied for.

Without a clear indication of this the Local Development Plan should not be supported.

2. **Restrictive Covenants**

The restrictive covenants for this property are between the owner(s) of the lot and the Minister for Lands. Although the local government has no enforcement mechanism for the covenants, we suggest that it is still important that there is written evidence that the Department of Lands has been consulted and are supportive of this application.

In relation to the covenants the LDP is seeking 33 units which is the maximum permitted under listed covenant (b), however it is clear that any application is required to meet all covenants. This ratio was given as a maximum for development of the property, not that this is the number of units that the Minister for Lands, or local government, is forced to accept. The application must still demonstrate that it is:

- 'low impact' - means low impact on the environment having regard to the number of tourists visiting the land and the facilities and other services provided for their use
- 'eco-tourism' – means ecologically sustainable tourism with primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation.

The spread-out arrangement of the building envelopes causes unnecessary environmental damage compared to other design options that would see clustered development that has the potential to drastically reduce the built form footprint, thereby significantly reducing the level of clearing required.

The LDP does not present itself any different than any other typical accommodation facility which is evidenced in the design of the LDP with a basic staggering of building envelopes with little to no design control or expectations. The vast clearing of remnant vegetation to produce a sprawling development across the site is not low-impact and the lack of environmental controls for the interaction between guests and the adjacent foreshore area and marine park does not satisfy the eco-tourism requirements of listed covenant (a).

If this was a lot within a standard townsite then this would be sufficient, however the application is within a world heritage listed property in an environmentally pristine location where it is clear from the covenants (and SU14 requirements) that a greater expectation for development is envisioned for this lot.

3. **Local Development Plan**

In relation to the provisions listed on the LDP we comment as follows:

***Building Envelopes***

LDP lists types of ancillary development but does not speak to what the predominant use of the land will be in line with those uses that are permitted under the SU14 zoning.

There will definitely be clearing outside of the building envelopes such as firebreaks, strategic breaks and access tracks. There is also a requirement for a 11m cleared or managed area around each habitable building which will extend the clearing beyond the building envelopes.

No Visual Impact Assessment has been undertaken and therefore the location of the building envelopes has not been undertaken with the view of the overall potential impact in terms of appearance, density and scale across the Lot.

***Bushfire Management***

To meet the requirements of Schedule 1 of the Guidelines for Planning in Bushfire Prone areas this will involve a large amount of clearing given the current vegetation type of Class C Shrubland. This level of clearing is considered unsatisfactory given the pristine location of the lot and the way this will impact on the visual appearance of the development within the landscape.

Further comment on the BMP documentation provided below.

***Building Form, Height and Vegetation and Landscaping***

The Current form of the Design Guidelines is inadequate and does not satisfy the requirements of the Scheme that a development needs to be ecologically sustainable, low scale and sympathetic to the surrounding landscape.

The Design Guidelines need to be informed by a Visual Impact Assessment and provide for development of a high architectural quality that the Scheme requires. An essentially box shaped, flat packed, insulated wall panelled building does not fit this requirement in our opinion. Colours that match the surrounding landscape does not automatically blend a development into its surrounding context, it takes innovative design and placement of buildings to produce a development that provides for an overall cohesion of built form and natural environment.

There also needs to be much more consideration on the placement of ancillary buildings, solar panels, rainwater tanks and parking so the development does not look ad-hoc and unorganised.

The Design Guidelines are currently a long way from providing confidence that multiple landowners will be able to construct their own interpretation of the guidelines whilst providing for a development that has high architectural quality.

***Servicing Infrastructure***

Needs to be more supporting information in relation to water and power for each site given the sites remote location. Water is used for both a potable supply and firefighting and it needs to be clear how the supply is maintained and recharged given the limited rainfall. Information pertaining to water use amounts, quality and availability should be included especially given the scale of the development and some 200 people drawing on these supplies in peak season.

**Vehicle numbers**

The *Local Development Plan* denotes 30 different building envelopes proposed to accommodate up to 33 separate holiday accommodation units. Each holiday unit is proposed to accommodate between 4 and 8 persons. Given that the typical 4WD vehicle cannot accommodate 8 persons plus holiday luggage, it is assumed that those 8-person units at capacity would require a minimum of two vehicles. It is further noted that the DBCA limits for overnighting on non-freehold land is 20 vehicles per day, which equates to 20 vehicles per day across a 62,000ha land parcel. Comparably, the proponent is ultimately requesting support, by means of lodging this *Local Development Plan*, for 33+ vehicles upon an 11.295ha lot, which mathematically is 5,000+ times smaller than the non-freehold land, which only allows 20 vehicles.

It is likely that users of each separate accommodation unit would bring a vehicle (as transportation of holidaying items such as fishing and diving equipment and food is usually required), and therefore it must be assumed that if 33 building envelopes are approved to accommodate up to 33 holiday units as per this proposed *Local Development Plan*, then this will require up to 33 (or more) vehicles being granted permission and additional permits to traverse Dirk Hartog Island on a daily basis.

With regard to this excessive increase in vehicle numbers, it is considered that this is in direct conflict with the environmental and biodiversity aims and activities of the island, such as the reintroduction of endangered species onto the island, the need to protect the future habitats of these introduced species and the need to protect native species, such as the endemic southern emu wren and the Western spiny-tailed skink which is listed as threatened under the Wildlife Conservation Act and endangered under the EPBC Act. The *Draft Dirk Hartog Island National Park Interim Management Guidelines for Necessary Operations 2010* states:

*"Any development of the freehold lots on Dirk Hartog Island as eco-tourism accommodation will lead to increased numbers of visitors staying overnight on the island. This could result in pressure for increasing vehicle numbers on the island. However, more vehicles are likely to have a negative impact on the track conditions and potentially affect the ecological restoration project."*

Increasing the allowed 4WD vehicle numbers increases the risk of damage to vegetation and of maiming and killing some of the island's unique animals as roadkill. The conservation aims of the island and wider World Heritage property, having highly significant zoological and biological importance, should not be compromised in the pursuit of economic and tourist development.

It is still unclear as to the total number of vehicle permits that will be issued daily to access Dirk Hartog Island. Whilst the *Draft Dirk Hartog Island National Park Interim Management Guidelines* cites 10 vehicles per day, it is understood that this has since increased to 20 vehicles.



Notwithstanding this, further advice given is that the 20 vehicle limit does not include private vehicles garaged on freehold land or visitors' vehicles overnighting on freehold land. How is this then to be managed now and in the future, given that this is one of four freehold lots on the island that has the potential to be developed further? Each freehold site could potentially add an additional 30 + vehicles traversing the island so over an additional 100 + cars a day. It is considered that this significant increase needs to be strategically aligned to the DBCAs plans for the land to ensure that this number of vehicles can be sustainably managed to limit impact on the environment and that safety measures (i.e. overtaking and parking areas) can handle this increased capacity.

A clear position on the total number of vehicles allowable on Dirk Hartog Island (National Park property + Private property) must be determined and stated by DBCA.

**Guest numbers**

It is noted again that each holiday unit is proposed to accommodate between 4 and 8 persons. 33 sites x 8 guests = 264 persons capacity per night. This is a substantial number of people, creating a significant amount of waste and, no matter how well-meaning or planned, will impact on the surrounding environment.

Based on the current LDP and proposed management supplied it is not considered that this high level of occupancy can be supported on the site in a sustainable way. An appropriate restriction on the number of persons allowed per unit should additionally be applied should the proposal be entertained to better reflect the level of management and design elements being proposed.

**Safety**

There are a number of safety concerns in relation to the information provided and this *Local Development Plan*. It is noted that many tracks on Dirk Hartog Island are the width of one vehicle, and although passing can be achieved, it does increase the potential for accidents (as well as damage to vegetation and wildlife). The substantial increase in visitor numbers (as a result of a development of this scale) would also increase risk across the whole of the island, which has a very restricted ability to provide timely emergency service responses due to the nature of the location. Rock fishing along the west coast has a record of being particularly dangerous and has resulted in a number of serious injuries in the past - dramatically increasing visitor number is only likely to exacerbate this problem.

**Emissions**

Emissions in terms of those created by visitors need to be sufficiently addressed. 200 + people onsite will generate a significant amount of emissions that need to be managed in a practical and environmentally sensitive way. Waste management which includes the burning of rubbish does not seem like an ideal solution for waste management. There is insufficient information regarding other emissions such as light, noise, dust, odour which has the potential to affect the development and surrounding environment.

4. **Design Guidelines**

The overall sense of the LDP is that of an ad-hoc arrangement of building envelopes, individually developed with a haphazard management arrangement. The Design Guidelines do not provide for development of high architectural standard and does not provide elements that ensure that any future built form would blend and complement the existing natural environment and landforms.

The suggested box shaped constructions with use of insulated wall panels does not provide confidence that development will be held to a high account for quality and aesthetics. In the absence of strong, well considered design guidelines the area will quickly take on a 'thrown together' appearance. Built form needs strict and precise requirements to ensure that buildings and ancillary structures are well laid out and provide a high standard of cohesion for the overall development of the lot.

The majority of the site will be cleared of vegetation with a bare sand, so careful integration of landscaping, raised walk platforms and trafficable areas for vehicles and pedestrians need to link users to recreation areas and provide access without disturbing further vegetation and fauna. The LDP and Design Guidelines are vague and non-committal in an attempt to provide more options for each potential person developing each individual building envelope.

This is not a de-facto subdivision. This is a world heritage area and any eco-tourism development needs to reflect the ecologically sustainable objectives and demonstrate an accommodation facility that reflects a coordinated and well managed tourism activity.

Improved Design Guidelines are required that at a minimum are informed by a Visual Impact Assessment and provide for photo montages (or similar) of specific examples of acceptable development for the area at the density proposed for the site. Without this you cannot determine whether 1) the density of development is appropriate for the site 2) the design of the buildings is appropriate for the location 3) that design is of a high architectural standard, and 4) that the development appears low scale. This needs to include all ancillary structures such as solar panels, rainwater tanks, shed and parking at a minimum as this will be relevant to each building envelope and significantly contributes to the overall scale and bulk of development upon the land.

5. **Site and Soil Evaluation**

It is noted that each holiday unit proposes to have its own separate onsite effluent disposal system. The *Site and Soil Evaluation* highlights the inappropriateness of a primary treatment system upon the lot, however there are also concerns with regards to use of any secondary treatment system, given that the *Coastal Risk Management Plan* demonstrates that a managed retreat will be required in the future in the event of sustained coastal recession, which is probable.

It is further noted that the *Site and Soil Evaluation* identifies two sample areas having a "Low Capability" of supporting onsite effluent disposal, however then continues to suggest that "due to the relative consistency of the soils, the topographic units ... provide an appropriate geomorphic framework for land capability assessment ... and it is unnecessary to conduct a specific site and soil assessment at each and every proposed building envelope."



Further, and contradictorily to this previous statement, it is noted within the report that the “underlying limestone layer encountered at site 2 within the lowest portion of Lot 304 could be part of a more extensive rock platform” (noted at page 22). Based on this information, it is considered that there may not actually be “relative consistency of the soils” as has been stated. Noting that the lot is located within a “sewage sensitive area” and within a World Heritage Property and in very close proximity to the marine environment, it is considered inappropriate to draw conclusions about each envelope’s land capability without individual assessment, and therefore each building envelope should have a specific site and soil assessment, taking into account the CRMP and managed retreat implications noted within that CRMP.

6. **Environmental Report**

It is noted that the *Environmental Report* suggests that the development proposes to maintain a “small footprint”, be “low impact” and “low scale”. Whilst the holiday units are to be restricted to 90m<sup>2</sup> each, the building envelope (that is likely to also accommodate additional things such as parking areas in compliance with Scheme requirements, outbuildings, service areas, firebreaks, landscaped areas, rainwater tanks and other ancillary structures such as solar panels etc) as well as the Asset Protection Zone (as required by the *Bushfire Management Plan*) will have a much larger footprint than the 90m<sup>2</sup> per unit cited within the *Environmental Report*. It is questionable as to whether this would, therefore, meet the definition of “small footprint” and “low scale” as described within the proponent’s *Environmental Report*. This is also not taking into consideration the probable future requirement for a managed retreat from the coastline, which will have further impacts upon the natural environment as asset protection zones and building envelopes are potentially pushed back towards the lot’s boundary and away from the receding coast into the natural bushland areas, in conflict with important conservation principles and values.

One large oversight of the Environmental Report is the omission of any references to water use and sources. The BMP states that each holiday accommodation unit will have a 10,000L water tank and that this water will be dedicated for firefighting purposes. It is known that the rainfall within this area averages only 200mm per year, therefore it is questionable how water will be sourced for (a) firefighting to achieve the BMP requirements, (b) potable water and (c) non-potable household water uses. It is noted that the nearest existing groundwater sources (bores) are a substantial distance away. Is groundwater available within the immediate location? Is water sufficient to accommodate all of the above requirements? What impacts will the drawing of this water have upon the natural environment? Will desalination be required? Is this feasible for a 33 unit development and how will it be achieved and managed so as not to cause further environmental implications?

7. **Waste Management Plan**

There are also further concerns in relation to waste management. The *Waste Management Plan* states that glass/bottles will be crushed to be used for “building materials and/or fill”. It does not specify what those building materials are required for on Dirk Hartog Island, nor where the fill will go. A more environmentally sustainable option would be recycling, which is likely to be available within Western Australia towards the latter quarter of this year.

There are significant concerns regarding the fumes, smoke and pollution impacts of burning up to 33 households of waste daily, particularly to the onsite units and adjacent properties. Odour, smoke and pollution impacts have not been addressed in any detail anywhere within any reports and this is an oversight that it is considered needs addressing.

8. **Management Plan**

The *Management Plan* includes references to landscaping such as "lawns, gardens, trees, shrubs, plants, garden water and the water reticulation system". It is noted that this is in conflict with the *Biosecurity Plan* and the *Local Development Plan* itself that does not support the introduction and use of non-indigenous plant species such as lawn. The use of reticulated water systems is also unwarranted, as endemic species should not require reticulated watering and this will place further unnecessary stresses upon onsite water usage and capacities.

Of great concern is the ability of the proponents to effectively manage the island's biosecurity requirements for such a large number of additional temporary guests. With the potential of having up to an additional 33+ vehicles visiting Dirk Hartog potentially twice weekly, the management of biosecurity requirements would become burdensome at best and overlooked or unsupervised/unmanaged by the co-owners at worst. The latter would not be acceptable given the significance of the site and region, and accountability should need to be proven for any *Local Development Plan* to be considered.

9. **Bushfire Management Plan and Evacuation**

**Fire safety** is also of significant concern in relation to the proposed *Local Development Plan*. It is noted within the BMP that the proposal cannot achieve several of the **Acceptable Solutions** of Element 3 of the Bushfire Protection Criteria relating to Vehicular Access, as required by *State Planning Policy 3.7*, and therefore performance principles have been considered and addressed within the report. The report cites that the proposed *Local Development Plan* is:

*"unavoidable development within a remote location and compliance with SPP 3.7 is not possible". The definition of unavoidable development is "development that, in the opinion of the decision-maker, represents exceptional circumstances where full compliance with this policy would be unreasonable; no alternative location exists; it is not minor development; and is not contrary to the public interest."*

It is argued that the proposed development IS contrary to the public interest, and the interest of adjacent landowners and other landowners and stakeholders of Dirk Hartog Island and the wider World Heritage Property for all of the reasons outlined within this document.

It is further argued that the proposed *Local Development Plan* does not represent "exceptional circumstances". In this regard, the precautionary principle should be taken, as there is a clear lack of certainty that the potential for significant adverse impacts can be adequately reduced or managed. For example, the *Emergency Evacuation Plan* is based on the assumption that "*Guests can read and understand the English language*" (cited on page 32), therefore there is a fatal flaw in the BMP that, in the event of a fire, all guests will know to shelter within their accommodation rather than try to flee the fire, because not all guests are likely to speak or read English, and therefore they may not understand the instructions provided to them.



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With a better design for the LDP it would be possible to integrate a safer evacuation solution such as an area of lower radiant heat impact containing a communal building or fire shelter. To expect visitors to flee a burning building and move to the next is not practical and dangerous given the number of people that could be onsite at any one time.

The environmental impact of implementing the BMP is also considered too great in this instance. Shrubland is required by Schedule 1 to only be in clumps no larger than 5m<sup>2</sup> with 10m between clumps. There needs to be an acknowledgement that this will leave large bare patches of sand that will be subject to wind, water and mechanical erosion (vehicles and pedestrians) and that a suitable material or landscaping solution will be required to provide stability but also comply with the Asset Protection Zone requirements.

Asset Protection Zones will extend beyond the building envelope boundaries and in some cases into the neighbouring building envelopes. That is why we are suggesting that a more coordinated and strategic approach is necessary for the development of the lot which can clearly articulate the location of future built form, walkways, firebreaks, landscaping (where necessary for beautification or soil stability) so that an assessment of the true impact of the development can be made. The current form of the documentation requires compliance with the BMP and therefore the clearing of majority of the site but has not provided clearing or revegetation plans as the development of each building envelope has been left so open and ambiguous.

**10. Marine Park Impact**

The LDP focus appears to be almost exclusively directed at how the LDP impacts the terrestrial environment while we believe attention must also be directed at how the LDP would impact the adjoining Marine Park.

Sunday Island Bay ('SIB') is unique in that it is the only significant eastwards facing bay along the western coast between Exmouth and the deep south of WA. It is largely protected by a shoal that extends northwards from the southern end of SIB and the relatively small fetch to the east results in this bay being protected and a haven for a rich diversity of fish species. In the near proximity to Lot 304 are a rich assortment of coral species which appear only to occur in the northern proximity of the bay.

The owners of Lot 305 have carried out some limited marine research in SIB (see attached Thesis Note 2) however a much more detailed assessment needs to be carried out in order to understand the consequences of a heavy human footprint on the marine ecosystem in proximity of Lot 304.

Our primary concern is that should the owners or users of dwellings in Lot 304 not be 'low impact tourists' and bring many fishing vessels, jet-skis, speed boats, etc. to this northern end of SIB there may be irreparable benthic damage sustained with a consequent loss of abundance and richness of fish and crustaceans and visitation by mega-fauna (sharks and dugong regularly frequent the Bay).

In co-operation with the Shire and DBCA the Owners of Lot 305 would be prepared to undertake a joint marine survey to evaluate the ecological values that do exist in SIB. We oppose approving the LDP before such a survey is undertaken.

The LDP and supporting documentation does not adequately speak to the potential for marine craft being moored or beached on the shore adjacent to Lot 304 and how this can and should be managed. There are no plans that indicate launching areas, mooring locations and any proposed guidelines for visitors to be able to bring and utilise marine vessels in conjunction with future accommodation at the site.

The impact on the marine park needs to be a critical factor in assessing the ecological sustainability of the LDP as accommodation and the surrounding environment are intrinsically linked and the driving factor for visitors to come and stay in this location. Few visitors come to see the vegetation; they come to enjoy and participate in marine activities whether this be on the foreshore or on the water.

**11. Conclusion**

Our conclusion is that for this development to satisfy the requirement to be ecologically sustainable tourism it would need to:

- be developed in harmony with the existing environment so that it can be considered low impact;
- avoid clearing of vegetation where possible through more considered design to cluster development or through a reduction in the number of building envelopes to be developed;
- be of a consistent and high standard of architectural design to blend with the surrounding landscape and landform shape;
- be constructed with colours, materials and architectural features that produce pleasing and considered built form;
- demonstrate an incredibly high level of management to ensure that emissions (noise, dust, rubbish, smoke, light, nuisance etc), servicing and ongoing monitoring and management have all been seriously considered and appropriate measures are in place;
- demonstrate an application where there is absolute clarity and confidence that the development will be undertaken in a coherent and high standard which reflects its World Heritage Listed location;
- demonstrate ongoing monitoring and management of the land to ensure ecological and cultural values are consistently protected and upheld by all visitors; &
- provide an undertaking in relation to the impact on the adjacent marine park

This development does not reflect these values and therefore in its current form should not be afforded support.

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13.2 PROPOSED SEA CUCUMBER HATCHERY - LOT 556 (100) OCEAN PARK ROAD,  
FRANCOIS PERON NATIONAL PARK  
P2055

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Cowell

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

Moved           Cr Cowell  
Seconded       Cr Ridgley

Council Resolution

That Council:

- A. **Note that the application has been referred to the Shark Bay World Heritage Advisory Committee and Department of Biodiversity, Conservation and Attractions for comment.**
- B. **Note that Council is unfortunately constrained in it's decision making options under the current Special Use Zone provisions applicable to Lot 556 (which are largely based on the oceanarium being the main land use).**
- C. **Refuse the development application for intensive agriculture (which includes aquaculture) on Lot 556 (100) Ocean Park Road, Francois Peron National Park for the following reason:**
  1. **There is no discretion to consider the land use in the Special Use Zone applicable to Lot 556 under the Shire of Shark Bay Local Planning Scheme No 4 as it is not listed as a permissible or discretionary use under 'Schedule B – Special Use zones'.**
- D. **Authorise the Chief Executive officer to advise the applicant that:**
  - (a) **With the owners consent you can consider pursuing an amendment to the Shire of Shark Bay Local Planning Scheme No 4 to expand the permissible uses listed under Schedule B as applicable to Lot 556.**
  - (b) **Alternatively when the Shire progresses a scheme amendment in the future to correct some anomalies in the Scheme, the uses for Ocean Park can be reviewed.**
- E. **Note that the standard Shire determination letter includes an advice note advising applicants of a right to lodge an application**

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of review to the State Administrative Tribunal. State Administrative Tribunal only has the same decision making powers as the Shire under the Scheme.

- F. Note that verbal legal advice was obtained from the Shires Solicitor and written advice is likely to be available to Councillors separately prior to the scheduled Council meeting.

6/0 CARRIED

BACKGROUND

• **Historic relevant Information**

It is important to note that where a land use has approved under a previous Scheme, and the use has substantially commenced and has not been discontinued or destroyed, then there can be a 'non-conforming use' right.

Where an owner demonstrates that there is a valid 'non-conforming use' right then the use may continue to operate, even where it may not conform with a subsequent or current Scheme. There is also discretion for Council to consider changes or extensions to any valid non-conforming use.

The Shire provided the applicant with historic correspondence and reports as follows:

<b>Date</b>	<b>Town Planning Innovations Summary</b>
28 September 1995	Copy of facsimile from South Metropolitan College of TAFE advising the Department of Fisheries that the Aquaculture Unit of the Fremantle maritime centre are available to assist a trial restocking of Shark Bay Snapper in the future. The facsimile states that it is understood that <i>'management measures have been implemented for the stock in question and that restocking is not to be considered in the short term'</i> .
6 November 1997	Letter from the Department of Land Administration advising the Shire of a proposed vacant crown land lease for aquaculture for WA Ocean Park.
10 November 1997	Letter from WA Ocean Park advising the Shire of their proposed aquaculture lease.
19 November 1997	Ordinary Council Minutes on aquaculture lease. Council resolved to advise Department of Land Administration that any such site would require an on site meeting with all government agencies as a first step. Council expressed concerns over the size of the land requested and the experience and resources of the applicant.
21 November 1997	Letter by the Department of Environmental Protection to the Shire advising that the Environmental Protection Authority decided not to subject the fish farm licence to a formal environmental impact assessment.
26 November 1997	Letter by Shire to the Department of Land Administration advising of the resolution from 19 November 1997 Council meeting.



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4 December 1997	Letter by Department of Land Administration to the Shire with additional information on the land requirements for the lease
16 December 1997	Letter to the Shire from the Office of the Minister for Environment advising of an appeal against the Environmental Protection Authority decision not to formally assess the fish farm licence.
3 September 1998	Letter to the Shire from the Office of the Minister for Environment providing a summary of the appeal which was dismissed.
30 September 1998	A planning approval was granted for aquaculture (pink snapper hatchery) on the 30 September 1998 under the Shire of Shark Bay Town Planning Scheme No 2 – Attachment 1.
<b>Date</b>	<b>Town Planning Innovations Summary</b>
2 June 1998	Letter by Department of Land Administration to the Shire advising of proposed grant of a special lease for aquaculture and a pipeline and access to WA Ocean Park
20 July 1998	Letter by WA Ocean Park to Shire advising of proposed use of second hand material for the pink snapper hatchery and seeking support to salvage materials from a shearing shed east of Fowlers camp road.
22 July 1998	Letter from Shire to WA Ocean Park raising concern over second hand materials and the ability to meet structural requirements in a cyclone region.
4 March 1999	Letter to Shire from South Metropolitan College of TAFE advising of intensive training courses relating to commercial production techniques for pink snapper.
16 March 1999	Letter by Shire to WA Ocean Park generally supporting aquaculture. The letter refers to snapper restrictions.
4 October 1999	Letter by Shire to Gascoyne Development Commission supporting the WA Ocean Park aquaculture venture
17 August 2000	Letter to Shire by WA Ocean Park seeking support for a lease extension from 10 years to 21 years
30 August 2000	Ordinary Council Minutes on aquaculture lease extension. Council resolved to support a lease extension from 10 to 21 years.
1 September 2000	Letter by Shire to WA Ocean Park supporting a lease extension.
1 January 2001	Letter to Shire by WA Ocean Park seeking support for their federal grant request through the Regional tourism program for an oceanarium.
24 January 2001	Letter by Shire supporting a Shark Bay Marine Viewing and Interpretive centre.
8 March 2004	Letter by Shire to Tourism Program manager advising support for the Ocean Park tourist venture with advice that construction of the aquarium is being undertaken.
21 December 2005	Letter by Shire advising that Council would be prepared to consider a Special Use zone for restricted tourist activities

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Although it is clear the Shire historically supported an aquaculture use on the subject land, there is no evidence that the Pink Snapper hatchery use commenced or remained in operation.

The original submission by the applicant claimed a non-conforming use right may apply. The applicant has revised their report after Town Planning Innovations made enquiries about the aquaculture use commencement and discontinuance.

Town Planning Innovations is of the view that no valid non-conforming use right has been established. There is no evidence that the snapper hatchery commenced, and after 2001 the Shire records relate to the alternative Marine Viewing and Interpretive centre / aquarium.

- **Zoning History**

The owners instigated an amendment to the previous Shire of Shark Bay Local Planning Scheme No 3 (Scheme 3). The amendment re-zoned the subject land from 'Rural/Pastoral' to 'Special Use' and introduced provisions allowing for an oceanarium, café/restaurant, workers accommodation and camping area (for students only).

The amendment introduced a new 'oceanarium' land use definition into the Scheme 3 text.

The Shire supported the Scheme Amendment as lodged, which was prepared by Taylor Burrell Barnett.

The Scheme Amendment allowed for uses incidental to the Oceanarium, however did not specifically list aquaculture as a permissible use – refer Attachment 2.

It is not known why the Scheme Amendment omitted the aquaculture landuse, because historic documents demonstrate that the Shire was supportive of potential aquaculture on the site.

The Scheme Amendment included a plan showing existing land uses and no aquaculture use was identified on that plan.

- **Current Zoning**

Lot 556 is zoned 'Special Use' (No 13) under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme').

An extract of 'Schedule B – Special Use zones' is included in Attachment 3.

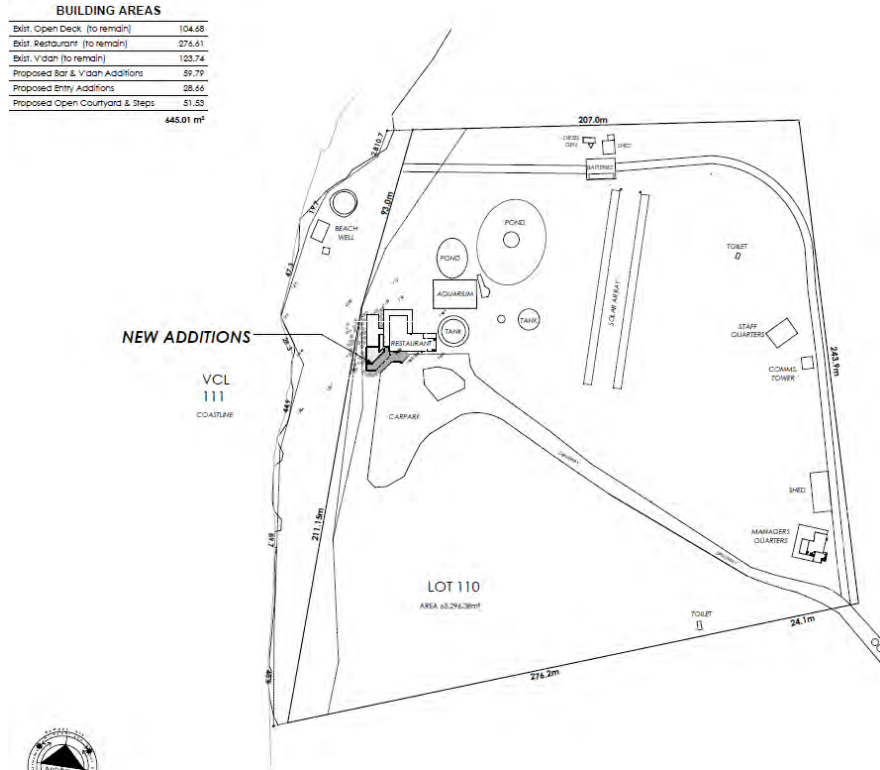
- **Existing Development**

The subject land has been developed with an oceanarium, mangers house, a restaurant/café and ancillary development.

MINUTES OF THE ORDINARY COUNCIL MEETING

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The last development application lodged for Lot 556 was for alterations to the existing restaurant/café which was approved by Council at the Ordinary Meeting held on the 25 March 2020 – plan over page .



COMMENT

• **Proposed Development**

The applicants full report is included as Attachment 4.

The applicant has advised as follows:

- a) The purpose of the hatchery is to research the breeding of local sea cucumber species and develop a sustainable supply of juvenile sea cucumber for farming in aquaculture licensed areas within the Shark Bay region, and in the longer term, for stock enhancement in wild harvest areas.
- b) The proponent and operator of the proposed hatchery is Tidal Moon Australia Pty Ltd. Tidal Moon Australia will undertake the development and operation of the hatchery in collaboration with the Ocean Park Aquarium (owned by WA Ocean Park Pty Ltd), and Curtin University.
- c) There is an easement registered on the title for the purpose of a water supply, access and pipelines.



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- d) Tidal Moon Pty Ltd is a 100% Indigenous owned company and holds an exemption licence to hand-catch sea cucumber in the Shark Bay to Onslow region. It sells its catch to Tidal Moon Australia Pty Ltd who processes it into dried sea cucumber at its existing processing facility in Denham (Shark Bay).

Tidal Moon Australia then sells the dried sea cucumber to Blue Ocean Health, who sells the dried sea cucumber into Japan where it is used to produce health supplements, primarily for the Asian market.

- e) Given the synergies with the research activities of the Ocean Park Aquarium and the capability to draw readily accessible sea water for use in the proposed hatchery via the aquarium's existing sea water supply infrastructure, the subject land was identified as the most suitable location for the hatchery.

- f) To this end, WA Ocean Park Pty Ltd (the owner and operator of the Ocean Park Aquarium) will lease just over a small 200m<sup>2</sup> development site (or 'footprint') within the existing aquarium complex to Tidal Moon Australia for an initial timeframe of 5 years with a 5 year renewal option.

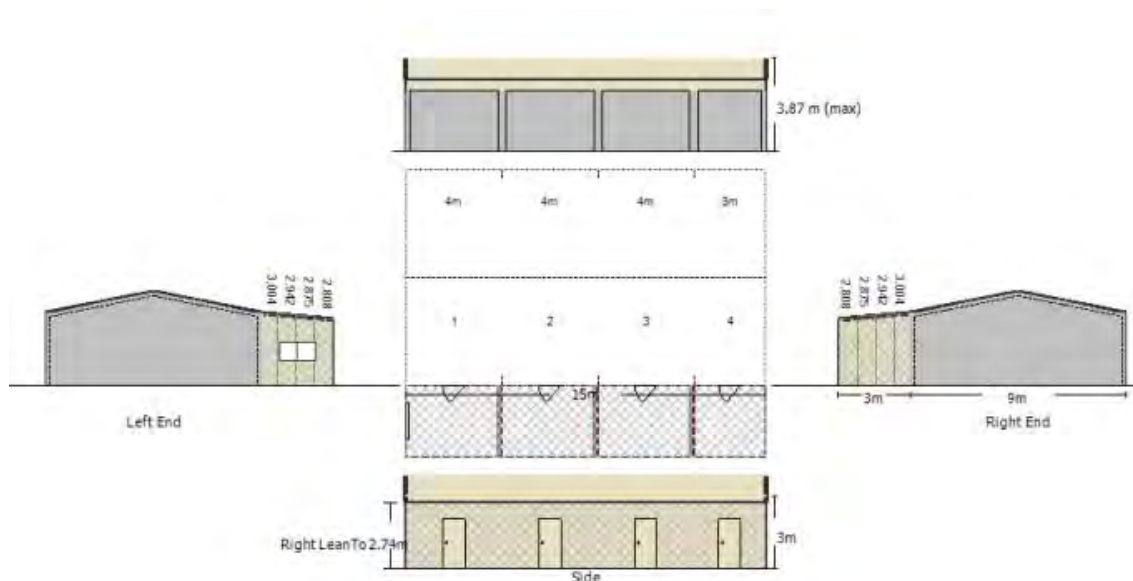
It is important to note that although the applicant discusses potential re-stocking of sea cucumbers at off site locations, Council can only consider the proposed land use on Lot 556 being the land subject of this application.

Plans are included below and over page for ease of reference.



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The applicant has advised that the breeding stock will be sourced from the Shark Bay region comprising the following species:

Black Teatfish	<i>(Holothuria whitmaei + Holothuria nobilis)</i>
White Teatfish	<i>(Holothuria fuscogilva)</i>
Sandfish	<i>(Holothuria scabra)</i>
Blackfish	<i>(Actinopyga miliaris)</i>
Deepwater Redfish	<i>(Actinopyga echinites)</i>
Surf Redfish	<i>(Actinopyga maruitiana)</i>
Redfish	<i>(Actinopyga obesa)</i>
Curryfish	<i>(Stichopus variegatus)</i>

The proposed hatchery development will occupy a 202m<sup>2</sup> footprint, including a 135m<sup>2</sup> shed and fenced yard.

The 135m<sup>2</sup> shed (containing the proposed hatchery) will comprise two (2) integrated structures as follows:

1. A 90m<sup>2</sup> (15 metres x 6 metres) open-walled roofed structure containing 14 salt-water tanks for spawning, brood stock, larval rearing, and nursery operations, all sitting on a sand/grit pad; and
2. A 45m<sup>2</sup> (15 metres x 3 metres) enclosed insulated shed building ('lean-to') with a concrete floor comprising a hatchery office, a feed production room, a breeding laboratory, and a control room/equipment storage room.

- **Land Use Permissibility**

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The proposed aquaculture land use is construed as 'agriculture intensive' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme). The definition is as follows:

- 'agriculture - intensive** means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following -
- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
  - (b) the establishment and operation of plant or fruit nurseries;
  - (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);
  - (d) aquaculture.'

Under 'Schedule B – Special Use Zones' in the Scheme Council only has discretion to consider a restricted number of uses including an oceanarium, restaurant/café, shop, single house, camping ground, caravan park, holiday accommodation, nature based park, tourist development or workforce accommodation.

Town Planning Innovation is of the view that Council has no discretion to consider 'agriculture intensive' (including aquaculture) under the Scheme provisions that apply to Lot 556.

Town Planning Innovation has sent and discussed the application with the Shires solicitor who confirmed this is the case. Written legal advice is being obtained and will be provided to Councillors prior to the Council meeting.

• **Ancillary or Incidental Development**

The applicant submits that the proposed sea cucumber hatchery involves a significant research component and can be approved as development that is incidental to the Oceanarium.

The applicant is referring to Condition 1 of the Special Use zone applicable to the land which states that:

*'The intent of this Special use Zone is to allow the development of an Oceanarium and associated uses incidental to the operation of the Oceanarium for research purposes.'*

The applicant has advised as follows:

- a) The breeding of sea cucumbers within the proposed hatchery is an integral research function of the existing Ocean Park Aquarium (oceanarium). As stated on its website, the Ocean Park Aquarium is a research centre for WA seafood and particularly Shark Bay fish.

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This includes the aquarium's involvement in the WA state government's research projects into passive shark attack mitigation technologies, the Department of Fisheries fish population surveys, and the Department of Parks and Wildlife's Monkey Mia Dolphins project on a regular basis.

- b) The Aquarium includes exhibits of many Shark Bay species including sea cucumbers. Sea cucumbers are an important part of the total eco system of Shark Bay. They occupy the bottom of the food chain but are essential to the cleaning and maintenance of sea grass.
- c) The lifecycles and breeding of Western Australian sea cucumbers are very poorly understood and they have been the subject of little scientific research. The proposed hatchery will seek to remedy this because since 2012 there has been an overall concern about the fragility of the entire ecosystem within Shark Bay largely precipitated by substantial reduction in the sea grass beds of Shark Bay because of the increase in water temperature in the whole Bay since that time.
- d) Research at the proposed hatchery will include researching of the life cycle of sea cucumbers and ongoing assessment and analysis of existing populations of sea cucumbers and their distribution throughout the Bay, particularly within the remaining sea grass beds of Shark Bay.
- e) Maintaining and preserving these sea grass beds is also crucial to the entire food chain in Shark Bay and the seas around (as well as for maintaining the heritage values of the Shark Bay World Heritage Area) for without these marine life further up the 'food chain' (eg. sharks and dolphins) will not thrive. The hatchery and the research to be conducted from within it, will be integral to a greater understanding of the total eco system of Shark Bay. There is current research being carried out by Curtin University and Japanese researchers into the life cycles of Western Australian sea cucumbers.

There are several aspects to dealing with activities that are ancillary or incidental to a predominant use of a site.

Firstly, where activities naturally attach, appertain or relate to a predominant use, then they can be regarded as part of the predominant use and do not necessarily need separate planning approval. Whilst there is a research component associated with Ocean Park the predominant use of Lot 556 is the Oceanarium which is a tourist attraction.

An example of an ancillary / incidental use is that many commercial uses or industrial premises have an internal office in order to conduct administration. The office is not regarded as a separate use, but is seen as naturally attached or related to the predominant commercial or industrial use on the land.

In these examples, the office doesn't require approval as a separate use and is covered by the approval of the commercial or industrial use (as applicable).

The proposed sea cucumber hatchery cannot be viewed in the same way. The research component is not enough to establish a strong link to the predominant

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oceanarium use or demonstrate that that the aquaculture activities naturally attached or related to the predominant oceanarium use.

Incidental or ancillary uses are not always, but usually, minor in scale. Town Planning Innovations is of the view that the proposed aquaculture use for sea cucumber breeding and size of the proposed shed structure goes beyond what would be permissible as ancillary or incidental development, and is a distinct and separate land use which is not permissible under the Scheme.

- **Sea Water use**

Sea-water is required for breeding sea cucumbers and will be provided via the aquarium's water supply system. This system currently draws sea-water from the ocean (under a current aquaculture licence) at 80,000 litres per hour. It has a recirculation capacity of 120,000 litres per hour. The sea-water will pass through a water filtration system before it enters the hatchery tanks. Collectively, the proposed new tanks will hold about 50,000 litres of water.

The applicant has advised that once sea-water has passed through the hatchery tanks it is discharged to the ocean through 3 - 4 existing settlement ponds located within the Ocean Park Aquarium complex and a gravity-fed pipe. The applicant advises that it is not a constant discharge and only takes place as required.

The applicant also advises that any discharge water from the hatchery will meet the standards of the Ocean Park Aquarium currently applied to the discharge of its own sea-water. The application does not explain what standards are currently applied.

The applicant advises that if any treatment of the discharge sea-water is required it will be undertaken within the confines of the hatchery and prior to being discharged into Ocean Park's water filtration system. Where the hatchery discharge water contains higher levels of nutrients than acceptable to the Ocean Park Aquarium these nutrients will be removed or reduced to an acceptable level before discharge into the Ocean Park.

The application does not explain how water will be treated (if required) or the process to remove nutrients of water within the hatchery confines.

The applicant advises that aquatic organic waste generated through the breeding process is likely to be minimal and will consist mainly of organic debris, algae, ammonia, nitrate etc. This will be discharged via the Ocean Park Aquarium water-discharge system.

- **State Planning Policy 3.7 – Planning for Bushfire Protection**

Under the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have 'due regard' to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning Policy 3.7: Planning in Bushfire Prone Areas'.

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The Shire has a mandatory obligation to consider State Planning Policy 3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

The Western Australian Planning Commission released State Planning Policy 3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 556 is within the declared bushfire prone area (pink area).

Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a Bushfire Attack Level assessment.

Despite the above, the Western Australian Planning Commission also released a Planning Bulletin 111/2016 that clarifies some of the requirements under the deemed provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* and State Planning Policy 3.7.

The Planning Bulletin explains there are exemptions as follows:

*State Planning Policy 3.7 does not specify these exemptions, however where the proposal is exempt under the deemed provisions or local planning scheme and does not:*

- *result in the intensification of development (or land use);*
- *result in an increase of residents or employees;*
- *involve the occupation of employees on site for any considerable amount of time; or*
- *result in an increase to the bushfire threat;*

*the proposal may also be exempt from the provisions of State Planning Policy 3.7.'*

Whilst Town Planning Innovations is of the view that the land use cannot be legally approved under the Scheme, it is not considered that bushfire is an impediment to the proposal as:

- a) There will only be a small number of employees on site (5 part time);
- b) No habitable buildings are proposed.
- c) Higher construction standards do not apply.

- **World Heritage**

Lot 556 is within the Shark Bay World Heritage Area. The application has been referred to the Shark Bay World Heritage Advisory Committee and the Department of Biodiversity, Conservation and Attractions.

Advertising closes on the 13 August 2020. At the time of writing this report no submissions had been received. However the applicant lodged a revised report on the 4 August 2020 which was subsequently sent to the Shark Bay World Heritage Advisory Committee and the Department of Biodiversity, Conservation and Attractions on the same date.



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Late referral of the applicants revised report likely means that the Shark Bay World Heritage Advisory Committee and the Department of Biodiversity, Conservation and Attractions need additional time to comment.

Correspondence has now being received from the Department of Biodiversity, Conservation and Attractions as is included in the report as attachment # 5.

- ***Land Subject to Inundation / Finished Floor Levels***

Clause 32.1 (a) and (b) of the Scheme requires new development in areas subject to storm surge to have a minimum finished floor level not less than RL 4.2 metres AHD.

Levels are not shown on the plans.

- ***Car Parking***

As the land use and building capacity is not proposed to change it is considered that the existing car parking is sufficient to continue to service the development.

- ***Conclusion***

Town Planning Innovations is generally supportive of the development and does not have significant concerns over the proposal.

Notwithstanding the above, the Scheme is a statutory document and Town Planning Innovations has to provide correct technical advice to the Shire in regards to Council's legal decision making abilities.

It is considered that a scheme amendment needs to be pursued to expand the permissible uses for Lot 556.

LEGAL IMPLICATIONS

*Planning and Development (Local Planning Schemes) Regulations 2015 –*

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

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

*Shire of Shark Bay Local Planning Scheme No 4 –*

Clause 21 states as follows:



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- (1) Schedule B – Special Uses sets out:
  - (a) special use zones for specified land that are in addition to the zones in the zoning table; and
  - (b) the classes of special use that are permissible in that zone; and
  - (c) the conditions that apply in respect of the special uses.
- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.
- (3) The local government may exempt certain development in the Special use zone in accordance with Schedule A.

As explained in this report Schedule B contains specific conditions for the special use zone applicable to Lot 556.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

A Scheme Amendment will be presented to a future Council meeting with the view of correcting some anomalies discovered by Shire Administration since the Scheme has been operative.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

7 August 2020

26 AUGUST 2020

ATTACHMENT # 1

1407 2000  
**FILED OWNERS OF SHARK BAY SHIRE OF SHARK BAY**  
**SHIRE BUILDING SURVEYORS OFFICE**  
 111 BROADWAY  
 P.O. Box 126, W.A. 6337  
 Telephone (089) 481 218 | Fax: (089) 481 37

FORM 4

APPLICATION No. 34108 Date Applied 13/09/19 RECEIPTS

FEE \$ 400 DATE PAID

18 SEP 1986

TAKE NOTICE THAT IF YOU ARE DISSATISFIED WITH THE DECISION OF THE BUILDING SURVEYOR, YOU MAY LODGE AN APPEAL TO THE MINISTER IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT.

**PLANS TO BE ON SITE AT ALL TIMES DURING CONSTRUCTION PERIOD**

Granted to OWNER/BUILDER as per this application; and in accordance with the approved plans, drawings and specifications and subject to the provisions of the Building Regulations made under the Local Government Act, 1960.

Whenever required to do so by the Building Surveyor, the holder of this license shall produce the approved plans, drawings and specifications for inspection.

This license is void if the work covered by it is not substantially commenced within twelve months or completed within twenty-four months of the date of issue of this license.

Building Surveyor

POSTAGE PAID DENHAM 6537

RS 110

RS 110

LOC 110

To the Building Surveyor:  
 At the builder's or person causing and directing the works underrandomised to be executed, I hereby apply for a Building License for same.

The following are the particulars of the proposed works:-

Site: RD 110 4 111 Zone: Street: House No:  
 NEW Building to be used as **CAMPERS ACCOMMODATION, WASH, 1 GEN. SHED, TOILET**

Additional and/or Alterations to:  
 The name of the work is **TEMP. ACCOM. FOR RECONSTRUCTION OF FISH BAY**  
 Walls: **THIN PLUM SHEETS TO 2.5 SECTIONS, SISTS**  
 Roof: **ZINC PLUM SHEETS TO 2 SECTIONS, PLANKS**

Estimated Cost of Construction \$ **15,000**

Dimensions of building or structure  
 Area: **132** (sq. m); Depth: **10.5** m; Width: **12.6** m; Height: **3.36** m

Number of Storeys: **ONE**

Owner: Name: **K. GORDON** P. MCKENZIE Tel No.  
 Address: **P.O. BOX 30 DENHAM**

Occupier: Name: **AS ABOVE** Tel No.  
 Address: **AS ABOVE**

Builder's Name: **K. GORDON** P. MCKENZIE Tel No.  
 Address: **AS ABOVE** Builder's Reg. No.

Classification Number sought by owner if not previously classified or if change of use is sought

Name of Applicant: **K. GORDON** P. MCKENZIE Tel No.  
 Address: **P.O. BOX 30 DENHAM** Tel No.  
 Signature of Applicant: **[Signature]** Date: **17/09/19**

LOT

STREET

RD 110  
 ODENE ROAD

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

**SHIRE OF SHARK BAY**

42 Hughes Street  
Denham WA 6537  
PO Box 126 Denham WA 6537



Telephone (08) 9948 1218  
Facsimile (08) 9948 1237  
All correspondence to the  
Chief Executive Officer

Email - sharkbayshire@bigpond.com

Your Ref  
Our Ref  
Enquiries

Town Planning and Development Act 1928 (as amended)

Shire of Shark Bay

Town Planning Scheme No 2 (as amended)

**PLANNING APPROVAL P13/98**

**DECISION ON APPLICATION FOR APPROVAL  
TO COMMENCE DEVELOPMENT**

K Gordon and P McKenzie  
PO Box 56  
DENHAM WA 6537

Dear Ken and Peter

The Council or its delegated officer having considered the application dated 17 September 1998 submitted by K Gordon and P McKenzie on behalf of K Gordon and P McKenzie hereby advise that it has decided to -

**REFUSE / GRANT APPROVAL TO COMMENCE DEVELOPMENT  
TO DISPLAY AN ADVERTISEMENT**

of an Aquaculture (Pink Snapper Hatchery) venture at Edel Locations 110 and 111 (off Shark Bay Road)

subject to the conditions -  
for the following reasons -

- 1 The site to be used for the purpose of aquaculture (Pink Snapper Hatchery).
- 2 The applicants to submit copies of all conditional approvals and requirements which are issued by the various members of the IDCA in respect to the proposal and no works are to be effected on-site prior to these approvals/conditions being submitted to Council.
- 3 The site to be developed in accordance with approved requirements and as set out on the plan submitted.

MINUTES OF THE ORDINARY COUNCIL MEETING

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- 4 All structures will be subject to the Building Regulations 1989 (as amended) and the required approvals obtained prior to construction commencement.
- 5 The layout, size and shape of buildings are to be such as to not impact upon the visual environment.
- 6 The consent of Council being obtained prior to any change of use of the premises.
- 7 The site to be landscaped and a landscape and planting plan to be submitted for approval prior to release of a building licence.
- 8 All stormwater and wastewater to be contained and disposed of on-site.
- 9 All signage to be approved prior to erection.
- 10 Compliance with the Health Act 1911.
- 11 The access road, driveways, parking areas and access areas are to be maintained in a serviceable/usable state and dust control measures are to be implemented and maintained.
- 12 Fencing of the land shall be to the satisfaction of the Building Surveyor.
- 13 No residential habitation will be permitted on-site unless appropriate accommodation and facilities are provided in accordance with the Building Code of Australia and Health Act requirements.

This approval is valid for 2 years from the date of approval. All conditions of approval are required to be met within this time period.

Note - Failure to complete conditions of approval or commencement of development within the 2 year approval period will result in the approval becoming invalid and a new application will be required to be lodged.

**Appeals**

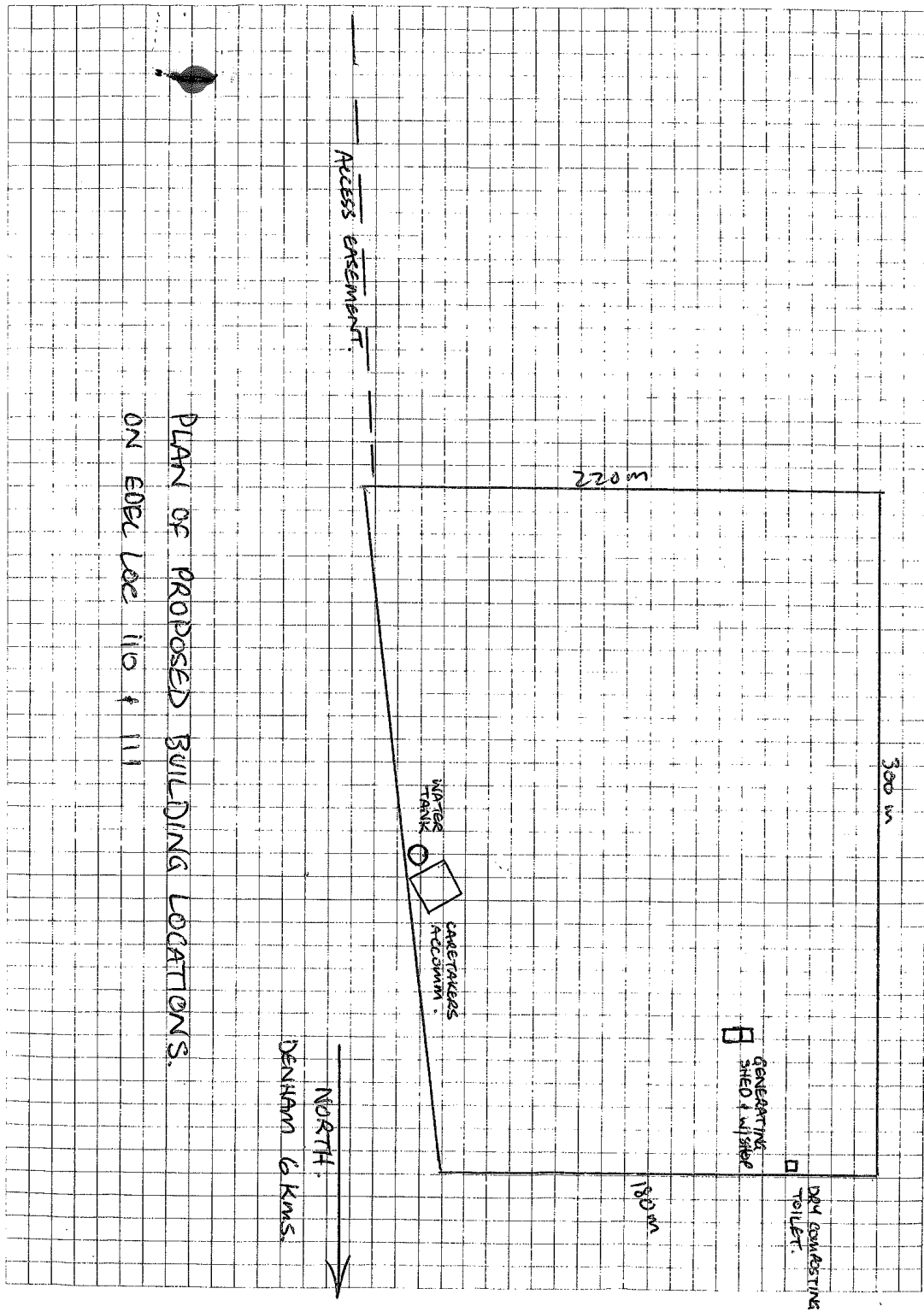
Any applicant who is aggrieved by any decision made or deemed to have been made by Council exercising any of the discretionary powers available to it under this Scheme may appeal, in accordance with Part V of the Act, to the Honourable Minister for Planning or to the Town Planning Appeal Tribunal.

  
A R Biggs  
Chief Executive Officer

30 September 1998

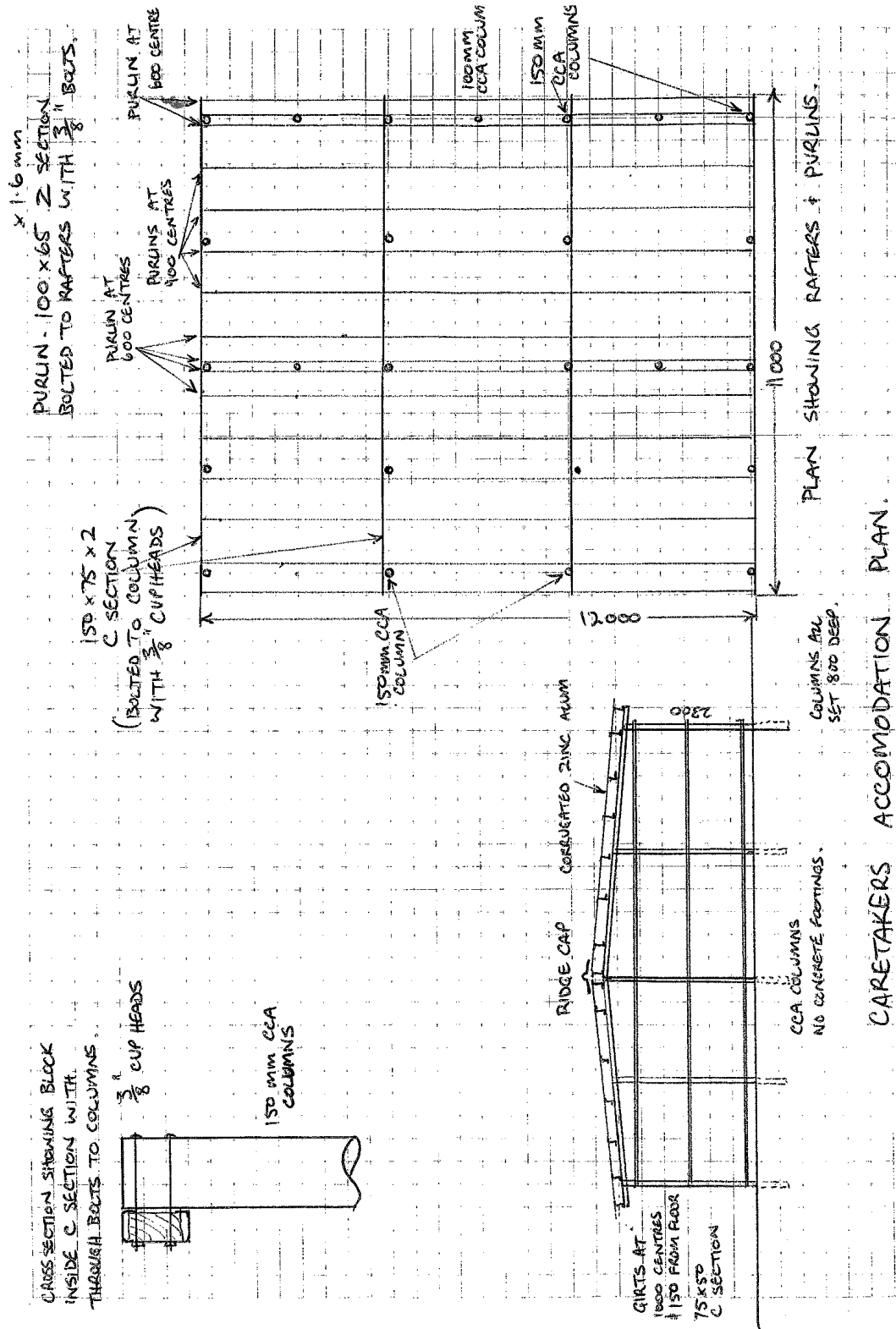
MINUTES OF THE ORDINARY COUNCIL MEETING

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PLAN OF PROPOSED BUILDING LOCATIONS.  
ON EDCU LOC 110 & 111

26 AUGUST 2020



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27 LOMBARDY ST  
WOODLANDS  
W.A. 6098.  
17. 9. 98.

MR PETER BROOKES  
SHIRE OF SHARK BAY.

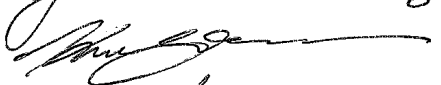
9446 3744

Dear Peter,

Enclosed are drawings of our sheds and dry composting toilet and generator positions.

Could you please peruse them and call me or Peter if you have any more advice for us.

We'll be in Perth until 5-10-98 and at the above address.

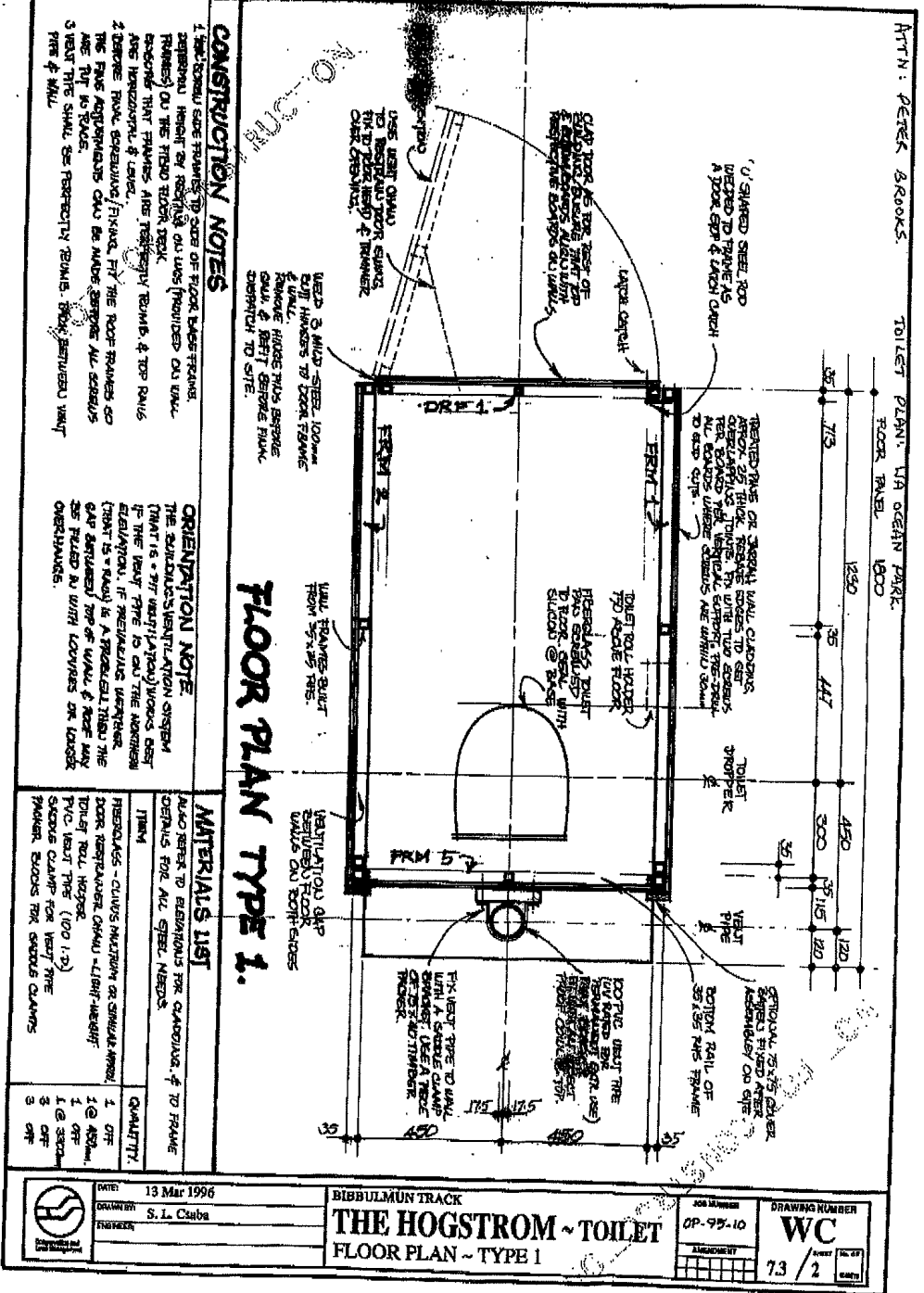
Yours Sincerely,  
  
Tony King



P. 02/03

446 3062

23-SEP-1998 11:07



**CONSTRUCTION NOTES**

1. USE 100mm SLOPE FRAMING TO SLOPE OFF FLOOR BASE FRAMES. 200mm HEIGHT BY RESTING ON USES (PROVIDED ON WALL FRAMES) ON THE 100mm FLOOR DECK. PROVIDE THAT FRAMES ARE FULLY TIGHT, & TOP RAISE ARE HORIZONTAL & LEVEL.
2. REMOVE FROM DEVELOPING FRAMES. FIT THE ROOF FRAMES SO THE FRAMING MEMBERS CAN BE MADE COMPLETE AND SECURED AS PER THE PLAN.
3. VERIFY THE SHALL BE FULLY TIGHT. 300mm DISTANCE FROM THE END OF WALL.

**ORIENTATION NOTE**

THE SUBSIDIARY VENTILATION SYSTEM (THAT IS - AIR SUPPLY) SHOULD BE ESTABLISHED IF NECESSARY. THE AIR SUPPLY SHOULD BE MADE TO THE TOP OF WALL & ROOF MAY BE FED IN WITH COVERS OR LARGER OVERLAPERS.

**MATERIALS LIST**

ALSO REFER TO SPECIFICATIONS FOR DIMENSIONS, & TO FRAME DETAILS FOR ALL STEEL NEEDS.

ITEM	QUANTITY
FRAMES - CLAVIS MATERIAL OR SIMILAR METAL	1 @ 450mm
TOILET ROLL HOLDER	1 @ 300mm
PVC VENT PIPE (100 I.D.)	3 @ 300mm
WOOD FRAME FOR VENT TYPE	3 @ 300mm

	DATE: 13 Mar 1996	BIBBLMUN TRACK <b>THE HOGSTROM ~ TOILET</b> FLOOR PLAN ~ TYPE 1	JOB NUMBER: 0P-95-10	DRAWING NUMBER <b>WC</b> SHEET 2 / 7.3
	DESIGNER: S. I. Cuba		JOB NUMBER: 0P-95-10 DRAWING NUMBER: WC SHEET 2 / 7.3	

P. 02/03

WOODLANDS PRIM. SCH.

446 3062

23-09-1998 11:29



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11.0 TOWN PLANNING REPORT

11.1 TOWN PLANNING SCHEME NO 3 AMENDMENT NO 1 EDEL LOC 110

FILE NO TO106.03-01

Author

Manager Regulatory Services

Disclosure of Any Interest

Nil

Moved Cr B Cane  
Seconded Cr D Hoult

Recommendation

That council advise the Western Australian Planning Commission that in accordance with the Planning and Development Act 2005 it adopts the following amendment to the Shire of Shark Bay Town Planning Scheme No 3 without modification by:

1. Introducing the following definitions in appropriate alphabetical order into Schedule 1, 3 Land Use Definitions:

'Oceanarium' means a saltwater aquarium for the display and observation of fish and other marine life.

'Workers Accommodation' means a dwelling or residential building occupied by a person who is:

- a) Engaged in active employment on the subject land;
- b) The owner (whether in whole or part) and operator of a business, where that person is also currently actively involved in the operation of the business on a day to day basis in Shark Bay; or
- c) A spouse, partner or dependant child of a person referred to in paragraph (a) or (b).

2. Rezoning Edel Location 110 from 'Rural/Pastoral' to 'Special Use Zone' and including the following provisions within Schedule 4.

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No.	Description of Land	Special Use	Conditions
14	Edel Location 110	<p>The following uses are permitted:</p> <ul style="list-style-type: none"> <li>• Oceanarium and associated incidental uses</li> <li>• Shop</li> <li>• Café/Restaurant</li> <li>• Camping area</li> <li>• Workers Accommodation</li> </ul>	<p>The following conditions of development apply:</p> <p>The intent of this Special Use Zone is to allow the development of an Oceanarium and associated uses incidental to the operation of the Oceanarium for both tourist and research purposes.</p> <p>The use of the Camping Area is restricted to students involved in educational programs or research on site and is not for use by the general public.</p> <p>A maximum of two dwellings for workers accommodation may be constructed on site.</p>

3. Amend the Scheme Map accordingly.

The motion was put forward and declared

	CARRIED
Cr R W Eddington	For
Cr D O Hoult	For
Cr B W Cane	For
Cr C L Cowell	For
Cr H J Crawford	For
Cr T W Hargreaves	For
Cr R G Blennerhassett	For

Précis

At its ordinary meeting held on the 28<sup>th</sup> May 2008 council considered a submission received from Planning Consultants Taylor Burrell Barnett on behalf of W.A. Ocean Park Pty Ltd to;

- a) re-zone Edel Location 110 from "Rural/Pastoral" to "Special Use Zone" and include appropriate provisions within Schedule 4.
- b) Introduce definitions into Schedule 1, Land Use Definitions.
- c) Amend the scheme map accordingly.

And resolved;

*That council advise Planning Consultants Taylor Burrell Barnett on behalf of the proponent W.A. Ocean Park Pty Ltd that in pursuance of Section 75 of the Planning and Development Act 2005, it is prepared to amend the Shire of Shark Bay Town Planning Scheme No 3 by;*

1. *Introducing the following definitions in appropriate alphabetical order into Schedule 1, 3 Land Use Definitions:*

*'Oceanarium' means a saltwater aquarium for the display and observation of fish and other marine life.*

*'Workers Accommodation' means a dwelling or residential building occupied by a person who is;*

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- a) *engaged in active employment on the subject land;*
  - b) *the owner (whether in whole or part) and operator of a business, where that person is also currently actively involved in the operation of the business on a day to day basis in Shark Bay; or*
  - c) *a spouse, partner or dependant child of a person referred to in paragraph (a) or (b).*
2. *Re-zoning Edel Location 110 from 'Rural/Pastoral' to 'Special Use Zone' and including the following provisions within Schedule 4.*
  3. *Amend the Scheme Map accordingly.*

*And subject to;*

- A) *The advertising of the Shire of Shark Bay Town Planning Scheme No 3, Amendment No 1, for a period of 42 days to allow public comment in accordance with the Planning and Development Act 2005.*

*This report now further considers Town Planning Scheme No 3 Amendment No 1 after the close of the advertising period to allow public comment and recommends that council grant final approval.*

Background

*At its ordinary meeting held of 21 December 2005 council resolved;*

*That the proponents of the proposed amendment of lease purposes for Edel Location 110 Lease H1720693, Mr K M Gordon and Delambre Holdings Pty Ltd, be advised that Council would be prepared to consider support for restricted tourist activities specifically specified and directly associated with the existing aquaculture project under a Special Use zone.*

*At its ordinary meeting held on 25 January 2006 council resolved;*

*That the proponents be advised that council -*

- 1 *Will support their amendment of lease purposes for Edel Location 110, Lease H1720693, with the Department for Planning and Infrastructure from "Aquaculture and Associated and Ancillary Purposes" to "Tourism, Aquaculture and Native Ecology Research".*
- 2 *Would be prepared to support their pursuit of a rezoning of Edel Location 110 from Rural/Pastoral to a Special Use Zone which would permit the following uses -*
  - *Oceanarium*
  - *Shop/Kiosk/Office*
  - *Holding Ponds*
  - *Aquaculture Sheds*
  - *Caretaker's Accommodation*
  - *Restricted Educational Student Camping*
  - *Car park*
  - *Ablution Facilities*
  - *Generator Shed*
  - *Proprietor's Residence*

*In support of its submission the proponent has submitted the following information;*



**3.0 PROPOSED DEVELOPMENT AND ZONING**

**3.1 Background**

As mentioned, Edel Location 110 is currently zoned 'Rural/Pastoral' under Local Planning Scheme No. 3. The lease vesting includes 'Aquaculture and Associated and Ancillary Purposes'. The lease vesting reflects the existing use of the site, however, the site has always remained in the 'Rural/Pastoral' zone. It is apparent that the current zoning of the land does not reflect the current use of the land.

Council, at its meeting of December 2005, resolved that the rezoning of the site was warranted and that this should be modified within LPS No. 3 to include the land within a Special Use Zone to reflect the individual use of the land.

This modification to LPS No. 3 was not pursued prior to its gazettal as there was the concern that this change, together with various others, may delay the finalisation of the Scheme and it was more appropriate to amend the Scheme post its gazettal, hence this Amendment No. 1 to LSP No. 3.

**3.2 Proposal**

This amendment seeks to:

1. Bring the existing uses into conformity with the Scheme; and
2. Facilitate the conversion of the kiosk to a café/restaurant.

Ocean Park is a tourist and educational attraction to the region and its operators intend to ultimately modernise the facility, including larger exhibition area and opportunity for more permanent student and educational accommodation, which is likely to result in further development of the site. The key priority is however, the conversion of the kiosk to a café/restaurant.

Currently, restaurant is an 'X' use in the 'Rural/Pastoral' zone and therefore not permitted. As can be appreciated, patrons to modern tourist attractions also expect appropriate levels of service and in this instance a kiosk only allowing the sale of pre-packaged foods does not provide that level of service. The café/restaurant is paramount to continuing to operate as a desirable tourist attraction. This Amendment will therefore allow this conversion.

It is considered that a further amendment will be required to facilitate the ultimate development on the site. Whilst this Amendment relates to a tourist site/attraction, it does not propose any tourist accommodation and, as mentioned, is merely reflecting the primary use operating on the site.

Notwithstanding, Planning Bulletin No. 83 and the recommendations of the Tourism Planning Taskforce are acknowledged. Given that these recommendations relate primarily to using Tourist zoned land for residential purposes, it is contended that in this instance Edel Location 110 may be exempted from consideration of the Planning Bulletin.

It is further acknowledged that any future strategic planning to potentially include tourist accommodation will be subject to these recommendations, together with the need to be involved in the Shire's Local Planning Strategy or Tourism Strategy.

MINUTES OF THE ORDINARY COUNCIL MEETING

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Considering the issues associated with the site and to facilitate this Stage 1 development only, proposed Scheme provisions include:

No.	Description of Land	Special Use	Conditions
14	Edal Location 110	<p>The following uses are permitted:</p> <ul style="list-style-type: none"> <li>• Oceanarium and associated incidental uses</li> <li>• Shop</li> <li>• Café/Restaurant</li> <li>• Camping area</li> <li>• Workers Accommodation</li> </ul>	<p>The following conditions of development apply:</p> <ul style="list-style-type: none"> <li>i) The intent of this Special Use Zone is to allow the development of an Oceanarium and associated uses incidental to the operation of the Oceanarium for both tourist and research purposes.</li> <li>ii) The use of the Camping Area is restricted to students involved in educational programs or research on site and is not for use by the general public.</li> <li>iii) A maximum of two dwellings for workers accommodation may be constructed on site.</li> </ul>

The Scheme Amendment will therefore result in very limited physical works on the site. The conversion of the kiosk to a café/restaurant will only occur within the existing improvements on site and no additional improvements are required. A much needed caretakers dwelling and proprietors residence will be constructed within the north-eastern corner and south-western corner, as shown indicatively in Figure 3 within the next 12 months, however this is currently a discretionary use in the 'Rural/Pastoral' zone and may therefore be approved under the existing zoning of the site.



**4.0 SERVICING**

**4.1 Water**

Water is currently supplied to the subject land via cartage from Denham townsite. This arrangement will continue.

**4.2 Effluent Disposal**

The ablution facilities are operated through drop toilets remote from the main tourist attraction. A building licence has been issued for a new toilet block attached to the kiosk - this is currently under construction.

**4.3 Power**

Power is supplied via three generators housed in the generator shed.

**4.4 Roads**

Access to the site is available via the existing track extending from Shark Bay Road.

**4.5 Drainage**

The proposed use will have no additional impact on the existing local drainage than that of the current use of the land.

**5.0 CONCLUSION**

This Amendment has been prepared to bring the uses developed on Edel Location 110 into conformity with Local Planning Scheme No. 3. Ocean Park has developed as a key tourist attraction for the region and in addition to conformity with the Scheme, the Amendment will allow the conversion of the kiosk to a café/restaurant, enabling the level of service now expected from quality tourist developments.

It is therefore respectfully requested that Edel Location 110 is rezoned from 'Rural/Pastoral' to 'Special Use Zone' with appropriate Scheme provisions.



Comment

The closing date for submissions to this Scheme Amendment was 14<sup>th</sup> September 2008. Given that this agenda closed on the 12<sup>th</sup> September 2008 all submissions received in relation to this item will be tabled at the council meeting for council's perusal and consideration.

As previously advised;

The rezoning application does vary from the one that Council agreed to support at its meeting 25 January 2006 apart from the inclusion of a Café/Restaurant and workers accommodations.

Land use changes need to go through the appropriate process to ensure that developments undertaken on that land are in accordance with the Shire of Shark Bay's Town Planning Scheme No 3 , are sustainable and have long term benefits for the shire.

Legal Implications

The Shire of Shark Bay Town Planning Scheme No 3

Policy Implications

All council's policies adopted by council pursuant to Town Planning Scheme No 3

Financial Implications

Fees and charges will be incurred in accordance with the shire's budget fee schedule

Strategic Implications

Potential long term benefits from aquaculture/tourist development within the shire

Voting Requirements

Simple Majority Required

Date of Report 1 September 2008

11.2 FUTURE ACCOMMODATION NEEDS ANALYSIS

FILE NO TO104.01

Author

Manager Regulatory Services

Disclosure of Any Interest

Nil

Moved Cr R Blennerhassett

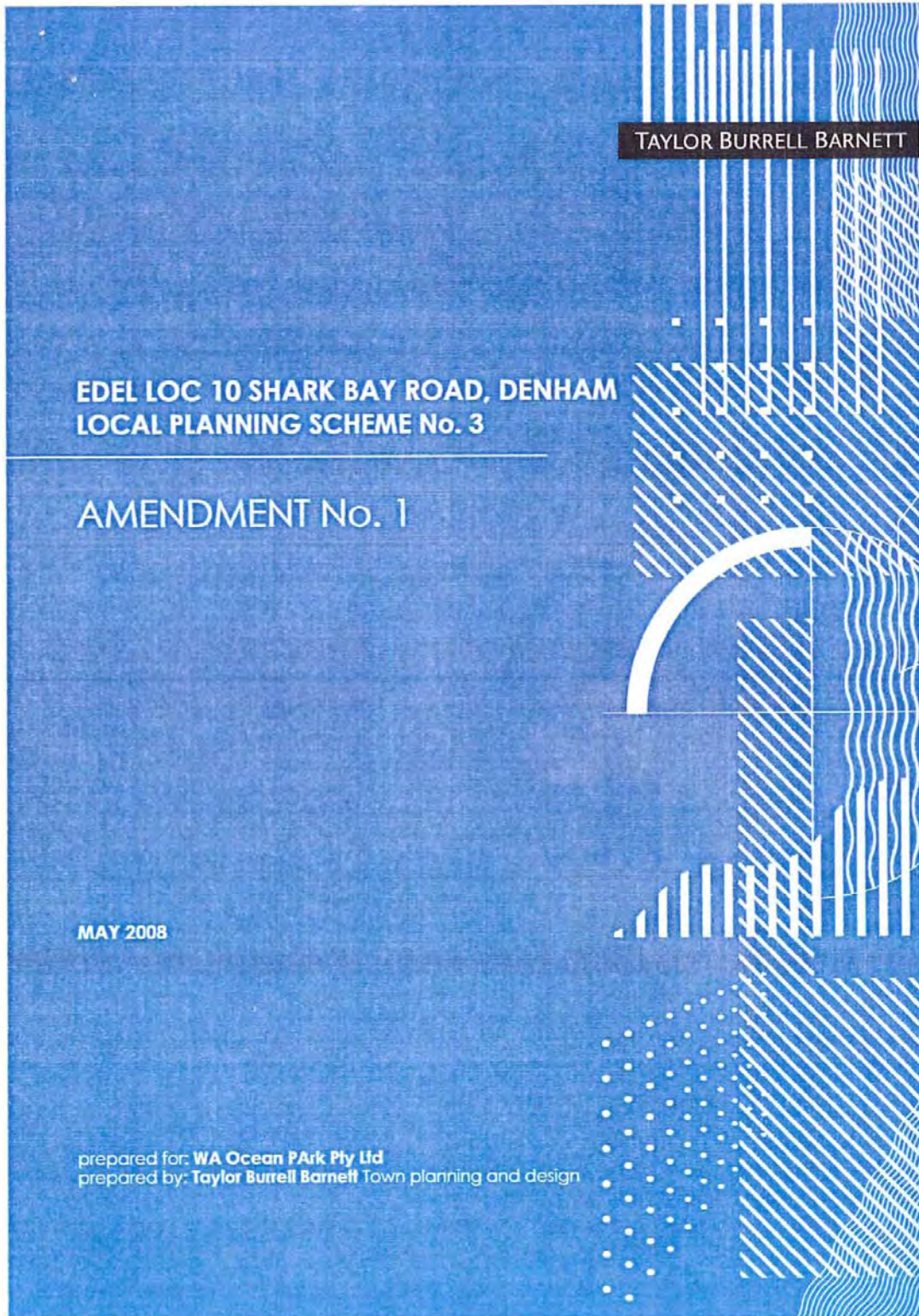
Seconded Cr D Hoult

Recommendation

1. That council endorse the brief prepared by the Western Australian Tourism Commission (WATC) for a "Future Accommodation Needs Analysis" consultancy.
2. That council write a letter of appreciation to the Western Australian Tourism Commission its assistance in this project.



26 AUGUST 2020



26 AUGUST 2020

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**SHIRE OF SHARK BAY  
LOCAL PLANNING SCHEME NO. 3  
AMENDMENT NO. 1**

---

26 AUGUST 2020

File No: .....

Part of Agenda: .....

**MINISTER FOR PLANNING AND INFRASTRUCTURE**

**Proposal to amend a Local Planning Scheme**

1. Local Authority: **Shire of Shark Bay**
2. Description of Town Planning Scheme: **Local Planning Scheme No. 3**
3. Type of Scheme: **Town Planning Scheme**
4. Serial No. of Amendment: **1**
5. Proposal:
  1. Introduce definitions into Schedule 1 Land Use Definitions.
  2. Rezone Edel Location 110 from 'Rural/Pastoral' to 'Special Use Zone' and include appropriate provisions within Schedule 4.
  3. Amend the Scheme Map accordingly.

26 AUGUST 2020

**PLANNING AND DEVELOPMENT ACT 2005**

**RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**

**Shire of Shark Bay  
Local Planning Scheme No. 3  
Amendment No. 1**

**RESOLVED** that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

1. Introduce the following definitions in appropriate alphabetical order into Schedule 1, 3 Land Use Definitions:
  - 'Oceanarium' means a saltwater aquarium for the display and observation of fish and other marine life
  - 'Workers Accommodation' means a dwelling or residential building occupied by a person who is:
    - a) engaged in active employment on the subject land;
    - b) the owner (whether in whole or part) and operator of a business, where that person is also currently actively involved in the operation of the business on a day to day basis in Coral Bay; or
    - c) a spouse, partner or dependant child of a person referred to in paragraph (a) or (b).
2. Rezoning Edel Location 110 from 'Rural/Pastoral' to 'Special Use Zone' and including the following provisions within Schedule 4.

No.	Description of Land	Special Use	Conditions
14	Edel Location 110	The following uses are permitted: <ul style="list-style-type: none"> <li>• Oceanarium and associated incidental uses</li> <li>• Shop</li> <li>• Café/Restaurant</li> <li>• Camping area</li> <li>• Workers Accommodation</li> </ul>	The following conditions of development apply: <ol style="list-style-type: none"> <li>i) The intent of this Special Use Zone is to allow the development of an Oceanarium and associated uses incidental to the operation of the Oceanarium for both tourist and research purposes.</li> <li>ii) The use of the Camping Area is restricted to students involved in educational programs or research on site and is not for use by the general public.</li> <li>iii) A maximum of two dwellings for workers accommodation may be constructed on site.</li> </ol>



MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

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3 Amend the Scheme Map accordingly.

Dated this ..... day of ..... 20.....

.....  
Chief Executive Officer

## AMENDMENT REPORT

### 1.0 INTRODUCTION

This report has been prepared on behalf of WA Ocean Park Pty Ltd, the lessee of Edel Loc 110,

Ocean Park is a well established tourist attraction located south of the Denham townsite. The uses on the site have evolved through various iterations of the lease for the site. The Scheme Amendment intends to bring the landuses and existing development on the site into conformity with Local Planning Scheme No. 3.

### 2.0 DESCRIPTION

The site is located within the municipal boundary of the Shire of Shark Bay, close to the Denham townsite, refer **Figure 1**. The town of Denham, is the main settlement within the Shire, is some 833 km from Perth, 405 km from Geraldton, 330 km from Carnarvon and 129 km from the Overlander turnoff on the North West Coastal Highway.

More specifically the site is located approximately 8 kilometres south of the Denham townsite, as illustrated in **Figure 2**.

Access to the site extends from Shark Bay Road via an existing unsealed road. Shark Bay Road provides direct access to the Denham Townsite.

The site is more colloquially known as Ocean Park or the Shark Bay Marine Park, it is renowned for its incredible diversity of marine life. Ocean Park is a tourist attraction allowing the public to touch, and learn about the marine environment.

Shark Bay is a World Heritage Area in recognition of its biological history, unique formations and natural habitats where threatened species survive. Ocean Park provides an ecotourism service to enable visitors to understand and see this special world heritage area.

Currently landuses located on site, as illustrated in **Figure 3**, includes:

- Oceanarium
- Shark/fish pond
- Kiosk (for take-away foods only)
- Caretaker's dwelling
- Ablution facility
- Generator sheds/workshop

### 2.1 Legal Description

The site operates under a lease with the State of Western Australia. The uses permitted under the lease are 'Aquaculture and Associated and Ancillary Purposes'.

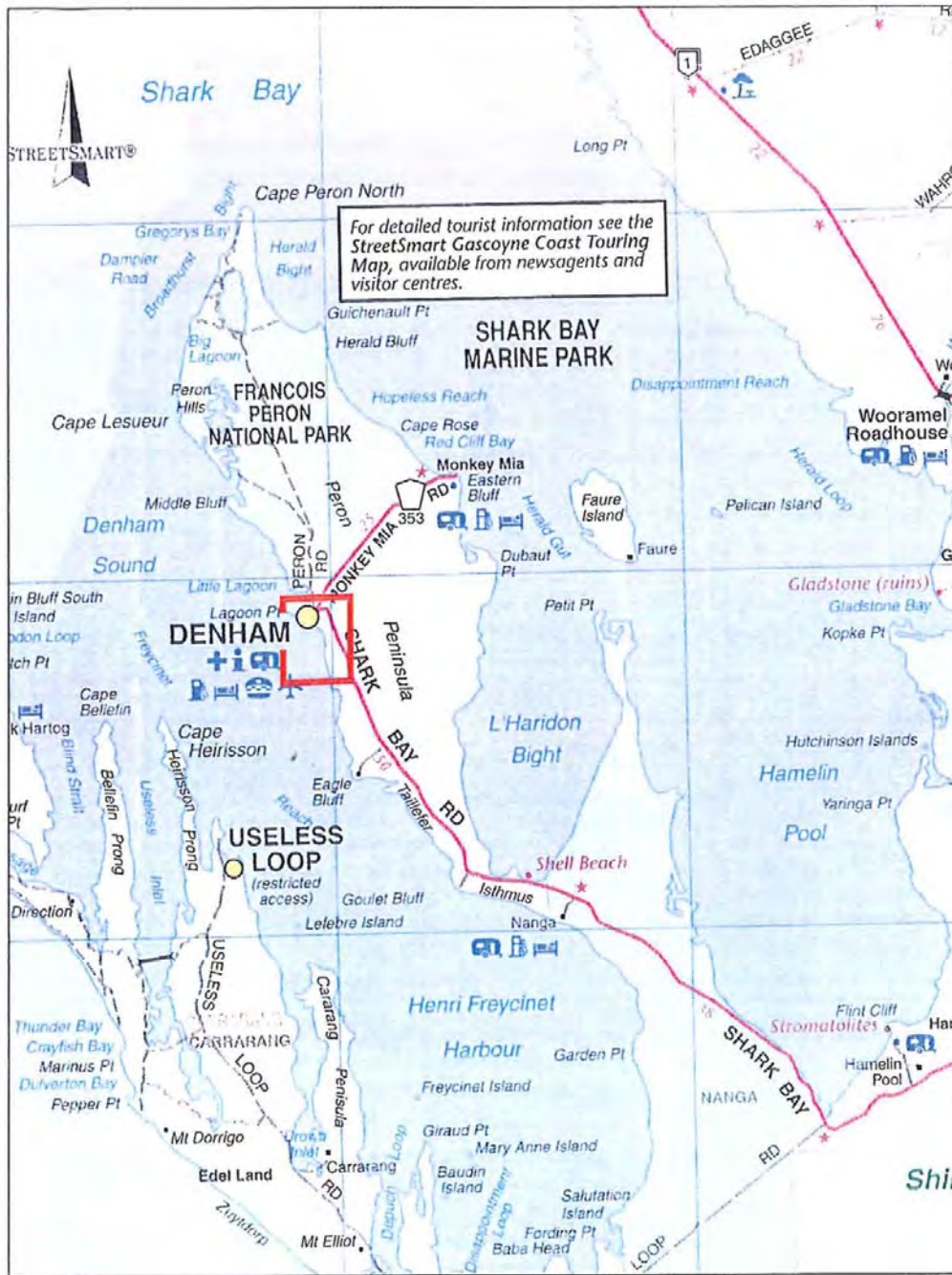
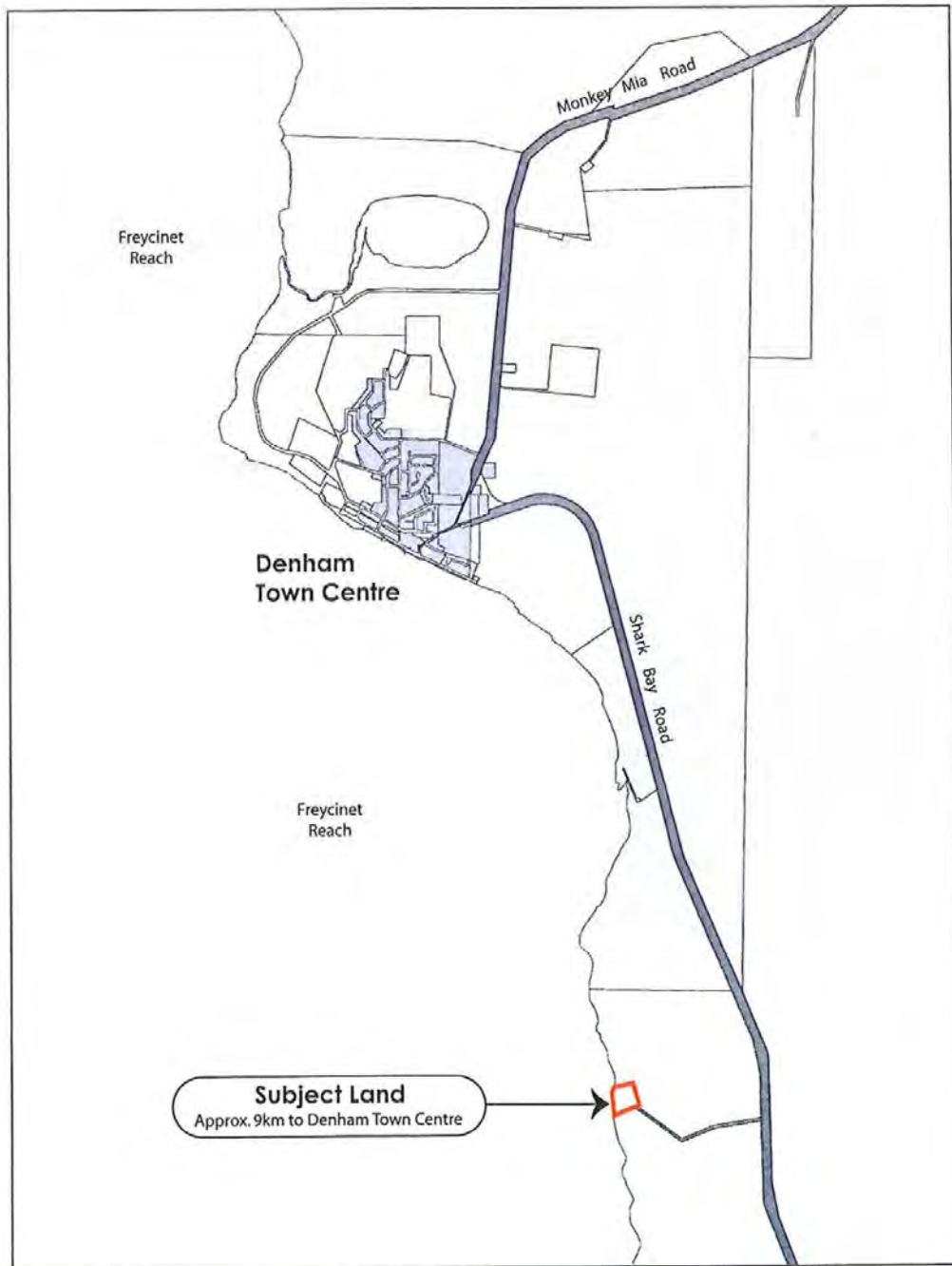


FIGURE 1: REGIONAL CONTEXT  
EDEL LOCATION 110 SHARK BAY ROAD DENHAM

Scale: 0 to 4 April 2008  
plan number: 07/041 TPS AMD  
TAYLOR BURRELL BARNETT  
Town Planning and Design

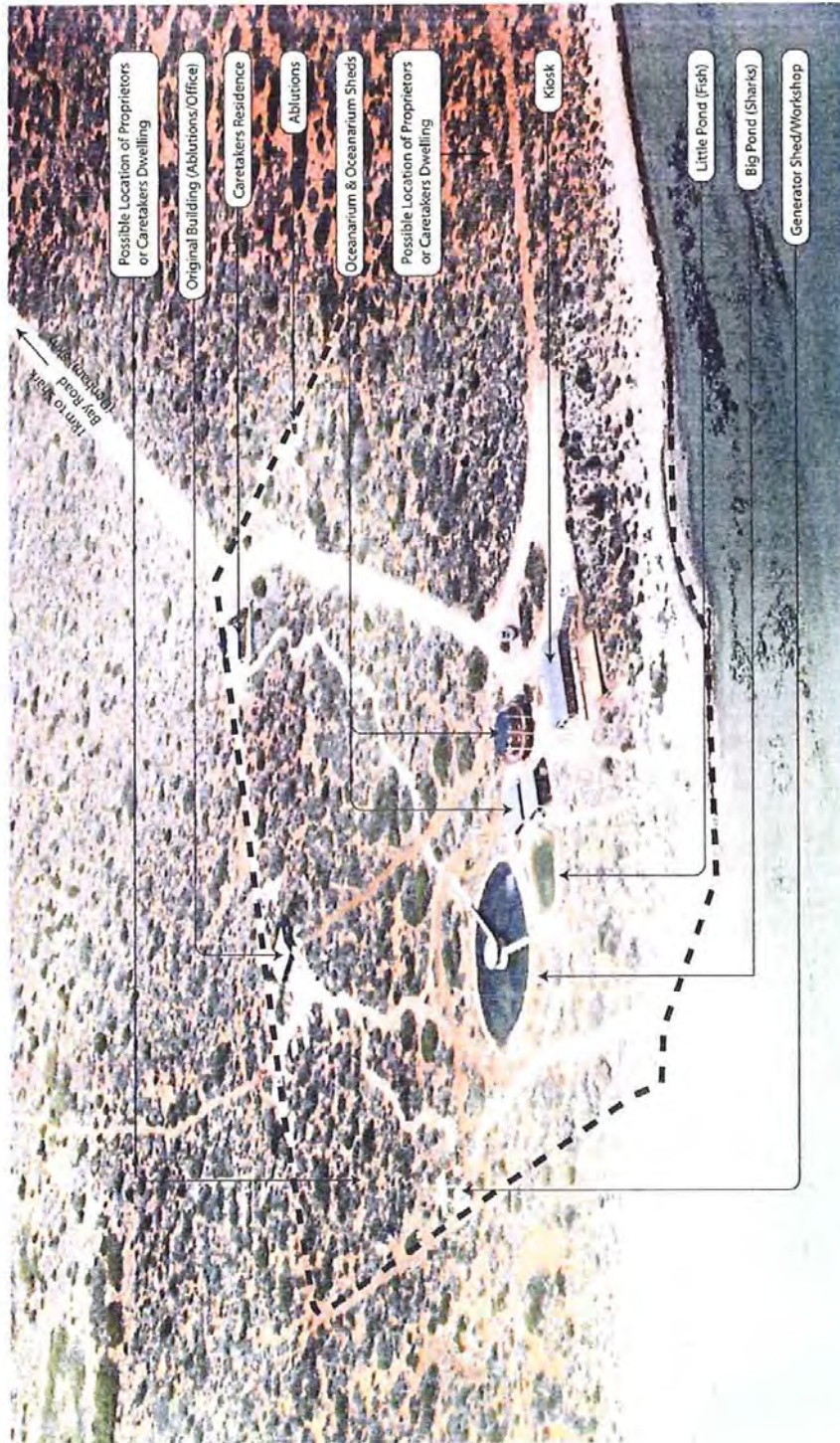


**FIGURE 2: LOCATION PLAN**  
EDEL LOCATION 110 SHARK BAY ROAD DENHAM





26 AUGUST 2020



--- Subject Land

**FIGURE 3: EXISTING USES**  
DEVELOPING 110 SHARK BAY ROAD, DENHAM

28 MARCH 2008  
377041 175 4000 EXISTING USES  
SCALE - N/A



26 AUGUST 2020

### 3.0 PROPOSED DEVELOPMENT AND ZONING

#### 3.1 Background

As mentioned, Edel Location 110 is currently zoned 'Rural/Pastoral' under Local Planning Scheme No.3. The lease vesting includes 'Aquaculture and Associated and Ancillary Purposes'. The lease vesting reflects the existing use of the site, however, the site has always remained in the 'Rural/Pastoral' zone. It is apparent that the current zoning of the land does not reflect the current use of the land.

Council, at its meeting of December 2005, resolved that the rezoning of the site was warranted and that this should be modified within LPS No. 3 to include the land within a Special Use Zone to reflect the individual use of the land.

This modification to LPS No. 3 was not pursued prior to its gazettal as there was the concern that this change, together with various others, may delay the finalisation of the Scheme and it was more appropriate to amend the Scheme post its gazettal, hence this Amendment No. 1 to LSP No. 3.

#### 3.2 Proposal

This amendment seeks to:

1. Bring the existing uses into conformity with the Scheme; and
2. Facilitate the conversion of the kiosk to a café/restaurant.

Ocean Park is a tourist and educational attraction to the region and its operators intend to ultimately modernise the facility, including larger exhibition area and opportunity for more permanent student and educational accommodation, which is likely to result in further development of the site. The key priority is however, the conversion of the kiosk to a café/restaurant.

Currently, restaurant is an 'X' use in the 'Rural/Pastoral' zone and therefore not permitted. As can be appreciated, patrons to modern tourist attractions also expect appropriate levels of service and in this instance a kiosk only allowing the sale of pre-packaged foods does not provide that level of service. The café/restaurant is paramount to continuing to operate as a desirable tourist attraction. This Amendment will therefore allow this conversion.

It is considered that a further amendment will be required to facilitate the ultimate development on the site. Whilst this Amendment relates to a tourist site/attraction, it does not propose any tourist accommodation and, as mentioned, is merely reflecting the primary use operating on the site.

Notwithstanding, Planning Bulletin No. 83 and the recommendations of the Tourism Planning Taskforce are acknowledged. Given that these recommendations relate primarily to using Tourist zoned land for residential purposes, it is contended that in this instance Edel Location 110 may be exempted from consideration of the Planning Bulletin.

It is further acknowledged that any future strategic planning to potentially include tourist accommodation will be subject to these recommendations, together with the need to be involved in the Shire's Local Planning Strategy or Tourism Strategy.



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Considering the issues associated with the site and to facilitate this Stage 1 development only, proposed Scheme provisions include:

No.	Description of Land	Special Use	Conditions
14	Edel Location 110	<p>The following uses are permitted:</p> <ul style="list-style-type: none"> <li>• Oceanarium and associated incidental uses</li> <li>• Shop</li> <li>• Café/Restaurant</li> <li>• Camping area</li> <li>• Workers Accommodation</li> </ul>	<p>The following conditions of development apply:</p> <ul style="list-style-type: none"> <li>i) The intent of this Special Use Zone is to allow the development of an Oceanarium and associated uses incidental to the operation of the Oceanarium for both tourist and research purposes.</li> <li>ii) The use of the Camping Area is restricted to students involved in educational programs or research on site and is not for use by the general public.</li> <li>iii) A maximum of two dwellings for workers accommodation may be constructed on site.</li> </ul>

The Scheme Amendment will therefore result in very limited physical works on the site. The conversion of the kiosk to a café/restaurant will only occur within the existing improvements on site and no additional improvements are required. A much needed caretakers dwelling and proprietors residence will be constructed within the north-eastern corner and south-western corner, as shown indicatively in **Figure 3** within the next 12 months, however this is currently a discretionary use in the 'Rural/Pastoral' zone and may therefore be approved under the existing zoning of the site.



# MINUTES OF THE ORDINARY COUNCIL MEETING

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## **4.0 SERVICING**

### **4.1 Water**

Water is currently supplied to the subject land via cartage from Denham townsite. This arrangement will continue.

### **4.2 Effluent Disposal**

The ablution facilities are operated through drop toilets remote from the main tourist attraction. A building licence has been issued for a new toilet block attached to the kiosk - this is currently under construction.

### **4.3 Power**

Power is supplied via three generators housed in the generator shed.

### **4.4 Roads**

Access to the site is available via the existing track extending from Shark Bay Road.

### **4.5 Drainage**

The proposed use will have no additional impact on the existing local drainage than that of the current use of the land.

## **5.0 CONCLUSION**

This Amendment has been prepared to bring the uses developed on Edel Location 110 into conformity with Local Planning Scheme No. 3. Ocean Park has developed as a key tourist attraction for the region and in addition to conformity with the Scheme, the Amendment will allow the conversion of the kiosk to a café/restaurant, enabling the level of service now expected from quality tourist developments.

It is therefore respectfully requested that Edel Location 110 is rezoned from 'Rural/Pastoral' to 'Special Use Zone' with appropriate Scheme provisions.

**PLANNING AND DEVELOPMENT ACT 2005**

**Shire of Shark Bay  
Local Planning Scheme No. 3  
Amendment No. 1**

The Shire of Shark Bay under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Local Planning Scheme by:

1. Introduce the following definitions in appropriate alphabetical order into Schedule 1, 3 Land Use Definitions:
 

'Oceanarium' means a saltwater aquarium for the display and observation of fish and other marine life

'Workers Accommodation' means a dwelling or residential building occupied by a person who is:

  - a) engaged in active employment on the subject land;
  - b) the owner (whether in whole or part) and operator of a business, where that person is also currently actively involved in the operation of the business on a day to day basis in Coral Bay; or
  - c) a spouse, partner or dependant child of a person referred to in paragraph (a) or (b).
2. Rezoning Edel Location 110 from 'Rural/Pastoral' to 'Special Use Zone' and including the following provisions within Schedule 4.

No.	Description of Land	Special Use	Conditions
14	Edel Location 110	The following uses are permitted: <ul style="list-style-type: none"> <li>• Oceanarium and associated incidental uses</li> <li>• Shop</li> <li>• Café/Restaurant</li> <li>• Camping area</li> <li>• Workers Accommodation</li> </ul>	The following conditions of development apply: <ol style="list-style-type: none"> <li>i) The intent of this Special Use Zone is to allow the development of an Oceanarium and associated uses incidental to the operation of the Oceanarium for both tourist and research purposes.</li> <li>ii) The use of the Camping Area is restricted to students involved in educational programs or research on site and is not for use by the general public.</li> <li>iii) A maximum of two dwellings for workers accommodation may be constructed on site.</li> </ol>

- 3 Amend the Scheme Map accordingly.

MINUTES OF THE ORDINARY COUNCIL MEETING

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Dated this ..... day of ..... 2008

.....  
Chief Executive Officer

MINUTES OF THE ORDINARY COUNCIL MEETING

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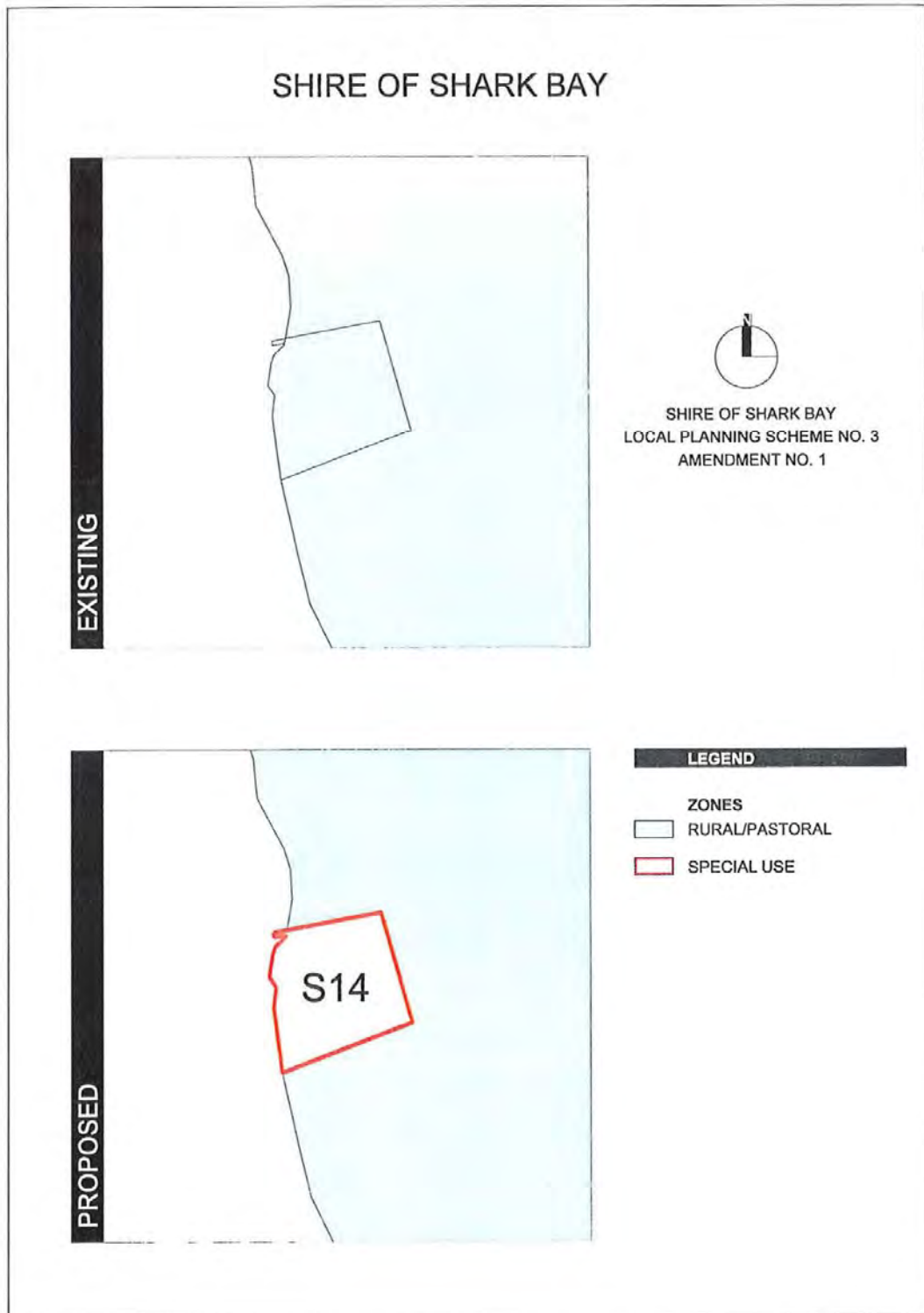
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**ADOPTION**

Adopted by resolution of the Council of the Shire of Shark Bay at the ..... Meeting of  
the Council held on the ..... day of ..... 2008

.....  
Shire President

.....  
Chief Executive Officer



MINUTES OF THE ORDINARY COUNCIL MEETING

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**FINAL APPROVAL**

Adopted by resolution of the Council of the Shire of Shark Bay at the ..... Meeting of the Council held on the ..... day of ..... 2008 and the Common Seal of the Shire was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....  
Shire President

.....  
Chief Executive Officer

**Recommended/Submitted for Final Approval**

.....  
Delegated under S.16 of PD Act 2005

.....  
Date

**Final Approval Granted**

.....  
Minister for Planning and Infrastructure

.....  
Date

ATTACHMENT # 3

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU13	Lot 556 Ocean Park Road, Francois Peron National Park	<p>As 'P' use:</p> <ul style="list-style-type: none"> <li>• Oceanarium</li> <li>• Restaurant/cafe</li> <li>• Shop</li> <li>• Single house</li> </ul> <p>As 'D' use:</p> <ul style="list-style-type: none"> <li>• Camping ground</li> <li>• Caravan park;</li> <li>• Holiday accommodation</li> <li>• Nature based park;</li> <li>• Tourist development;</li> <li>• Workforce accommodation</li> </ul>	<p>1) The intent of this Special use Zone is to allow the development of an Oceanarium and associated uses incidental to the operation of the Oceanarium for research purposes. Different forms of accommodation for tourists may be appropriate where the uses are planned for by a Local Development Plan.</p> <p>2) The use of the Camping ground is restricted to students involved in educational programs or research on site, unless the Camping ground forms part of an approved Local Development Plan (and has been specifically approved for general public use).</p> <p>3) A maximum of two dwellings for workforce accommodation may be constructed on site.</p> <p>4) Prior to the commencement development for any camping ground (to be used by the general public), nature based park or tourist development, a Local Development Plan shall be prepared in accordance with Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and approved by the local government and is to address the following:</p> <p>(i) A Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, services areas and rubbish management;</p>



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**SCHEDULE B – SPECIAL USE ZONES (Clause 21)**

No.	Description of Land	Special Use	Conditions
SU13	Lot 556 Ocean Park Road, Francois Peron National Park  (continued)		(ii) the proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;  (iii) coastal setbacks in accordance with any relevant state planning policy;  (iv) Bushfire management in accordance with any relevant state planning policy.  5) Notwithstanding Condition (4), the local government may consider development prior to the approval of a Local Development Plan as provided for under Clause 56(2), Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .

ATTACHMENT # 4



## Proposed Sea Cucumber Hatchery

100 Ocean Park Road  
Francois Peron National Park

### DEVELOPMENT OUTLINE

Version 2

3 August 2020

Prepared in support of an application for development approval made pursuant to clause 60—Requirement for Development Approval as prescribed in Part 7, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.



# MINUTES OF THE ORDINARY COUNCIL MEETING

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Dowling, AD. 2020: *Proposed Sea Cucumber Hatchery—100 Ocean Park Road, Francois Peron National Park*, Dowling Giudici + Associates.

**CITATION**

This document has been produced by Dowling Giudici + Associates (DG+A) on behalf of Tidal Moon Australia P/L (the proponent) for the purpose of supporting an application for development approval made pursuant to clause 60—**Requirement for Development Approval** as prescribed in **Part 7, Schedule 2** of the *Planning and Development (Local Planning Schemes) Regulations 2015* to use/develop lot 556 on Deposited Plan 404962 (the subject land) for the purpose of a sea cucumber hatchery.

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1 INTRODUCTION

DEVELOPMENT OUTLINE

This outline has been prepared to support the accompanying application for approval to develop a sea cucumber (Beche de Mer) hatchery within the site of the existing Ocean Park Aquarium that is located at 100 Ocean Park Road in the locality of François Peron National Park.

As the name of this document suggests it outlines the hatchery proposal and endeavours to satisfactorily address salient provisions of the *Shire of Shark Bay Local Planning Scheme (LPS) 4* in order that development approval for the hatchery can be granted pursuant to clause 60 (a) of Schedule 2, Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

2 PROPOSAL

The proposal is to develop a sea cucumber hatchery on lot 556 (HN 100) Ocean Park Road in the locality of François Peron National Park. Lot 556 is the site of the existing Ocean Park Aquarium.

A location plan is provided in Figure 1 following.



Figure 1: Location Map

The purpose of the hatchery is to research the breeding of local sea cucumber species and develop a sustainable supply of juvenile sea cucumber for farming in aquaculture licensed areas within the Shark Bay region—and in the longer term—for stock enhancement in wild harvest areas.

3 TENURE

The subject land is an estate in fee simple (freehold title) described as lot 556 on Deposited Plan 404962 and held in Certificate of Title (C/T) Volume 2883, Folio 335. A copy of the C/T is provided at Attachment A-1 to this Outline.



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WA Ocean Park Pty Ltd is the registered proprietor of the land.

There is an easement registered on the title for the purpose of a water supply, access and pipelines.

The property street address given on the C/T is 100 Ocean Park Road in the locality of Francois Peron National Park.

#### 4 PROPONENT AND OPERATOR

The proponent and operator of the proposed hatchery is Tidal Moon Australia Pty Ltd (TMA). TMA will undertake the development and operation of the hatchery in collaboration with the Ocean Park Aquarium (owned by WA Ocean Park Pty Ltd), and Curtin University.

Tidal Moon Australia Pty Ltd is a joint venture (JV) company, 51% owned by Tidal Moon Pty Ltd and 49% owned by A1 Investments and Resources Ltd. Whilst TMA's registered office is located in Sydney (NSW) its principal place of business is 7 Baudin Street Denham.

Tidal Moon Pty Ltd is a 100% Indigenous owned company. Its registered office is in North Perth and its principal place of business is at 110 Riverside Road East Fremantle.

It holds an exemption licence to hand-catch sea cucumber in the Shark Bay to Onslow region. It sells its catch to TMA who processes it into dried sea cucumber at its existing processing facility in Denham (Shark Bay). TMA then sells the dried sea cucumber to Blue Ocean Health, who sells the dried sea cucumber into Japan where it is used to produce health supplements, primarily for the Asian market.

Blue Ocean Health is the trading name for A1 Investments and Resources Ltd, which is registered in Sydney, NSW and is listed on the Australian Stock Exchange. Its major shareholder is Japan based.

TMA has recently been certified as a 'Food Business' within the Shire of Shark Bay (June 2020) and has a pending seafood export licence from the Federal Department of Agriculture (hopefully by August 2020).

Tidal Moon Pty Ltd handles the harvesting and indigenous training for catching sea cucumber whilst TMA handles the processing, sales and the proposed breeding of sea cucumber.

TMA has established alliances with Curtin University, Hirosaki University (Japan), CSIRO and South Metropolitan TAFE to assist it in developing and monitoring the breeding program.

Given the synergies with the research activities of the Ocean Park Aquarium and the capability to draw readily accessible sea water for use in the proposed hatchery via the aquarium's existing sea water supply infrastructure, the subject land was identified as the most suitable location for the hatchery.

To this end, WA Ocean Park Pty Ltd (the owner and operator of the Ocean Park Aquarium) will lease just over a small 200 m<sup>2</sup> development site (or 'footprint') within the existing aquarium complex to TMA for an initial timeframe of 5 years with a 5 year renewal option.

## DEVELOPMENT OUTLINE

(cont'd)



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The proposed lease area is the same area as the development footprint denoted on DG+A Plan No. TIDMOO1\_200702\_P01\_rev2 (dated 15 July 2020) accompanying the development application.

## DEVELOPMENT OUTLINE

(cont'd)

Given its ownership of the subject land, WA Ocean Park Pty Ltd is the entity applying for development approval of the proposed hatchery.

### 5 PHYSICAL DESCRIPTION

Lot 556 comprises an area of approximately 6.214 hectares with a street frontage of approximately 24 metres to Ocean Park Road.

The lot is generally rectangular in shape and sits on the western shore of the Peron Peninsula, about 6 kilometres south-east of Denham.

It is elevated approximately between 5 and 10 metres AHD, overlooking Freycinet Reach.

Lot 556 is about 40-50% developed. The remainder of the lot is undeveloped and covered by remnant low-profile coastal/dune vegetation.

The subject land is relatively isolated as there is no surrounding existing built development.

Access to lot 556 is via Ocean Park Road which connects to the Shark Bay Road (which extends between the Denham townsite and the North West Coastal Highway).

A series of photographs of the subject land is provided at Attachment A-2 to this Outline.

### 6 PROPOSED HATCHERY DEVELOPMENT DETAILS

#### Breeding Stock

Stock for the breeding of sea cucumber at the hatchery will be sourced from the Shark Bay region comprising the following species:

Black Teatfish	<i>(Holothuria whitmaei + Holothuria nobilis)</i>
White Teatfish	<i>(Holothuria fuscogilva)</i>
Sandfish	<i>(Holothuria scabra)</i>
Blackfish	<i>(Actinopyga miliaris)</i>
Deepwater Redfish	<i>(Actinopyga echinites)</i>
Surf Redfish	<i>(Actinopyga maruitiana)</i>
Redfish	<i>(Actinopyga obesa)</i>
Curryfish	<i>(Stichopus variegatus)</i>

#### Development Footprint

The proposed hatchery development will occupy a small 202 m<sup>2</sup> footprint within the curtilage of the existing Ocean Park Aquarium complex, generally aligned along a north-south axis.

The footprint will include a large shed structure 135 m<sup>2</sup> in size with a 40 m<sup>2</sup> open fenced yard extending across the shed's northern facade and a 27 m<sup>2</sup> open fenced yard extending across its southern facade.





### Hatchery Structures

The 135 m<sup>2</sup> large shed (containing the proposed hatchery) will comprise two (2) integrated structures as follows:

1. A 90 m<sup>2</sup> (15 metres x 6 metres) open-walled roofed structure containing 14 salt-water tanks for spawning, broodstock, larval rearing, and nursery operations, all sitting on a sand/grit pad; and
2. A 45 m<sup>2</sup> (15 metres x 3 metres) enclosed insulated shed building ('lean-to') with a concrete floor comprising a hatchery office, a feed production room, a breeding laboratory, and a control room/equipment storage room.

A floor plan and elevation drawings of the large shed together with a schematic floor plan of the hatchery have been provided with the development application.

The roof and walls of the hatchery will be clad with colourbond, finished in Deep Ocean Blue.

### Power Supply

Power for the hatchery will be provided from the Ocean Park Aquarium, which is powered by its own solar power-generating facility located on the subject land, and two 150kW back up battery systems.

### Water Supply

The hatchery will be supplied with both fresh (potable) water and sea-water.

The sea-water is required for the breeding etc of the sea cucumbers and will be provided via the aquarium's water supply system. This system currently draws sea-water from the ocean (under a current aquaculture licence) at 80,000 litres per hour. It has a recirculation capacity of 120,000 litres per hour.

The sea-water will pass through a water filtration system before it enters the hatchery tanks. Collectively, these tanks will hold about 50,000 litres of water.

Fresh (potable) water will also be provided from the aquarium's existing on-site freshwater storage tank. This water is also sourced from the ocean but is desalinated by reverse osmosis.

### Water Discharge

Once sea-water has passed through the hatchery tanks it is discharged to the ocean through 3 - 4 existing settlement ponds located within the Ocean Park Aquarium complex and a gravity-fed pipe. It is not a constant discharge and only takes place as required.

Any discharge water from the hatchery will meet the standards of the Ocean Park Aquarium currently applied to the discharge of its own sea-water. If any treatment of the discharge sea-water is required it will be undertaken within the confines of the hatchery and prior to being discharged into Ocean Park's water filtration system.

Where the hatchery discharge water contains higher levels of nutrients than acceptable to the Ocean Park Aquarium these nutrients will be removed or reduced to an acceptable level before discharge into the Ocean Park water filtration system. This is standard hatchery operating procedures.

### DEVELOPMENT OUTLINE

*(cont'd)*



All hatchery tanks and any discharge tank will be constantly monitored for temperature, nutrient level, oxygen level. No water will be discharged from the hatchery unless it meets the standards applied by the Ocean Park Aquarium. This includes the temperature of the discharge water.

**DEVELOPMENT OUTLINE**

*(cont'd)*

Discharge sea-water flow rates have not yet been determined for the hatchery but it is not envisaged that the Ocean Park Aquarium will need to increase its current flow capacity into the ocean to accommodate this.

**Aquatic Organic Waste Disposal**

Aquatic organic waste generated through the breeding process is likely to be minimal and will consist mainly of organic debris, algae, ammonia, nitrate etc. This will be discharged via the Ocean Park Aquarium water-discharge system.

Importantly, there will be no chemical waste generated.

**Ablutions**

The aquarium's existing ablutions (shower and toilets) will be available for use by hatchery staff. Wastewater from the ablutions is disposed of into an onsite 60,000L capacity self-composting septic system with leach drain.

**Refuse Disposal**

Refuse disposal generated by the hatchery will be placed into Ocean Park's skip bin, which is emptied fortnightly by a private service provider.

**Vehicular Access**

Vehicular access to the hatchery will be provided from an existing driveway extending off the aquarium's sealed driveway that is an extension of Ocean Park Road.

**Onsite Parking**

Onsite parking will be available either within the aforementioned driveway serving the proposed hatchery or within the existing onsite parking area located at the front of the aquarium.

Due to low staffing numbers, and with two (2) staff being Ocean Park aquarium employees, the demand for onsite parking will be minimal.

Depending on the nature of services, products, equipment etc being provided for the hatchery operations, delivery and service vehicles can either park within the existing onsite parking area at the front of the aquarium or within the access driveway.

**Site Fencing**

The development site (or footprint) will be securely fenced at its front and rear as denoted on the site development plan provided at Attachment A-2 to this Outline.

No public access or tourism visitation will be available to the hatchery although in the long term it is desired for a viewing platform to be constructed from within the existing aquarium complex to enable public viewing of the hatchery.



# MINUTES OF THE ORDINARY COUNCIL MEETING

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## Staffing

A total of five (5) staff will be employed part-time to operate the hatchery.

Two (2) of these will be existing employees from the Ocean Park aquarium. TMA's operations manager, who is based at TMA's sea cucumber processing facility at 7 Baudin St Denham, will oversee the hatchery operations.

Aquaculture academics and consultants will also be engaged on a casual basis from time to time to assist in the hatchery's research and development programs.

Where possible, TMA will seek to fill any available positions within the hatchery with indigenous employees.

The hatchery will be staffed 7 days a week, between 8.00 am and 5.00 pm.

## 7 BACKGROUND AND CONTEXT

### *Site Use and Development History*

Lot 556 (and its precursors Edel Locations 110 and 111) has a long and significant development history for aquaculture use and related activity.

On 30 September 1998, the Shark Bay Shire Council considered and approved, pursuant to the Shire's then *Town Planning Scheme No.2*, a development application for the development of a Pink Snapper Hatchery (Aquaculture). A copy of the development approval granted, is provided at Attachment A-3 to this Outline.

It is understood that the granting of this approval was predicated on a number of documents identifying and recommending the subject land and surrounding land as being suitable for the carrying out of aquaculture.

One of these documents included the Shire's then *Aquaculture Strategy Policy* that was to be included in its draft *Town Planning Scheme 3* that had been prepared at the time.

Since that time, the pink snapper hatchery has evolved into the current Ocean Park Aquarium complex, however, WA Ocean Park Pty Ltd still holds a valid aquaculture licence (#1551) from the Department of Fisheries to culture pink snapper from lot 556. Whilst the culturing of pink snapper from this lot is presently inactive it can be resumed at any time under this licence.

It is noted that *Local Planning Scheme (LPS) 4* (the prevailing local planning scheme) zones lot 556 as Special Use.

This zoning excludes the carrying out of land uses defined or included under the land use term 'agriculture intensive', including aquaculture. However, the approved aquaculture use (the Pink Snapper Hatchery) may have a non-conforming use right under LPS 4 to continue to exist.

This is further discussed in section 8 - Justification for Approval of this Outline.

To this end the development application for the sea cucumber hatchery could be considered as a continuation of the previously approved hatchery notwithstanding that an additional marine species (sea cucumber) is to be propagated.

## DEVELOPMENT OUTLINE

(cont'd)



# MINUTES OF THE ORDINARY COUNCIL MEETING

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## *Associated Uses*

It is further noted that under the Special Use zoning applying to lot 556, uses associated with and incidental to the operations of the Oceanarium (ie. the Ocean Park Aquarium) for research purposes can also be allowed.

Notwithstanding the preceding contention that the proposed sea cucumber hatchery could be considered as a continuation of the previously approved hatchery use (pink snapper) being carried out upon lot 556, it is also contended that the proposed hatchery is an associated and incidental use of the existing Oceanarium (aquarium).

The breeding of sea cucumbers within the proposed hatchery is an integral research function of the existing Ocean Park Aquarium (oceanarium).

As stated on its website, the Ocean Park Aquarium is a research centre for WA seafood and particularly Shark Bay fish. This includes the aquarium's involvement in the WA state government's research projects into passive shark attack mitigation technologies, the Department of Fisheries fish population surveys, and the Department of Parks and Wildlife's Monkey Mia Dolphins project on a regular basis.

The Aquarium includes exhibits of many Shark Bay species including sea cucumbers.

Sea cucumbers are an important part of the total eco system of Shark Bay. They occupy the bottom of the food chain but are essential to the cleaning and maintenance of sea grass.

(It should be noted too that the sea grass beds of Shark Bay were critical in underpinning Shark Bay's inscription as a World Heritage Area.)

However, the lifecycles and breeding of Western Australian sea cucumbers are very poorly understood and they have been the subject of little scientific research. The proposed hatchery will seek to remedy this particularly because since 2012 there has been an overall concern about the fragility of the entire ecosystem within Shark Bay largely precipitated by substantial reduction in the sea grass beds of Shark Bay because of the increase in water temperature in the whole Bay since that time.

Specifically, research at the proposed hatchery will include researching of the life cycle of sea cucumbers and ongoing assessment and analysis of existing populations of sea cucumbers and their distribution throughout the Bay, particularly within the remaining sea grass beds of Shark Bay.

Understanding the breeding cycle and the environmental challenges to this are crucial to regenerating and preserving the Shark Bay sea grass beds. Maintaining and preserving these sea grass beds is also crucial to the entire food chain in Shark Bay and the seas around (as well as for maintaining the heritage values of the Shark Bay World Heritage Area) for without these marine life further up the 'food chain' (eg. sharks and dolphins) will not thrive.

Thus, the hatchery and the research to be conducted from within it, will be integral to a greater understanding of the total eco system of Shark Bay.

There is current research being carried out by Curtin University and Japanese researchers into the life cycles of Western Australian sea cucumbers.

## DEVELOPMENT OUTLINE

*(cont'd)*



It is intended for these researchers to be provided access to the proposed hatchery and the Ocean Park Aquarium in the carrying out of their research.

**DEVELOPMENT OUTLINE**

*(cont'd)*

Furthermore, as part of its wider research program, Ocean Park will be hosting (with access to the proposed hatchery) a Curtin University post graduate student to research the development of integrated tropical sea cucumber aquaculture in Western Australia.

Access to and use of the proposed hatchery and aquarium for the carrying out of marine research and study by university students and researchers is in line with Ocean Park's mission to openly encourage cooperation with universities and support scientific studies in undertaking marine research and development programs.

In addition to the aforementioned existing and proposed examples, other Curtin university researchers have been granted access to the Ocean Park Aquarium as part of three studies into passive shark mitigation strategies. Aquarium staff also assist in Florida International University's Shark Bay Ecosystem Research Project.

Other examples of the kind of research the proponent is seeking to undertake from the hatchery are listed at Attachment A-4 to this Outline.

***Incidental (Secondary) Uses***

In addition to its research function and activities, the hatchery will be used as a nursery for the development of juveniles for growing out in licenced aquaculture areas within Shark Bay.

The processing of harvested sea cucumber (which is not part of this application) from the licenced aquaculture areas within Shark Bay for processing into dry product will occur from TMA's existing premises in Baudin Street Denham.

The argument of allowing the hatchery as an incidental use to the aquarium is also discussed further in section 8 - Justification for Approval of this Outline.

Within a wider context, the hatchery development is part of an effort by the proponent to establish an aquaculture hub for breeding and farming sea cucumber within the Shark Bay region. In turn, and at a more holistic level, this will support and facilitate the ability to maintain wild stocks of sea cucumber.

The proposed hatchery also has the potential or leverage to generate social, community and environmental benefits, especially in respect to the local Malgana community.

The nature of the business is something that the Malgana community will be able to identify with through their ancestral links and heritage. Although somewhat intangible and difficult to quantify in monetary terms, these aspects will have a positive impact in terms of the health and wellbeing of the Malgana community.

Environmental benefits that can flow from the hatchery include reducing dependence on harvesting wild stocks of sea cucumber, and through growing and releasing juveniles into fisheries, replenishing stocks of cucumber within the local marine environment.

There are significant health benefits too with the consumption of sea cucumber products.



Sea cucumber have been used as a food source and medicinal ingredient in Asian and Middle Eastern countries for centuries.

It is also used in Traditional Chinese medicine, where it is believed to have healing properties and used to treat ailments like arthritis, cancer, frequent urination and impotence. Sea cucumbers contain high levels of a *fucosylated glycosaminoglycan* in their skin, which people across Asia have been using to treat joint problems like arthritis for centuries. More recently in Europe, it is being used to treat certain cancers and to reduce blood clots.

The COVID-19 pandemic too has increased the demand for sea cucumber products as the Asian market has strong beliefs around the immunity boosting properties of the sea cucumber.

**DEVELOPMENT OUTLINE**

*(cont'd)*

**8 JUSTIFICATION FOR APPROVALS**

Justification for the proposed development is argued on the basis that the development proposal satisfactorily addresses the following matters that are listed in clause 67, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which the Shark Bay Shire Council must have regard to in determining the application:

*Cl.67 (a)—The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*

The proposed hatchery development has the potential to achieve at least aims (e) and (h) of the Shire's *Local Planning Scheme (LPS) 4* (see clause 9 of LPS 4).

Firstly, it will generate employment and assist in the economic growth of Denham and the Shire generally (aim e).

This includes opportunities for local employment (especially local indigenous people), use of local trades, suppliers and services etc in the construction and ongoing operation and maintenance of the hatchery, as well as supporting the growth of an indigenous-owned business; and

Secondly, it will protect and enhance the environmental values and resources of the Shire by reducing dependence on harvesting wild stocks of sea cucumber, and through growing and releasing juvenile sea cucumbers into fisheries, replenishing stocks of cucumber within the local marine environment (aim h).

*Cl.67 (b)—The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving*

As stated in section 7 of this outline, it is contended that under LPS 4 the proposed hatchery development is a continuation of an existing non-conforming use (the initial pink snapper hatchery).

It is noted that clause 22 of LPS 4 provides for the continued use of any land for the purpose for which it was being lawfully used immediately before the commencement of LPS 4.





# MINUTES OF THE ORDINARY COUNCIL MEETING

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More specifically, by virtue of clause 22 (1)(b), LPS 4 does not prevent the carrying out of development upon land that was lawfully approved prior to the commencement of LPS 4 and the approval has not expired or been cancelled.

## DEVELOPMENT OUTLINE

(cont'd)

Whilst there is a proviso that such a use must not have discontinued for a continuous period of 6 months or more, there is a further proviso that the local government can extend the discontinued period for longer than 6 months.

Having regard to this, and notwithstanding that the current pink snapper hatchery operation is currently in abeyance (largely due to factors outside of the realm of town planning considerations), approval of a longer discontinuance period is requested (covering the time the pink snapper hatchery has remained inactive).

This will enable the sea cucumber hatchery to be approved pursuant to clause 22 (1)(b) of LPS 4.

Alternatively, approval of the proposed hatchery is sought pursuant to condition 1 listed under the Special Use Zone 13. This allows uses associated and incidental to the current oceanarium use to be carried out on the subject land.

As demonstrated in section 7 of this Outline, the proposed hatchery use - especially its research function - will be directly associated with the current use of the oceanarium (Ocean Park Aquarium) as this is already used as a research centre/facility. This is despite the oceanarium's obvious visible presence as an exhibit/display of marine life within Shark Bay.

And if the visible presence of the facility as a marine animal exhibit/display is deemed to be by the Shire as the predominant use of the subject land, the hatchery can be viewed as an incidental use of the land given the nexus it will have with the current research function of the oceanarium, and in a more broader sense, the marine eco system of Shark Bay as ably demonstrated through the visual medium of the oceanarium.

### *Cl.67 (c)—Any approved State planning policy*

See Cl.67 (e) below

### *Cl.67 (d)—Any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d)*

There are no State Environmental Policies nor Environmental Protection Policies applying to the subject land.

### *Cl.67 (e)—Any policy of the Commission*

It is acknowledged that *State Planning Policy 3.7—Bushfire Planning* applies to the proposed development as lot 556 is included within a designated bushfire prone area.

It is further acknowledged that ordinarily, it is a requirement for either a bushfire attack level assessment (BAL) or a bushfire management plan (BMP) be submitted with the development application, unless an exemption to this is sought.





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## DEVELOPMENT OUTLINE

(cont'd)

Pursuant to the advice provided in the Western Australian Planning Commission's *Planning Bulletin 111/2016—Planning in Bushfire Prone Areas*, an exemption to submit a BAL or BMP with the accompanying DA is sought on the grounds that the development will not involve the occupation of employees onsite for any considerable amount of time nor to likely result in an increase to the bushfire threat.

Should it be deemed that a bushfire management plan (BMP) or an emergency evacuation plan is required to be prepared that this be imposed as a condition of development approval.

### *Cl.67 (f)—Any policy of the State*

The proponent is unaware of any other State policies that have direct relevance to the proposed hatchery.

### *Cl.67 (g)—Any local planning policy for the Scheme area*

A search of the Shire of Shark Bay website and the website of the Western Australian Planning Commission (WAPC) revealed no adopted local planning policies applying to the subject land.

### *Cl.67 (h)—Any structure plan, activity centre plan or local development plan that relates to the development*

Not applicable

### *Cl.67 (i)—Any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015*

Not applicable

### *Cl.67 (j)—In the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve*

The subject land is not reserved under LPS 4.

### *Cl.67 (k)—The built heritage conservation of any place that is of cultural significance*

LPS 4 does not contain a heritage list therefore the subject land is not a designated heritage place pursuant to the scheme.

It is noted that Part 3—Heritage Protection under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 requires the local government to prepare and maintain a heritage list and makes this available for public inspection.

The applicant is not aware nor has been advised by the Shire as to whether the whole or any part of lot 556 and any part of adjoining lots contain cultural heritage significance and thus is worthy of inclusion in the required heritage list or within a designated heritage area.



**DEVELOPMENT OUTLINE**

*(cont'd)*

*Cl.67 (l)—The effect of the proposal on the cultural heritage significance of the area in which the development is located*

A search of the Aboriginal Heritage Inquiry System (11 July 2020) revealed no registered Aboriginal sites on the subject land nor any other heritage places/sites.

An Aboriginal archaeological and ethnographic survey of the Shark Bay region was undertaken in the mid 1990's. A draft report on the survey was produced in April 1995 but it is not known if the report was finalised and published.

*Cl.67 (m)—The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*

The proposed development will be similar in nature, type, and character to the existing Ocean Park aquarium, and which it will be integrated with.

The existing Ocean Park Aquarium complex is relatively remote from Denham and there is no surrounding physical development on adjoining land.

*Cl.67 (n)—The amenity of the locality including the following:*

- (i) environmental impacts of the development;*
- (ii) the character of the locality; and*
- (iii) social impacts of the development.*

**Response to Part (i)**

Minimal land clearing will occur to accommodate the proposed hatchery.

Although the subject land is included within an Environmentally Sensitive Area (ie. the Shark Bay World Heritage Area) declared under the Environmental Protection Act 1986, pursuant to Schedule 6 of the Act, clearing of the subject land to accommodate the proposed hatchery is permitted should development approval be granted.

Minimal noise will be generated by the hatchery, nor will there be any light spill as the hatchery will not be floodlit at night.

**Response to Part (ii)**

See preceding comments in *Cl.67 (m)*.

**Response to Part (iii)**

The proposed hatchery will have a number of social benefits, including:

- Enhancing the existing Ocean Park Aquarium as a tourism destination;
- Opportunities to learn and increase knowledge about sea cucumbers, and report and publish research being undertaken into them; and
- Learning about aquaculture through the specific culturing of a marine creature (ie. as a case study).

It will also provide an opportunity for the inclusion and participation of Malgana people in the development of the hatchery and at a broader level the business growth and development of the proponent (TMA).



The business (including the hatchery) can facilitate the ability for traditional owners to once again reconnect with their land and sea through a traditional trading custom that promotes social inclusion and participation across the local community.

**DEVELOPMENT OUTLINE**

*(cont'd)*

This further benefits the health and well-being of community members. In this context, reference is made to their 'liarn' which relates to how they feel in heart, mind, body and soul. This is intrinsically linked to their culture, heritage, family and traditional lands.

Community members are already feeling a stronger 'liarn' in the knowledge that they are close to the re-establishment of what was one of their first trading customs.

A strong 'liarn' can be directly linked to greater life expectancy, purpose and sense of comfort for traditional owners based on knowing the business will benefit current and future generations.

*Cl.67 (o)—The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource*

The subject land is not included in any declared water resource protection area.

*Cl.67 (p)—Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved*

The proposed development will be located on a site that is somewhat cleared and very close to the existing Ocean Park Aquarium. This will minimise the extent of land to be cleared.

If any site landscaping is required it is suggested this be imposed as a condition of any development approval granted.

*Cl.67 (q)—The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk*

The proposed hatchery will be designed and constructed to accord with relevant cyclonic wind ratings to mitigate against any cyclonic impacts.

The subject site is not at risk of substantial flooding, tidal inundation, nor land slip. Any potential for soil erosion and land degradation can be mitigated by any onsite landscaping.

*Cl.67 (r)—The suitability of the land for the development taking into account the possible risk to human health or safety*

The subject land is deemed suitable to accommodate the proposed development given that it is similar in nature and character to the existing Ocean Park Aquarium and which it will be integrated with. An aquarium use/development is allowed under the current zoning assigned to the land under LPS 4.



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Relevant occupational health and safety requirements will be observed and complied with during the construction and operation of the hatchery.

## DEVELOPMENT OUTLINE

(cont'd)

*Cl.67 (s)—The adequacy of:*

- (i) the proposed means of access to and egress from the site;*
- (ii) pedestrian and vehicular access is available from the site's street frontages and internal driveway;*
- (iii) arrangements for the loading, unloading, manoeuvring and parking of vehicles.*

Sufficient land is available within lot 100 for the onsite parking, loading/unloading, and manoeuvring of motor vehicles.

Access to the subject land will also be available from an existing driveway extending off the sealed driveway extending from Ocean Park Road.

*Cl.67 (t)—The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety*

The amount of traffic likely to be generated by the proposed development is considered to be negligible, because of:

- The low number of staff that will be employed;
- The staff will be employed on a part-time or casual basis;
- Two (2) of these staff are already employed at the Ocean Park Aquarium; and
- No separate public access to the hatchery will be available or provided.

In light of this, it is contended that the existing sealed Ocean Park Road will be capable of safely accommodating any additional motor vehicle traffic generated by the proposed hatchery.

*Cl.67 (u)—The availability and adequacy for the development of the following:*

- (i) public transport services*
- (ii) public utility services*
- (iii) storage, management and collection of waste*
- (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities)*
- (v) access by older people and people with disability*

### **Response to Part (i)**

Given the relative proximity of lot 556 to the Denham townsite, it is expected that hatchery staff and visitors will make their own transport arrangements to and from the hatchery development site.

The provision of a regular public transport service to the subject land is presently considered unviable.

### **Response to Part (ii)**

The proposed hatchery development will draw off or share existing public utility services provided to the existing aquarium. There is no identified need to increase the capacity of these services.



# MINUTES OF THE ORDINARY COUNCIL MEETING

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## *Response to Part (iii)*

Any aquatic organic waste generated by the breeding process will be discharged via the aquarium's existing sea-water discharge system. The amount of organic waste likely to be generated is deemed negligible.

Refuse disposal from the hatchery operation will be placed in the aquarium's skip bin which is emptied from lot 556 fortnightly.

## *Response to Part (iv)*

There will be no pedestrian nor public access to the hatchery. However, the aquarium's ablutions (including a shower facility) will be available for use by hatchery staff.

## *Response to Part (v)*

Any disabled access required to be provided to the hatchery will be provided to Shire specifications.

*Cl.67 (v)—The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses*

Not applicable.

*Cl.67 (w)—The history of the site where the development is to be located*

Lot 556 (and its previous incarnation as Edel Locations 110 and 111) was initially developed for aquaculture purposes in or around 1998 and has been carried on since, although it has somewhat been subsumed into the current aquarium use/development.

Given this, it is not known as to why aquaculture was not included as a permitted use from lot 556 when LPS 4 was being drafted.

Notwithstanding, the site's past use for aquaculture allowed by the Shark Bay Shire Council suggests that aquaculture in the form of the proposed hatchery is a suitable and acceptable use to be carried on from the subject land.

*Cl.67 (x)—The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals*

See comments and remarks pertaining to Part (iii) in *Cl.67 (n)* of this section.

*Cl.67 (y)—Any submissions received on the application*

Not applicable.

*Cl.67 (za)—The comments or submissions received from any authority consulted under clause 66*

It is understood that because lot 556 is included within the Shark Bay World Heritage Area the development application (DA) will require referral to the Department of Biodiversity, Conservation and Attractions (DBCA) - and quite likely - the *Shark Bay World Heritage Advisory Committee* in responding to the Shire on the DA.

## DEVELOPMENT OUTLINE

*(cont'd)*



# MINUTES OF THE ORDINARY COUNCIL MEETING

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The applicant and proponent are confident that the proposed development will not detrimentally impact upon the values of the Shark Bay World Heritage Area.

## DEVELOPMENT OUTLINE

(cont'd)

In the event of the Shire consulting with relevant authorities on the DA the applicant and the proponent request the opportunity to directly respond to and address any concerns raised by those authorities.

*Cl.67 (zb)—Any other planning consideration the local government considers appropriate*

It is noted that when the Special Use zoning was created over the subject land via an amendment to *Local Planning Scheme (LPS) 3*, the intent of the Special use zone was to bring the existing uses in conformity with the scheme. These existing uses included aquaculture.

At the time, Edel Location 110 (the precursor to lot 556) was a Crown Reserve vested for the purpose of 'Aquaculture and Associated and Ancillary Purposes'.

The proposed rezoning to Special Use was initially agreed to by the Shark Bay Shire Council at its Ordinary meeting held on January 25, 2006 whereby it resolved to:

1. *Support a change in the vesting of the reserve from 'Aquaculture and Associated and Ancillary Purposes' to Tourism, Aquaculture and Native Ecology Research'; and*
2. *Support the pursuit of a rezoning of the land to the 'Special Use' zone and permit the following uses:*
  - *Oceanarium*
  - *Shop/Kiosk/Office*
  - *Holding Ponds*
  - *Aquaculture Sheds*
  - *Caretaker Accommodation*
  - *Restricted Educational Student Camping*
  - *Car park*
  - *Ablution Facilities*
  - *Generator Shed*
  - *Proprietor's Residence*

The amendment that was eventually adopted by the Shark Bay Shire Council did not include all of the aforementioned permissible uses such as the aquaculture sheds and holding ponds and no explanation was provided in the officer's report at the time on the final amendment as to why these uses were omitted. Thus, it could be surmised or construed that the aquaculture and holding ponds uses were incorporated into the use class 'Oceanarium and Associated and Incidental Uses'.

For all intents and purposes, lot 556 has always been identified as a designated aquaculture location, and that aquaculture uses have always been carried out from lot 556.

To this end, the proposed hatchery is a continuation of aquaculture usage of lot 556, and thus the accompanying development application for the proposed sea cucumber hatchery ought to be approved as proposed.

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ATTACHMENT 1  
CERTIFICATE OF TITLE - LOT 556

DOWLING GIUDICI + ASSOCIATES *Development Outline Attachment A-1-1*



MINUTES OF THE ORDINARY COUNCIL MEETING

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WESTERN



AUSTRALIA

REGISTER NUMBER	
556/DP404962	
Duplicate Edition	Date Duplicate Issued
N/A	N/A

VOLUME: 2883  
PAGE: 335

RECORD OF CERTIFICATE OF TITLE  
UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 556 ON DEPOSITED PLAN 404962

REGISTERED PROPRIETOR:  
(FIRST SCHEDULE)

WA OCEAN PARK PTY LTD OF LEVEL 2/9 BOWMAN STREET SOUTH PERTH  
(TF M931966 ) REGISTERED 6/3/2015

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

- \*M931965 EASEMENT BENEFIT FOR WATER SUPPLY, ACCESS AND PIPELINES PURPOSES. SEE DEPOSITED PLAN 404962. REGISTERED 6/3/2015.
- \*M941674 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD REGISTERED 18/3/2015.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

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

SKETCH OF LAND: DP404962  
PREVIOUS TITLE: I.R3111-615  
PROPERTY STREET ADDRESS: 100 OCEAN PARK RD, FRANCOIS PERON NATIONAL PARK.  
LOCAL GOVERNMENT AUTHORITY: SHIRE OF SHARK BAY

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING M941674

LANDGATE COPY OF ORIGINAL NOT TO SCALE 03/07/2020 12:16 PM Request number: 60746296



DOWLING GIUDICI + ASSOCIATES Development Outline Attachment A-1-2

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ATTACHMENT 2  
PHOTOGRAPHS OF PROPOSED HATCHERY SITE

DOWLING GIUDICI + ASSOCIATES *Development Outline Attachment A-2-1*

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DOWLING GIUDICI + ASSOCIATES Development Outline Attachment A-2-2



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ATTACHMENT 3

DEVELOPMENT APPROVAL - PINK SNAPPER HATCHERY  
(AQUACULTURE)

DOWLING GIUDICI + ASSOCIATES Development Outline Attachment A-3-1

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Town Planning and Development Act 1928 (as amended)

Shire of Shark Bay

Town Planning Scheme No 2 (as amended)

PLANNING APPROVAL P13/98

**DECISION ON APPLICATION FOR APPROVAL  
TO COMMENCE DEVELOPMENT**

K Gordon and P McKenzie  
PO Box 56  
DENHAM WA 6537

Dear Ken and Pater

The Council or its delegated officer having considered the application dated 17 September 1998 submitted by K Gordon and P McKenzie on behalf of K Gordon and P McKenzie hereby advise that it has decided to -

REFUSE/ GRANT APPROVAL TO COMMENCE DEVELOPMENT  
TO DISPLAY AN ADVERTISEMENT

of an Aquaculture (Pink Snapper Hatchery) venture at Edel Locations 110 and 111 (off Shark Bay Road)

subject to the conditions -  
for the following reasons -

- 1 The site to be used for the purpose of aquaculture (Pink Snapper Hatchery).
- 2 The applicants to submit copies of all conditional approvals and requirements which are issued by the various members of the IDCA in respect to the proposal and no works are to be effected on-site prior to these approvals/conditions being submitted to Council.
- 3 The site to be developed in accordance with approved requirements and as set out on the plan submitted.
- 4 All structures will be subject to the Building Regulations 1989 (as amended) and the required approvals obtained prior to construction commencement.

# MINUTES OF THE ORDINARY COUNCIL MEETING

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- 5 The layout, size and shape of buildings are to be such as to not impact upon the visual environment.
- 6 The consent of Council being obtained prior to any change of use of the premises.
- 7 The site to be landscaped and a landscape and planting plan to be submitted for approval prior to release of a building licence.
- 8 All stormwater and wastewater to be contained and disposed of on-site.
- 9 All signage to be approved prior to erection.
- 10 Compliance with the Health Act 1911.
- 11 The access road, driveways, parking areas and access areas are to be maintained in a serviceable/usable state and dust control measures are to be implemented and maintained.
- 12 Fencing of the land shall be to the satisfaction of the Building Surveyor.
- 13 No residential habitation will be permitted on-site unless appropriate accommodation and facilities are provided in accordance with the Building Code of Australia and Health Act requirements.

This approval is valid for 2 years from the date of approval. All conditions of approval are required to be met within this time period.

Note - Failure to complete conditions of approval or commencement of development within the 2 year approval period will result in the approval becoming invalid and a new application will be required to be lodged.

#### **Appeals**

Any applicant who is aggrieved by any decision made or deemed to have been made by Council exercising any of the discretionary powers available to it under this Scheme may appeal, in accordance with Part V of the Act, to the Honourable Minister for Planning or to the Town Planning Appeal Tribunal.

A R Biggs  
Chief Executive Officer

30 September 1998

26 AUGUST 2020

ATTACHMENT 4  
POTENTIAL RESEARCH AND DEVELOPMENT PROJECTS



# MINUTES OF THE ORDINARY COUNCIL MEETING

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The following research programs have been identified as contributing to the eventual success of the sea cucumber industry in the Gascoyne region:

**1. Resource Assessment**

A resource assessment of sea cucumber in the various areas the subject of the Tidal Moon exemption licence

**2. Life Cycle of Australian Sea Cucumbers**

An examination of the life cycle of Australian sea cucumbers, including their rates of growth in the various areas the subject of the Tidal Moon P/L exemption licence

**3. Resource Assessment Natural Predators**

A resource assessment of the natural predators to sea cucumber particularly starfish and sea urchins in the various areas the subject of the Tidal Moon P/L exemption licence

**4. Sustainable Resource**

The effect of harvesting on the regeneration of sea cucumbers in the areas harvested

**5. Sea Cucumber Propagation**

The best method(s) to provide for infant sea cucumber propagation production, including seeding into offshore defined aquaculture licensed areas, seeding into the wild more haphazardly, and seeding into breeding ponds located both onshore and offshore.

**6. Sea Cucumber Powder Production Methods**

The best methods to dry and retain the active ingredients in sea cucumber for the ultimate production of sea cucumber health supplements

**7. Benefits to local Aboriginal Peoples**

The benefits the business makes to the Malgana, Bayunga and Thalanyji Aboriginal peoples.

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## ATTACHMENT # 5

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020



Department of Biodiversity,  
Conservation and Attractions



Your ref: P4391 / O-PR-18885  
Our ref: PRS 45765  
Enquiries: Anthony Desmond  
Phone: 9964 0901  
Email: [anthony.desmond@dbca.wa.gov.au](mailto:anthony.desmond@dbca.wa.gov.au)

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

Dear Mr Anderson

**IMPACT OF PROPOSED SEA CUCUMBER HATCHERY LOT 556 OCEAN PARK ON SHARK BAY MARINE PARK**

Thank you for your letter of 30 July 2020 regarding the Proposed Sea Cucumber Hatchery at Lot 556 Ocean Park.

The Department of Biodiversity, Conservation and Attractions (DBCA) offers the following comment, specific to DBCA's responsibilities under the *Conservation and Land Management Act 1984* in relation to the Shark Bay Marine Park (SBMP).

DBCA considers that the Development Outline provides insufficient information to enable comprehensive and meaningful comment on the proposal. Although the proposal addresses the required matters in clause 67, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, it does not adequately address areas of concern to DBCA. Primarily these relate to Clause 67 (O) *The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.*

DBCA has not been consulted in relation to potential impacts to the SBMP, including in relation to intake and outlet issues, the potential impacts of releasing captive bred animals into the environment such as altering the genetics of natural populations and introduction of disease. Further, the information provided in the Development Outline is not adequate to assess these aspects of the proposal. Aquaculture activities can increase the risk of eutrophication, introduce chemicals, introduce antibiotics, and present biosecurity threats from the escape of stock into the environment.

In relation to discharge, the proposal could provide information in relation to the total amount of each waste stream, anticipated discharge levels and assessment against the Australian and New Zealand Environment and Conservation Council (ANZECC) & Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ), Marine Water Quality Guidelines and any proposed monitoring of the discharge or discharge site.

Midwest Region: 1<sup>st</sup> Floor, The Foreshore Centre, 201 Foreshore Drive, Geraldton  
Phone: (08) 9964 0901 Fax: (08) 9964 0977  
Postal Address: PO Box 72, Geraldton, Western Australia 6531  
[www.dbca.wa.gov.au](http://www.dbca.wa.gov.au)

MINUTES OF THE ORDINARY COUNCIL MEETING

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DBCA notes that there appears to be an assumption that approval will be provided to release captive bred animals into the environment prior to any referral to DBCA.

Should you have any queries regarding these comments or would like to discuss further, please contact Anthony Desmond on 9964 0901.

Yours sincerely



Nigel Sercombe  
REGIONAL MANAGER  
Midwest Region

14 August 2020

26 AUGUST 2020

13.3 ADDITIONS TO EXISTING DWELLING – 1B CROSS STREET, DENHAM  
P1199

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved Cr Stubberfield

Seconded Cr Smith

**Council Resolution**

**That Council:**

**A. Approve the development application for additions to an existing dwelling on 1B Cross Street, Denham subject to the following conditions and footnotes:**

1. The plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.
2. All stormwater from roofed areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries.
3. If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.

**Footnotes:**

- (i) A separate Building Permit must be obtained for the proposed works.

**6/0 CARRIED**

26 AUGUST 2020

BACKGROUND

The lot located on the corner of Cross Street and Durlacher Street has been developed with two grouped dwellings that are strata titled.

There is an existing dwelling on Strata Lot 2 which faces Cross Street. Strata Lot 2 has an approximate area of 405m<sup>2</sup>.



COMMENT

• ***Proposed Development***

The application is for an addition to the rear of the existing dwelling. The applicant proposes to demolish an existing patio and increase the floor area of the dwelling by approximately 53.9m<sup>2</sup>.

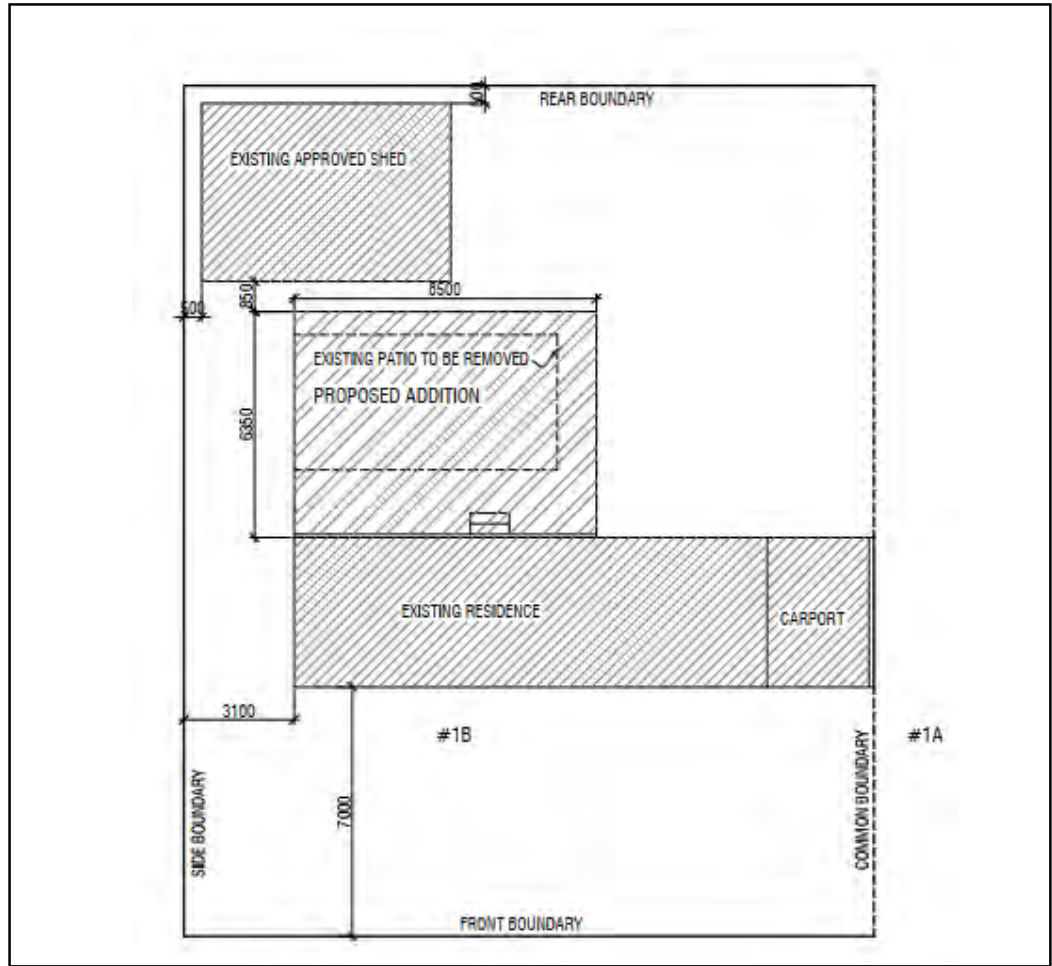
The existing floor area will be increased to include a new bedroom with ensuite, and a living room. The proposed development is minor and the addition measures 8.5 metres by 6.35 metres.

The development is fully contained within Strata Lot 2 and does not impact on any common property. The Strata does not include any common property areas.

Plans are included over page.

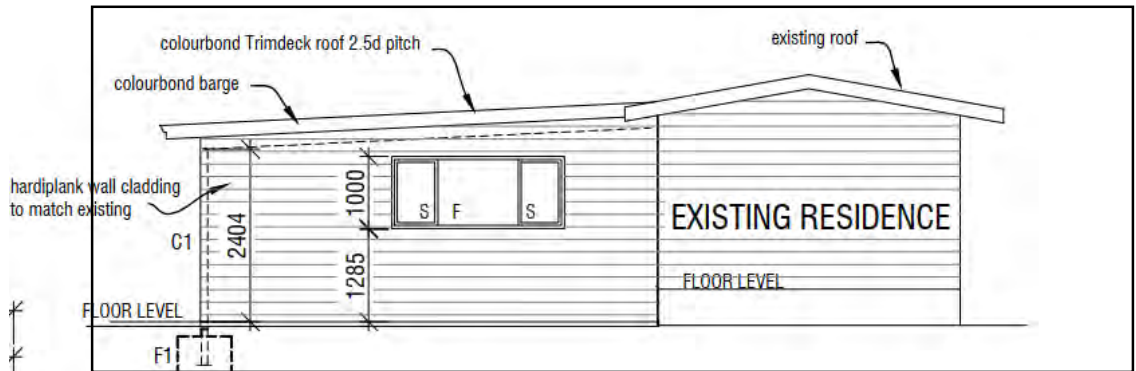
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CROSS STREET

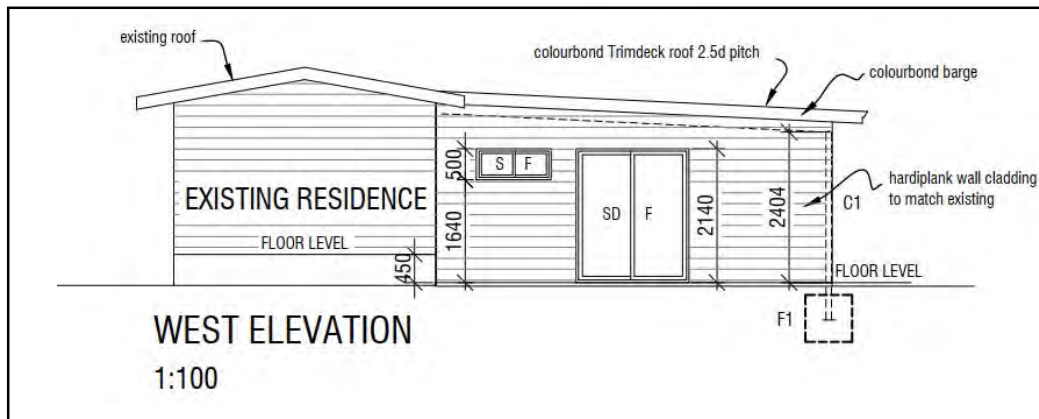
Site Plan of Strata Lot 2



East Elevation



26 AUGUST 2020



- **Residential Design Codes**

The proposed addition complies with the setbacks, open space and site requirements of the Residential Design Codes.

It is proposed at natural ground level therefore there no assessment of overlooking is required. The finished floor level of the existing dwelling is higher than the floor level proposed for the addition.

The proposed development only requires planning approval as it an extension to a grouped dwelling (on a strata lot which is not a survey strata).

The proposed development is supported, will not adversely impact on amenity or neighbouring properties and complies with the Residential Design Codes.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 –

Regulation 60 of the ‘deemed provisions’ requires that a person must not commence or carry out works on, or use, land in the Scheme area unless the person has obtained the development approval of the local government or it is exempt from the requirement for planning.

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

Shire of Shark Bay Local Planning Scheme No 4 –

The subject lot is zoned Residential with a flexible R10/20 code.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS



MINUTES OF THE ORDINARY COUNCIL MEETING

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

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

7 August 2020

26 AUGUST 2020

13.4 PROPOSED OUTBUILDING EXTENSION – LOT 159 (37) DURLACHER STREET, DENHAM  
P1185

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved            Cr Stubberfield  
Seconded       Cr Burton

Council Resolution

**That Council:**

1. **Note that the application is being advertised to nearby and adjacent landowners for comment.**
2. **Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application for an outbuilding extension on Lot 159 (37) Durlacher Street, Denham.**

**6/0 CARRIED BY ABSOLUTE MAJORITY**

BACKGROUND

• **Zoning**

The lot is zoned 'Residential' with a density code of R30 under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme'). The lot has an approximate area of 1133m<sup>2</sup> and contains an existing house, retaining walls and an ancillary outbuilding.

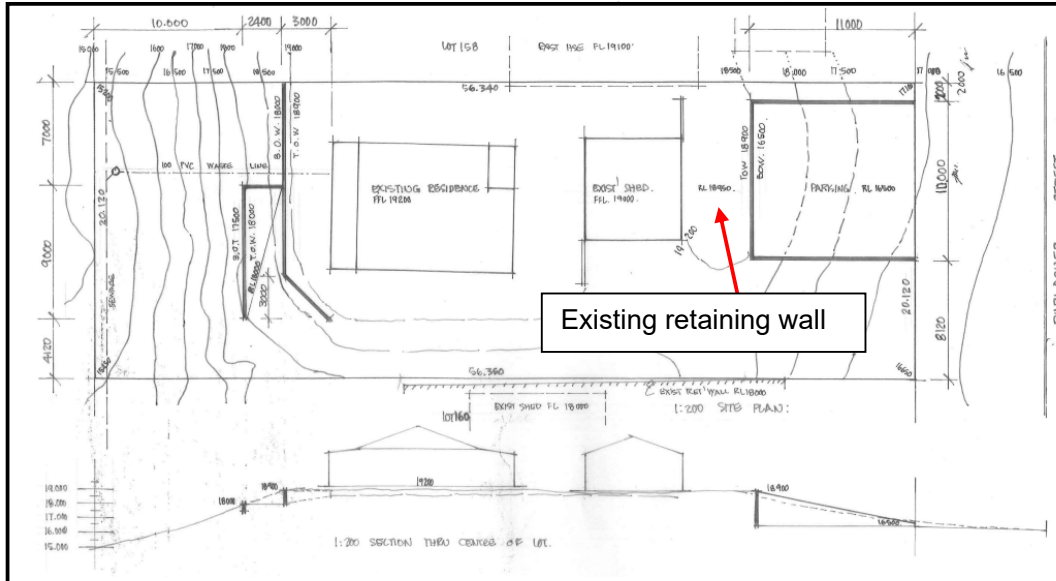


MINUTES OF THE ORDINARY COUNCIL MEETING

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The existing outbuilding is located in front of the existing dwelling.

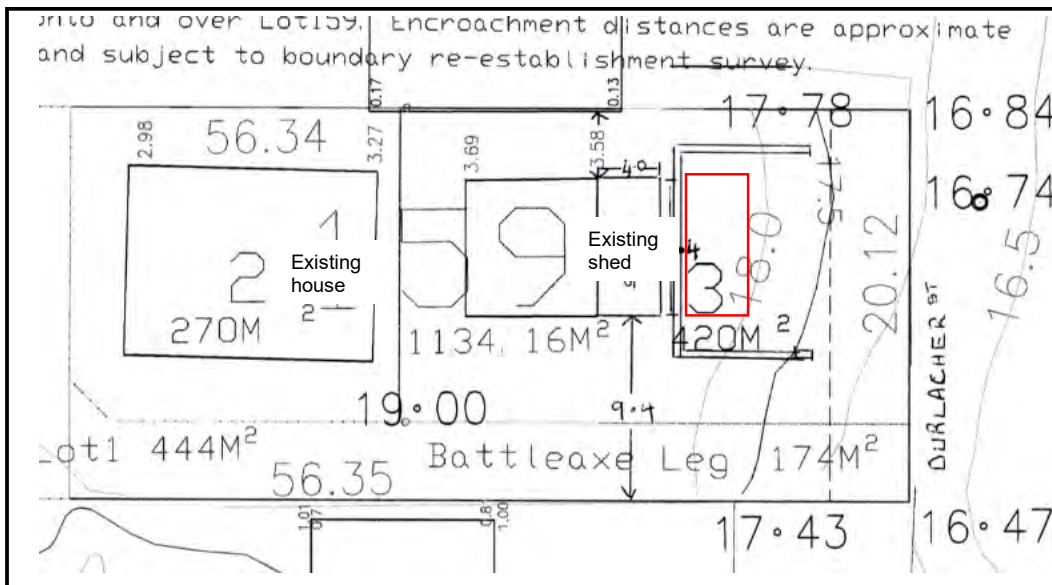
There are existing retaining walls on the lot which were approved by Council in September 2014 – refer plan below.



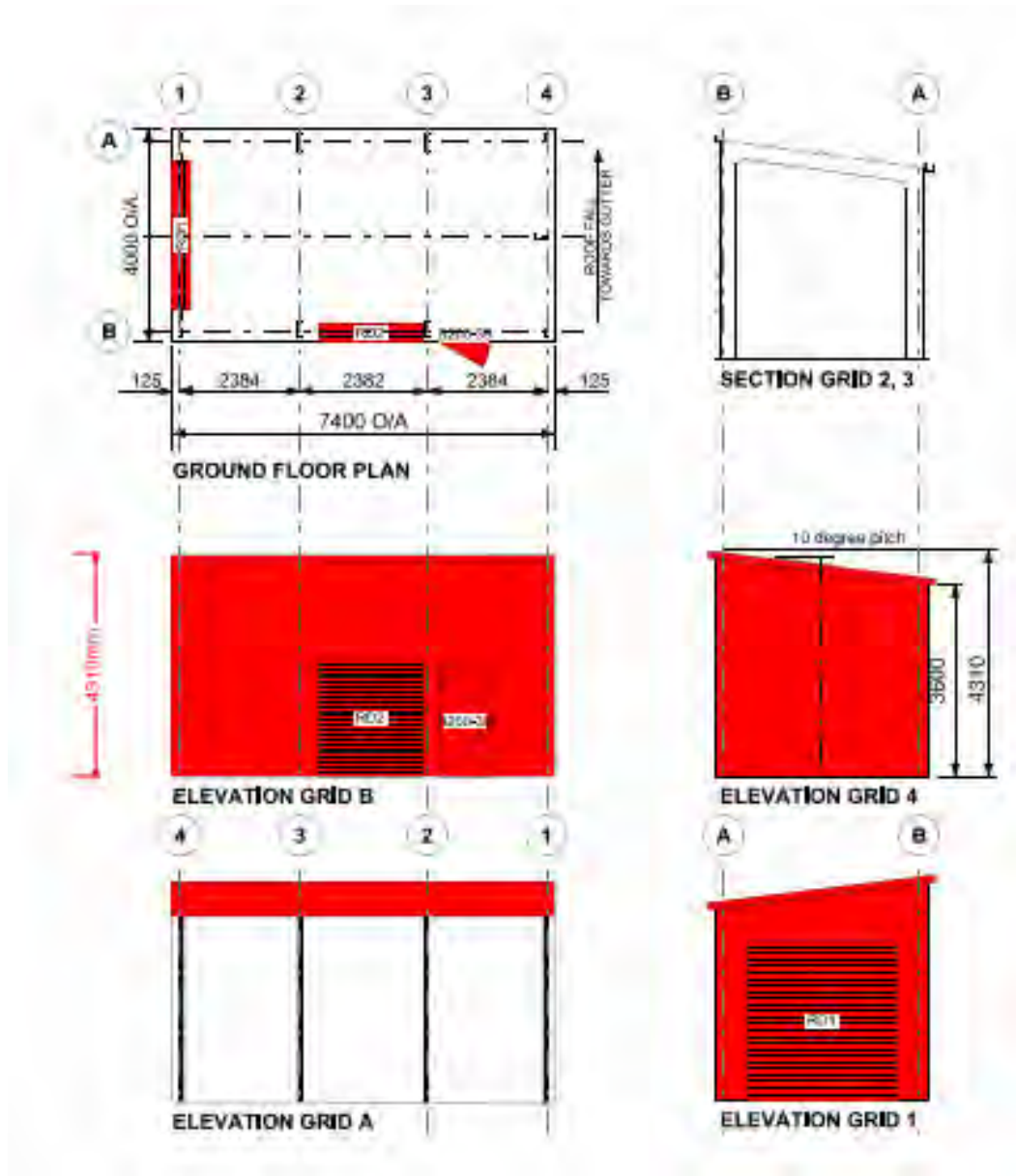
COMMENT

• **Description of application**

An application has been lodged for an extension forward of the existing outbuilding– refer site plan below.



The outbuilding extension is proposed to have an approximate floor area of 29.6m<sup>2</sup>, a wall height of 3.6 metres and ridge height of 4.31 metres – refer elevations over page.



- **Residential Design Codes**

Under the Residential Design Codes there are specific 'Deemed to Comply' requirements for outbuildings as summarised in the table below.

Clause 5.4.3 C3 'deemed to comply' criteria / Outbuildings that:	Officer Comment (Town Planning Innovations)
(i) are not attached to the building	Complies.
(ii) are non habitable	Complies.

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(iii) collectively do not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Variation. A floor area of 29.6m <sup>2</sup> is proposed and the existing outbuilding is 44.4m <sup>2</sup> . The combined outbuilding sizes equals 74m <sup>2</sup> .
(iv) do not exceed a wall height of 2.4 metres	Variation. A wall height of 3.6 metres is proposed.
(v) do not exceed a ridge height of 4.2 metres	Minor Variation. A ridge height of 4.31 metres is proposed.
(vi) are not within the primary street setback area;	Complies.
(vi) do not reduce the open space required in table 1; and	Complies. There is still adequate site open space as per table 1 of the Codes.
(vii) comply with the siting and design requirements but do not need to meet the rear setbacks requirements of table 1.	Complies.

The revised plan proposes variations to the 'Deemed to Comply' requirements therefore the Shire has to determine if the outbuilding complies with the 'Design Principle' of the Codes which is:

*"Outbuildings that do not detract from the streetscape or the visual amenity of residents of neighbouring properties".*

In considering visual impact it is noted that:

1. The proposal is essentially an extension to an existing outbuilding.
2. The location is a flat area adjacent to an existing outbuilding.
3. The extension is 9.4 metres from the south boundary and 3.8 metres from the north boundary.

• **Relevant Decisions on Outbuildings**

Each streetscape has different characteristics which need to be taken into account as part of specific assessments.

Council has approved at least 8 outbuildings in Denham with wall heights above 3.6 metres. Council has approved at least 7 outbuildings with a ridge height greater than 4.3 metres.

Approved wall heights and ridge heights that are comparable with this application are highlighted in blue in the table below.

Address	Wall Height	Ridge Height	Floor Area	Council meeting date
Lot 36 (5) Dirk Place Denham	4	4.6	54m <sup>2</sup>	February 2017
Lot 182 (4) Fletcher Court, Denham	4.2	4.2	88m <sup>2</sup>	Delegated authority after general report

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				to Council in May 2015
Lot 83 (47) Hartog Crescent, Denham	4	4.611	94m <sup>2</sup>	Delegated authority after general report to Council in March 2015
Lot 185 (10) Hoult Street, Denham	2.9			April 2015
Lot 154 (7) Sunter Place Denham	3.7	4.2	88.07m <sup>2</sup>	December 2015
Lot 139 (4) Talbot Street, Denham	3.425	4.232	78m <sup>2</sup>	June 2015
Lot 210 (10) Edwards Street, Denham	3.5	4.088	36.3m <sup>2</sup>	July 2014
Lot 294 (33) Hughes Street, Denham (abuts child care centre and church)	3.6	5	90m <sup>2</sup>	September 2014
Lot 191 (Strata Lot 2 – 71A) Brockman Street, Denham	2.7	3.571	58.5m <sup>2</sup>	August 2013
Lot 200 (39) Capewell Drive, Denham (alteration and extension of existing outbuilding)	2.7-2.9	3.504	54m <sup>2</sup>	February 2013
Lot 264 (Unit 2) Mead Street, Denham	3	4.2	68m <sup>2</sup>	August 2013
Lot 85 (43) Hartog Crescent, Denham	4.5	5.029	54m <sup>2</sup>	April 2012
Lot 216 (5) Poland Road, Denham	4.1	4.95	80m <sup>2</sup>	July 2012
Lot 39 (4) Sellenger Heights, Denham (Revised plans lodged after refusal issued in February 2018)	3.45 metres to 3.845 metres	3.845 metres	77m <sup>2</sup>	February 2019
Lot 223 (10) Fry Court Denham	2.6 metres to 2.8 metres.	4.2	129m <sup>2</sup>	Delegated authority after general report to Council in March 2019
Lot 4 (145) Knight Terrace, Denham	3 metres	4.7	73.73m <sup>2</sup>	March 2020

• **Consultation**

The application has been referred to adjacent and nearby landowners for comment.

Delegated authority is recommended to expedite processing of the application.

LEGAL IMPLICATIONS

*Planning and Development (Local Planning Schemes) Regulations 2015 -*

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Clause 61(1)(d) only exempts outbuildings from the need for planning approval where no variation to the 'deemed to comply' provisions of the Residential Design Codes are proposed.

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

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

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Any decision on this application may have implications for other lots in Durlacher Street in terms of the height and sizes of outbuildings.

RISK MANAGEMENT

This is a low risk item to Council

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

9 August 2020



26 AUGUST 2020

13.5 REQUEST FOR EXEMPTION FOR TEMPORARY CONSTRUCTION CAMP AT COBURN STATION  
P2005

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved            Cr Ridgley  
Seconded       Cr Cowell

**Council Resolution**

**That Council:**

1. **Grant an exemption for a temporary construction camp/workforce accommodation and associated facilities at Coburn Station (near Coburn Homestead) as a temporary use in accordance with Regulation 61 (2) (d) of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following:**
  - (a) **The exemption to be for a maximum of 12 months from the date of the Shire letter.**

**6/0 CARRIED**

BACKGROUND

- *Coburn Zircon Project (Related Development)*

Strandline Resources Limited is involved in the Coburn Zircon Project which is a proposal to establish excavation and processing of a large low grade heavy mineral sand deposit known as the Amy Zone. The Amy Zone is approximately 27 kilometres long, 3 kilometres wide and between 10 and 40mm thick.

The Project comprises the construction, operation, rehabilitation and closure of:

- a series of open pit mines which will be backfilled with tailings;
- processing plants (concentrators);
- haul road and access corridors;
- an accommodation camp;
- office buildings, workshops and support facilities;
- a borefield; and
- supporting infrastructure such as a power plant, reverse osmosis desalination plant, power lines and pipelines.

The project proposes accommodation for approximately 200 people although the proponent indicates that due to shifts/rosters the maximum number of staff on site at any one time expected to be around 166 people.

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The road connecting the mine site to the North West Coastal Highway will be a private road traversing the Coburn and Meadow pastoral leases.

A report on the Coburn Zircon Project was referred to Council in July 2019. Council resolved as follows:

*'That Council:*

1. *Authorise the Chief Executive Officer to advise the Department of Water and Environmental Regulation that the Shire has no objections to the proposed works approval for a waste water treatment plant and landfill for the Coburn Zircon Project (Your reference : DER2019/000290) subject to all separate necessary approvals being obtained.*
2. *Note the legal advice provided by McLeods Barristers and Solicitors on the land use classification and permissibility.*
3. *Authorise the Chief Executive Officer to write to Strandline Resources Limited and advise the company that the proposed mining operation is exempt from planning approval in accordance with Section 120(1) of the Mining Act 1978. The mining accommodation is also exempt as it is conducive to the mining operation and is located within the mining lease area(s). '*

The exemption from planning approval under the Mining Act only applies to development within the mining lease areas.

COMMENT

Strandline Resources Limited have advised that a temporary construction camp is required to house approximately 60 temporary workers needed to conduct bulk earthworks associated with the Coburn Zircon Project, such as construction of the main access connecting the mine with the North West Coastal Highway.

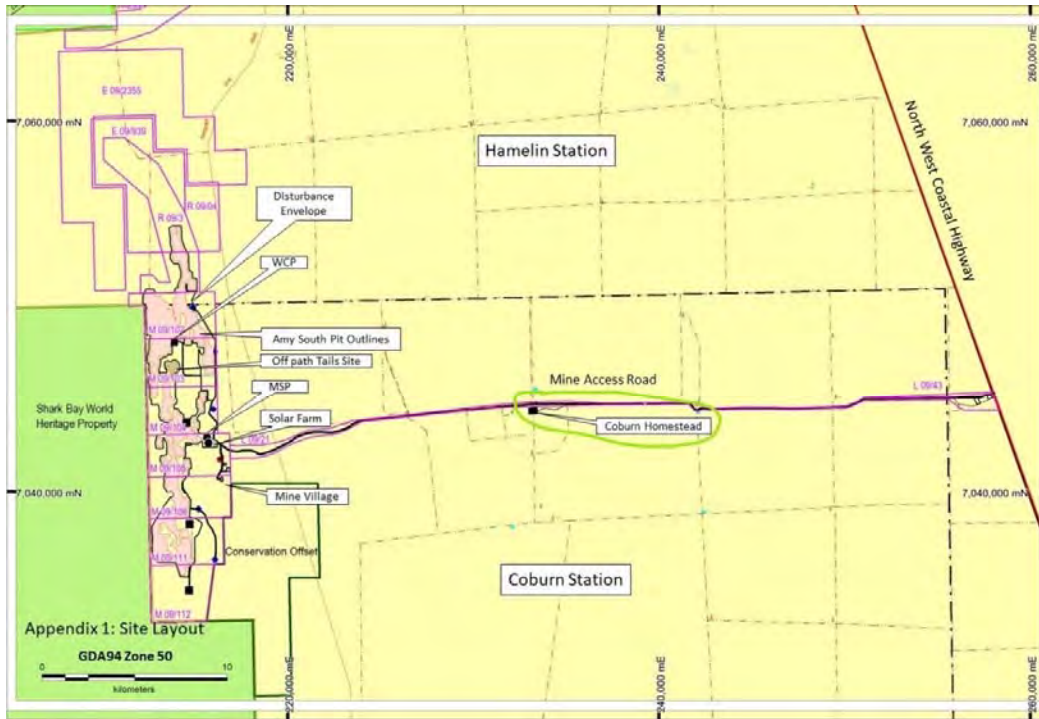
Strandline are seeking an exemption from the need to apply for planning approval for the temporary construction camp from the Shire – refer Attachment 1.

The camp will include accommodation, kitchen/ dining facilities, ablutions, recreation rooms and laundry facilities. It will be self sufficient in terms of servicing and will be removed once the permanent accommodation village at the mine lease area is operational.

The temporary camp is proposed to be located near the existing Coburn Homestead within the Coburn Station – refer location plan over page.

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Detailed plans have not been submitted however Strandline advises that the layout of the camp will be similar to that depicted in the aerial below:



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In support of the exemption request the proponent has advised that :

- a) The temporary camp is essential to the Coburn Zircon Project;
- b) It will provide employment and enterprise opportunities for local people and businesses.
- c) The Principal Contractor incorporates use of local procurement initiatives and specialist sub-contractors to support construction works;
- d) The temporary camp location is close to the proposed works which will minimise travel time for workers between shifts.

Council is requested to grant an exemption from the need for any formal planning approval as the proposed use is temporary, may have local economic benefits and will assist to expedite an important mining project within Shark Bay.

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

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

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

Council has discretion to exempt the temporary camp from planning approval for a 12 month period.

#### LEGAL IMPLICATIONS

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

*Shire of Shark Bay Local Planning Scheme No 4* – Coburn Station is zoned 'Rural'.

#### POLICY IMPLICATIONS

There are no policy implications relative to this report.

#### FINANCIAL IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

#### RISK MANAGEMENT

This is a low risk item to Council

#### VOTING REQUIREMENTS

Simple Majority Required

MINUTES OF THE ORDINARY COUNCIL MEETING

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26 AUGUST 2020

SIGNATURES

Author  
Chief Executive Officer  
Date of Report

*L Bushby*  
*P Anderson*  
7 August 2020

# MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

## ATTACHMENT # 1



**STRANDLINE**  
resources limited

London House  
L9, 216 St Georges Terrace  
Perth WA 6000

P +61 8 9226 3130  
F +61 8 9485 2070

40% 000 000 000

6 August 2020

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

By email: paul@sharkbay.wa.gov.au

### Planning Exemption Request for Temporary Construction Camp (Pioneer Camp)

Dear Paul

We write in reference to the proposed Coburn Mineral Sands Project being developed by Strandline Resources Limited (**Strandline** or the **Company**) in Shark Bay. As part of this development, the project requires the establishment of a temporary construction camp (Pioneer Camp) to be located on the Company's property at the existing Coburn Homestead, which has a suitable cleared area already available. The attached map identifies this location.

The purpose of this Pioneer Camp is to accommodate the temporary construction workforce responsible for constructing the civil bulk earthworks scope workforce (up to 60 persons), which includes the main access road connecting the mine with the North West Coastal Highway.

The Pioneer Camp will be utilized in conjunction with several other existing local accommodation options, such as the Billabong Roadhouse, however these existing options do not have sufficient accommodation to service both their existing business and the full construction workforce.

The Pioneer camp consists of accommodation units, kitchen and dining room, toilet and shower facilities, recreational room and laundries. The camp is self-sufficient in respect to power, water and waste disposal. Please see enclosed a proposed location map and example Pioneer Camp layout for your reference.

The Pioneer Camp is essential to the project site early works activities and is expected to be removed once the permanent accommodation village is built and operational.

The Coburn project will open employment and enterprise opportunities for local people and businesses. The Principal Contractor for the civil bulk earthworks scope (**Macmahon**) was selected by Strandline and is preparing for site mobilization once Strandline issues a formal notice to proceed. Macmahon's execution plan incorporates the use of local procurement initiatives and specialist sub-contractors to support the construction works, as well as aligning strongly with Strandline's approach to health, safety and environmental and indigenous engagement.

Benefits of the Pioneer Camp are that it will accommodate ~60 workers close to the project activities, minimizing travel on main roads each day between shifts. The Pioneer camp being located at the Coburn Station area is an ideal central location to the work areas and means the existing roads and infrastructure on the Station can be utilized in the early stages of the project.

As part of preparing for early works construction to commence, Strandline requests the Shire of Shark Bay to grant an exemption for a planning application under the "Planning and Development Regulations 2015".



MINUTES OF THE ORDINARY COUNCIL MEETING

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**STRANDLINE**  
resources limited

Any further enquiries please contact Geoff Spiden on 0421 619 868.

Yours sincerely

**LUKE GRAHAM**  
CEO/MANAGING DIRECTOR  
STRANDLINE RESOURCES LIMITED  
+61 415 105 200

London House  
19, 216 St Georges Terrace  
Perth WA 6000

P +61 8 9226 3130  
F +61 8 9485 2070

ACN 090 603 642

**Encs**

1. Coburn Map and Proposed Location of Pioneer Camp
2. Typical Camp Layout
3. Bush Fire Management Plan
4. Project Information Memorandum





26 AUGUST 2020

13.6 PROPOSED OUTBUILDING – LOT 308 (9) LEEDS COURT, DENHAM  
P1492

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Ridgley

Nature of Interest: Financial and Proximity as Cr Ridgely is the owner of the Property

Cr Ridgley left the Council Chamber at 5.35 pm.

Officer Recommendation

That Council:

1. Note that the application is being advertised to the adjacent affected 25 August 2020.
2. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute landowner (of 7 Leeds Court) for comment. Advertising closes on the Majority) delegated authority to the Chief Executive Officer to determine the application for an outbuilding on Lot 308 (9) Leeds Court, Denham.

Optional Point for Council discussion:

3. Request that the applicant lodge revised plans that consider a reduced wall/ridge height and /or an increase side setback to the boundary shared with 7 Leeds Court to reduce the visual impact of the outbuilding on the adjacent vacant lot at 7 Leeds Court.

Moved Cr Stubberfield

Seconded Cr Bellottie

Council Resolution

That Council:

1. **Note that the application is being advertised to the adjacent affected landowner (of 7 Leeds Court) for comment. Advertising closes on the 25 August 2020.**
2. **Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application for an outbuilding on Lot 308 (9) Leeds Court, Denham.**
3. **Request that the applicant lodge revised plans that consider a reduced wall/ridge height and /or an increase side setback to the boundary shared with 7 Leeds Court to reduce the visual impact of the outbuilding on the adjacent vacant lot at 7 Leeds Court.**

**5/0 CARRIED BY ABSOLUTE MAJORITY**

Cr Ridgley returned to the Council Chamber at 5.39 pm.

BACKGROUND

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- **Zoning**

The lot is zoned 'Residential' with a flexible density code of R12.5/30 under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme'). The lot has an approximate area of 1166m<sup>2</sup> and contains an existing house, retaining walls and ancillary outbuildings.

The lot backs onto a Water Corporation reserve. The adjacent property to the west is vacant land – refer photograph over page.



COMMENT

- **Description of application**

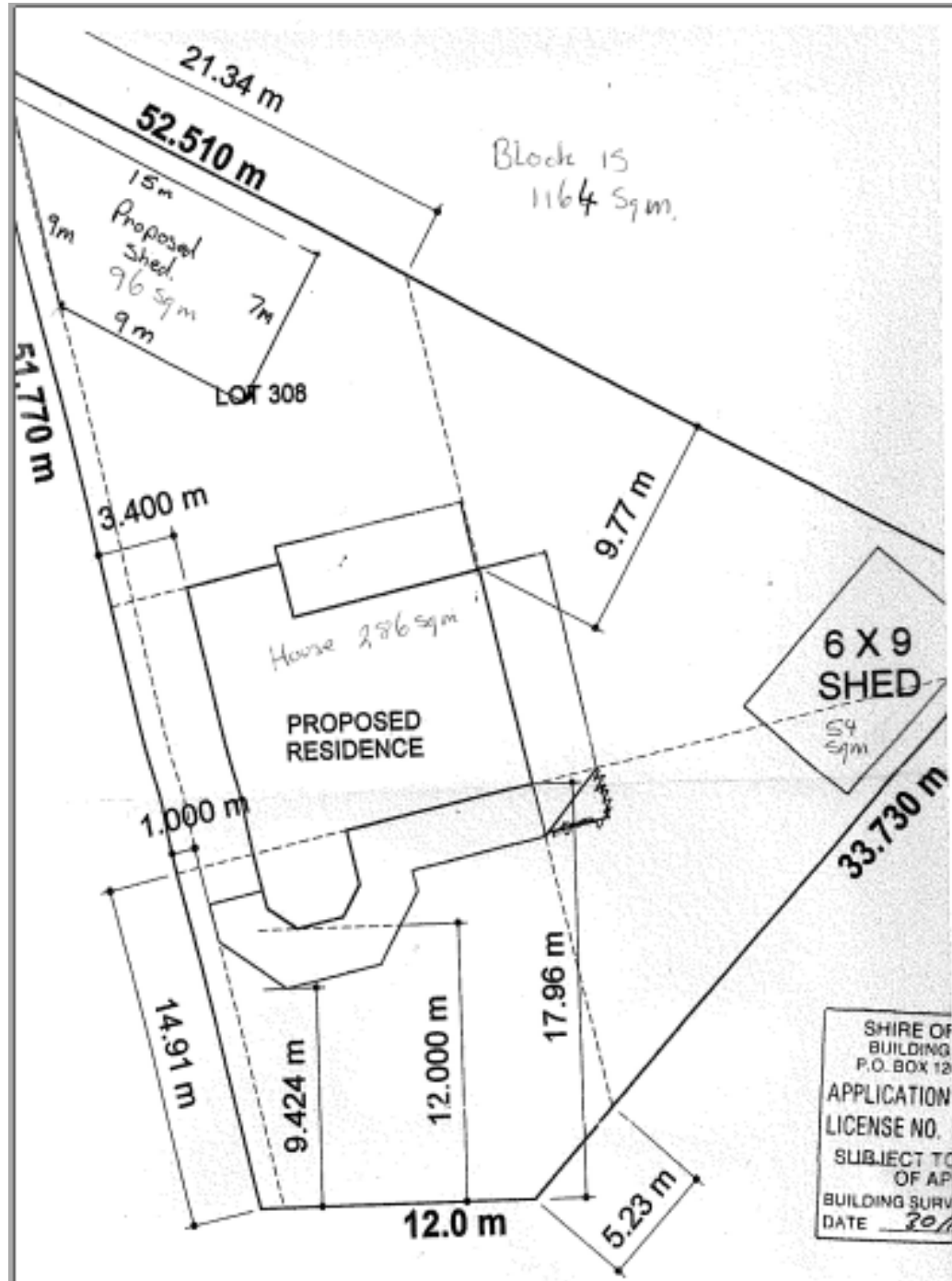
An application has been lodged for an outbuilding and it is proposed to be located to the rear of the existing dwelling – refer site plan over page.

The owner has advised that the existing dwelling has an approximate height of 4.68 metres and a finished floor level 400mm above natural ground level. The outbuilding is proposed at ground level.

The outbuilding is proposed to have an approximate floor area of 96m<sup>2</sup>, a wall height of 4.1 metres and ridge height of 4.78 metres – refer elevations over page.

The applicant has advised that the outbuilding will be specially engineered to fit the shape of the existing lot boundaries.

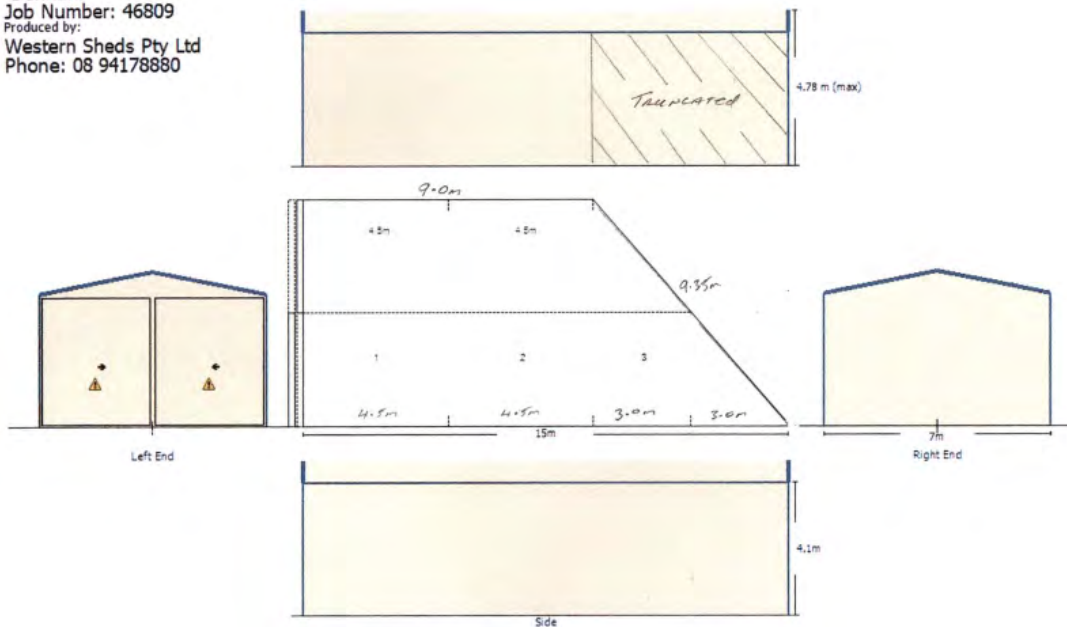
26 AUGUST 2020



MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

Building For:  
 Greg Ridg  
 Denham  
 Job Number: 46809  
 Produced by:  
 Western Sheds Pty Ltd  
 Phone: 08 94178880



• **Residential Design Codes**

Under the Residential Design Codes there are specific 'Deemed to Comply' requirements for outbuildings as summarised in the table below.

Clause 5.4.3 C3 'deemed to comply' criteria / Outbuildings that:	Officer Comment (Town Planning Innovations)
(i) are not attached to the building	Complies.
(ii) are non habitable	Complies.
(iii) collectively do not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Variation. A floor area of 96m <sup>2</sup> is proposed for the new outbuilding, in addition to a 54m <sup>2</sup> existing outbuilding.
(iv) do not exceed a wall height of 2.4 metres	Variation. A wall height of 4.1 metres is proposed.
(v) do not exceed a ridge height of 4.2 metres	Variation. A ridge height of 4.78 metres is proposed.
(vi) are not within the primary street setback area;	Complies.
vi) do not reduce the open space required in table 1; and	Complies. There is still adequate site open space as per table 1 of the Codes.
vii) comply with the siting and design requirements but do not need to meet the rear setbacks requirements of table 1.	Minor Variation. A side setback of 1 metre is proposed in lieu of 1.1 metres.

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The revised plan proposes variations to the 'Deemed to Comply' requirements therefore the Shire has to determine if the outbuilding complies with the 'Design Principle' of the Codes which is:

*"Outbuildings that do not detract from the streetscape or the visual amenity of residents of neighbouring properties".*

In considering visual impact on neighbours, it is noted that:

1. Due to the lot levels and existing house the outbuilding is likely to be partially screened from the street (when viewed front on). As the adjacent lot is vacant the side of the outbuilding will be visible.
2. The building will not have any impact to the rear as that is a Water Corporation reserve.
3. There appears to be other reasonably large outbuildings in the nearby surrounds.





- ***Option Available to Council***

Irrespective of whether the adjacent neighbour comments on the application Council has to independently consider the visual impact, height of the outbuilding and amenity.

In the event that Council is concerned over the impact of amenity the applicant can be requested to lodge revised plans that consider a reduced wall/ridge height and /or an increase side setback to the boundary shared with 7 Leeds Court.

This option is listed in the resolution for Council discussion.

- ***Relevant Decisions on Outbuildings***

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Each streetscape has different characteristics which need to be taken into account as part of specific assessments.

Council has approved over 10 outbuildings in Denham with wall heights ranging between 3.0 to 4.2 metres. Council has approved 4 outbuildings with a ridge height of 4.7 metres or above.

Approved wall heights and ridge heights that are comparable with this application are highlighted in blue in the table below.

Address	Wall Height	Ridge Height	Floor Area	Council meeting date
Lot 36 (5) Dirk Place Denham	4	4.6	54m <sup>2</sup>	February 2017
Lot 182 (4) Fletcher Court, Denham	4.2	4.2	88m <sup>2</sup>	Delegated authority after general report to Council in May 2015
Lot 83 (No 47) Hartog Crescent, Denham	4	4.611	94m <sup>2</sup>	Delegated authority after general report to Council in March 2015
Lot 185 (10) Hoult Street, Denham	2.9			April 2015
Lot 154 (7) Sunter Place Denham	3.7	4.2	88.07m <sup>2</sup>	December 2015
Lot 139 (4) Talbot Street, Denham	3.425	4.232	78m <sup>2</sup>	June 2015
Lot 210 (10) Edwards Street, Denham	3.5	4.088	36.3m <sup>2</sup>	July 2014
Lot 294 (33) Hughes Street, Denham (abuts child care centre and church)	3.6	5	90m <sup>2</sup>	September 2014
Lot 191 (Strata Lot 2 – 71A) Brockman Street, Denham	2.7	3.571	58.5m <sup>2</sup>	August 2013
Lot 200 (39) Capewell Drive, Denham (alteration and extension of existing outbuilding)	2.7-2.9	3.504	54m <sup>2</sup>	February 2013
Lot 264 (Unit 2) Mead Street, Denham	3	4.2	68m <sup>2</sup>	August 2013
Lot 85 (43) Hartog Crescent, Denham	4.5	5.029	54m <sup>2</sup>	April 2012
Lot 216 (5) Poland Road, Denham	4.1	4.95	80m <sup>2</sup>	July 2012
Lot 39 (4) Sellenger Heights, Denham (Revised plans lodged after refusal issued in February 2018)	3.45 metres to 3.845 metres	3.845 metres	77m <sup>2</sup>	February 2019
Lot 223 (10) Fry Court Denham	2.6 metres to 2.8 metres.	4.2	129m <sup>2</sup>	Delegated authority after general report



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				to Council in March 2019
Lot 4 (145) Knight Terrace, Denham	3 metres	4.7	73.73m <sup>2</sup>	March 2020

• **State Planning Policy 3.7 – Planning for Bushfire Protection**

Under the ‘deemed provisions’ of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have ‘due regard’ to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of ‘State Planning Policy 3.7: Planning in Bushfire Prone Areas’.

The Shire has a mandatory obligation to consider State Planning Policy 3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

The Western Australian Planning Commission released State Planning Policy 3.7 and associated Guidelines for Planning in Bushfire Prone Areas (‘the Guidelines’) in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. The subject lot is within the declared bushfire prone area (pink area).

Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a Bushfire Attack Level assessment.

Despite the above, the Western Australian Planning Commission also released a Planning Bulletin 111/2016 that clarifies some of the requirements under the deemed provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* and State Planning Policy 3.7.

The Planning Bulletin states that:

*‘The deemed provisions exempt renovations, alterations, extensions, improvements or repair of a building, and incidental uses (including outbuildings, verandas, unenclosed swimming pools, carports, patios and storage sheds).*

Town Planning Innovations is of the view that an exemption to State Planning Policy 3.7 should be applied given that:

- b) The application is only for an outbuilding which is ancillary development;
- c) The existing house was issued with a Building Permit in 2001, prior to the current higher construction standards being in place. As the house is not constructed to any higher fire standards, it is not likely that the outbuilding will increase fire risk.
- d) A Bushfire Attack Level assessment is not required for lots less than 1100m<sup>2</sup> as part of the planning process. The subject lot has an area of 1166m<sup>2</sup> which is only marginally larger.

It is recommended that Council support an exemption from a Bushfire Attack Level as permissible as part of the planning process.

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- **Consultation**

The application has been referred to the adjacent landowner (of 7 Leeds Court) for comment.

Delegated authority is recommended to expedite processing of the application.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 -

Clause 61(1)(d) only exempts outbuildings from the need for planning approval where no variation to the 'deemed to comply' provisions of the Residential Design Codes are proposed.

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

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

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Any decision on this application may have implications for other lots in Leeds Court in terms of the height and sizes of outbuildings.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author  
Chief Executive Officer  
Date of Report

*L Bushby*  
*P Anderson*  
9 August 2020

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**14.0 TOURISM, RECREATION AND CULTURE REPORT**

**14.1 FEE WAIVER REQUEST – SEAGRASS FESTIVAL**  
RC00034

AUTHOR

Community Development Officer

DISCLOSURE OF ANY INTEREST

NIL

Officer Recommendation

1. Council approves the request for Ms Amrit Kendrick (on behalf of the Malgana and University of Western Australia team) for the use of the Denham Town Hall on 2 & 4 October 2020 for the Seagrass (Wirriya Jalyanu) Festival.  
OR
2. Council charge \$262 per day as per the Shire's 2020/2021 Schedule of Fees and Charges for Ms Amrit Kendrick (on behalf of the Malgana and University of Western Australia team) for the use of the Denham Town Hall on 2 & 4 October 2020 for the Seagrass (Wirriya Jalyanu) Festival.

Moved            Cr Stubberfield  
Seconded       Cr Smith

**Council Resolution**

- 1. Council approves the request for Ms Amrit Kendrick (on behalf of the Malgana and University of Western Australia team) for the use of the Denham Town Hall on 2 & 4 October 2020 for the Seagrass (Wirriya Jalyanu) Festival.**

**6/ CARRIED BY ABSOLUTE MAJORITY**

BACKGROUND

Ms Amrit Kendrick has been in liaison with the Shire of Shark Bay Administration Team to host the Seagrass (Wirriya Jalyanu) Festival in Denham. Celebrating the unique seagrass ecosystems that are crucial to Shark Bay marine life and stromatolite formations, the proposed festival event aims to bring the community together to learn about seagrasses in Shark Bay, and to focus on Malgana language and culture.

The festival team led by Ms Elizabeth Sinclair from the University of Western Australia is assessing genomic diversity in the seagrass species, while Mr John Statton is working with Malgana Traditional Owners to assist seagrass recovery. Six indigenous rangers have recently completed their training in conservation and land management. The Malgana ranger program is supported by Yamatji Marlpa Aboriginal Corporation, through funding from the Department of Biodiversity, Conservation, and Attractions.

The festival event will showcase the local indigenous rangers that have been working in partnership with seagrass scientists. In addition, the festival event will have performances and stalls with activities. The Shark Bay School has

## MINUTES OF THE ORDINARY COUNCIL MEETING

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been invited to participate through preparing stories, drawings and songs which relate to the animals that depend on seagrass ecosystems.

The festival team have identified the Denham Town Hall as a suitable location to host the Seagrass (Wirriya Jalyanu) Festival. Due to their limited funding, a fee waiver request has been received, to access the Denham Town Hall free of charge for the two days over which the Festival will be held.

### COMMENT

The festival team has received feedback from the Traditional Owners that the Denham Town Hall is the most appropriate facility to host such activities in Denham. The Shire Administration has advised the festival team of the current COVID-19 Phase 4 restrictions which includes limiting the venue capacity (total of 40 people at Denham

Town Hall). We acknowledge the restrictions may be lifted before the event dates on 2 & 4 October 2020 but in the meantime, the festival team have indicated they will monitor the attendance at the event and utilise both inside and outside of the Denham Town Hall facility to ensure appropriate number capacity.

As per the Shire's Recreation and Culture Policy, bookings accepted on a regular basis may be cancelled to allow special events at the discretion of the Chief Executive Officer. Mrs Marigula Muriopulos is a regular hirer of Denham Town Hall and has a booking on the 4 October 2020. As the Seagrass (Wirriya Jalyanu) Festival is considered a special event that will benefit the Shark Bay community, Mrs Marigula Muriopulos' booking will be cancelled on this day and she will be offered the use of the Shark Bay Recreation Centre instead.

### LEGAL IMPLICATIONS

Section 6.12 of the Local Government Act 1995

### POLICY IMPLICATIONS

Recreation and Culture:

Standard Conditions for Hire of Shire Venues, Facilities and Equipment.

### FINANCIAL IMPLICATIONS

Shire 2020/2021 Schedule of Fees and Charges:

- \$262 per day as per the Shire's 2020/2021 Schedule of Fees and Charges.
- \$275 per function cleaning deposit.
- Total of \$799 for two-day hire.

### STRATEGIC IMPLICATIONS

Economic Objective: A progressive, resilient and diverse economy

Social Objective: A safe, welcoming and inclusive community

### RISK MANAGEMENT

The Seagrass (Wirriya Jalyanu) Festival will be required to provide a copy of its Public Liability Insurance, COVID-19 Safety Plan and COVID-19 training certificate to the Shire Administration.

### VOTING REQUIREMENTS

Absolute Majority Required

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SIGNATURES

Executive Manager Community Development  
Chief Executive Officer  
Date of Report

*D Wilkes*  
*P Anderson*  
14 August 2020

I-CR-28826 - Request to waive fee for venue



Amrit Kendrick <amrit@westnet.com.au>

To  Candice Uszko

Cc  Elizabeth Sinclair;  Bianca McNear;  Patricia Oakley

Thu 13/08/2020 2:23 PM

To whom it may concern at the Shire of Shark Bay:

The Seagrass (Wirriya jalyanu) Festival to be held October 4th, and with science talks on the Friday before (October 2nd) are for the benefit of the Shark Bay community.

In the interest of celebrating the unique seagrass ecosystems which make up the bay and which are crucial to its fisheries and its stromatolite formations, this event brings together the local human community to find out more about this special plant community. Its also an opportunity to focus on Malgana language and culture related to the unique sea country here near Denham.

Local indigenous rangers have been working in partnership with seagrass scientists and this event is the way they will showcase their project for the local public. There will be performances and stalls with activities. Local schoolchildren are expected to participate through preparing stories, drawings and songs which relate to the animals that depend on seagrass ecosystems.

We would very much appreciate a waiver of the venue hire fees for these events on the weekend of October 2-4. It will bring value into the community as local people will be invited to come and hear about science research findings, management of country and interesting knowledge about the Shark Bay World Heritage Site.

We await your consideration. Thank you,

With sincere appreciation,

Amrit Kendrick  
On behalf of the Malgana and University of Western Australia team.

See below our article about the project:

For: *Wetlands Australia* - theme focus '**Wetlands and Biodiversity**'

**Working together to assist seagrass recovery in the World Heritage Site of Shark Bay**

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Elizabeth Sinclair, Gary Kendrick, John Statton - University of Western Australia

Shark Bay, or Gathaagudu (two-waters) is a large marine embayment at the tropical-temperate transition zone on the west coast of Australia. It received IUCN World Heritage Site (WHS) listing in 1991 because of its' unique environmental values.

One of these unique values is the extensive temperate seagrass meadows that support high marine biodiversity including large populations of dugongs, turtles, sharks, and 13 species of temperate and tropical seagrasses, most at the extremes of their respective distributions. The large temperate species, *Amphibolis antarctica* and *Posidonia australis*, have historically dominated Shark Bay seagrass cover, creating extensive, persistent meadows of ~4000 km<sup>2</sup>. They provide habitat or food for many species favoured by commercial and recreational fishers. They are also responsible to the accumulation of the Wooramel banks, limiting water exchange with Hamelin Pool and creating the hypersaline environment suitable for stromatolites, the worlds' oldest known life forms.

A marine heatwave and sediment deposits from the flooding Wooramel River devastated seagrasses in summer 2010/2011. Initial defoliation of *A. antarctica* was followed by rhizome death that occurred in 60–80% of the bay's meadows, equating to decline of over 1,000 km<sup>2</sup> of meadows. This seagrass loss resulted in closure of commercially important fisheries for scallops and blue swimmer crabs. It also led to large declines in seasnakes, dolphins, and culturally significant species, such as green turtles, dugongs, and cormorants. On-going implications for species dynamics, food web structure, and ecosystem recovery across the Bay persist.

A Hub team led by Elizabeth Sinclair of The University of Western Australia is assessing genomic diversity in both these seagrass species, while John Statton is working with Malgana Traditional Owners to assist seagrass recovery. Six Indigenous rangers have recently completed their training in conservation and land management.

Our first restoration activities with rangers and researchers in August 2019 coincided with the Hamelin Station Science Fair. The morning started with Aboriginal Elders performing a traditional 'Welcome to Sea Country' at Fowlers Camp. We broke into groups to collect *A. antarctica* seedlings, observe fish, and snorkel over a trial *Posidonia* planting. Rangers shared memories of being on the water with their uncles and grandfathers and scientists shared discoveries about seagrass lifecycles, flowering, seeds and seedlings. 'Getting wet and cold together in the wintry ocean provided some fun and we're excited to be setting up our restoration trials together,' Dr Sinclair said.

This project is continuing to work in collaboration with Traditional Owners to:

- Trial methods of transplanting and seeding to assist natural recovery of seagrass meadows
- Develop nature-based solutions to climate-change related seagrass loss in the Shark Bay

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- Plan for a Science meets Art Seagrass Festival in Denham to celebrate and share the environmental and cultural knowledge around Shark Bays seagrasses

*The Malgana ranger program is supported by Yamatji Marlpa Aboriginal Corporation, through funding from the Department of Biodiversity, Conservation, and Attractions*

For more information:

<https://www.nespmarine.edu.au/project/project-e6—assisting-restoration-ecosystem-engineers-through-seed-based-and-shoot-based>



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14.2 SIGNIFICANT EVENT SPONSORSHIP FUNDING – SHARK BAY SPEEDWAY CLUB  
GS00001

AUTHOR

Community Development Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Burton

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

Officer Recommendation

1. Council approve the Shark Bay Speedway Club application for a Community Assistance Grant – Significant Event Sponsorship Funding for the value of \$8,000.00 to contribute towards prize money for various meets throughout the 2020/2021 race season.

OR

2. Council approve the Shark Bay Speedway Club application for a Community Assistance Grant – Significant Event Sponsorship Funding for the value of \$\_\_\_\_\_ to contribute towards prize money for various meets throughout the 2020/2021 race season.

OR

3. Council does not approve the Shark Bay Speedway Club application for a Community Assistance Grant – Significant Event Sponsorship Funding for the value of \$8,000.00 to contribute towards prize money for various meets throughout the 2020/2021 race season.

Moved Cr Ridgely  
Seconded Cr Smith

**Council Resolution**

**Council approve the Shark Bay Speedway Club application for a Community Assistance Grant – Significant Event Sponsorship Funding for the value of \$8,000.00 to contribute towards prize money for various meets throughout the 2020/2021 race season.**

**6/0 CARRIED BY ABSOLUTE MAJORITY**

BACKGROUND

The Shire of Shark Bay commenced advertising the 2020/2021 Community Assistance Grants following Council's endorsement of the Shire's Annual Budget on 6 August 2020. The funding pool for the Significant Event Sponsorship Funding (total of \$20,000) will be available for the duration of the financial year and funding is to be allocated at the Council's discretion.

An application from Shark Bay Speedway Club was received on 12 August 2020, seeking event sponsorship funding to contribute towards prize money for various Club meets throughout the remaining 2020/2021 race season.

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The Shark Bay Speedway Club were previously successful in receiving \$8,000 funding from 2019/2020 Community Assistance Grants Significant Event Sponsorship Funding in October 2019. The funding contributed to the construction of the speedway track concrete wall in preparation for the 33<sup>rd</sup> Far Western Speedway Championships held on 11 July 2020.

### COMMENT

Significant Event Sponsorship Funding supports current major events and future innovative events that attract additional funds into town and recognises the positive economic value that these events bring to the Shark Bay community. The Shark Bay Speedway Club successfully host multiple races in Shark Bay each year. The races are supported by the local community, and visiting competitors, with high attendance and participation. This year the Club has already welcomed 108 drivers onto the racetrack.

The Shark Bay Speedway Club have partnered with Carnarvon Speedway Club to host a Gascoyne Race Series. This event was planned for April 2020 but due to COVID-19 impact was cancelled and has been rescheduled for 2021. The Shark Bay Speedway Club's racing calendar recommenced in June 2020 following the easing of COVID-19 restrictions and was the first Speedway Club in Australia to resume registered practice days and racing. This highlights the Club's passion for the sport and the support from the community to recommence racing. The Club was successful in recommencing their racing calendar under Phase 4 COVID-19 restrictions and recently recorded their highest ever attendance of 724 people at the 33<sup>rd</sup> Far Western Speedway Championships on 11 July 2020.

The Club is planning to offer cash prize money at its September 5th, and upcoming 2021 race meet as an incentive for drivers and their crews to travel to Shark Bay to compete. If the Club can attract increased numbers of competitors, this will increase the local spend on items such as accommodation, fuel, and food. There is also the possibility that some of the prize money will be injected back into the local economy with any immediate congratulatory spend.

It should be noted that the Speedway is not requesting prize money for its Far Western Championship as this event is already heavily attended and does not require further incentives to compete.

The upcoming race meet on 5 September 2020 encourages Wingless Sprint drivers to travel within in WA to Shark Bay to compete for the Wingless Sprints Perpetual Trophy. The proposed funding towards prize money will contribute towards the Wingless Sprints and all racing divisions at this race meet.

### GRANT APPLICATION DETAILS

Group: **Shark Bay Speedway Club**

Amount requested: **\$8,000**

Project: **Prize Money for various race meets, including 5 September 2020 and others to be confirmed in 2021**

Funding category: **Prize Money**

Strategic Community Plan (category): **Economic and Social**

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The Shark Bay Speedway Club currently has 101 members. The Club is planning for at least 500 visitors at the upcoming race meet on 5 September 2020 with many people expected to travel to Shark Bay to compete in and spectate at the race meet.

The Significant Event Sponsorship Funding will contribute to the prize money for this and other future race meets. The proposed prize money will be evenly divided to the following race categories:

- Wingless Sprints Perpetual Trophy Day
- Supermods Perpetual Trophy Day
- Street Stocks Perpetual Trophy Day
- Productions Perpetual Trophy Day
- Modifieds Perpetual Trophy Day
- New Starts Perpetual Trophy Day\*
- Top Stars Perpetual Trophy Day\*
- Other division/attraction

*\*Due to age restrictions in these categories, prize money cannot be given. The funding will contribute towards purchasing tyres for the winning drivers (local spend).*

The grant application included:

- Letter of Support from Claire Harrower, Denham Fire & Rescue Service
- Letter of Support from Patricia Weston, Shark Bay Community Resource Centre
- Balance Sheet – refer to 'Confidential' items folder

### **Officer Recommendation:**

The Shark Bay Speedway Club have demonstrated their ability to attract people to Shark Bay every year, providing a tourism and economic boost for our community. Cash prize money is known to attract additional competitors in all sporting competitions; therefore, it is reasonable to expect that offering cash prize money at the race meets will attract additional competitors but as this is the first year the Club has requested sponsorship with prize money, they are unable to provide any comparison data as to whether it does in fact contribute to higher attendance numbers. This data will, however, be requested by the Shire in future if a similar application is received.

The Club is well supported by the Shark Bay community and provide opportunities for local businesses and community groups to be involved in the Club's success.

It is recommended that Council approve \$8,000 to the Shark Bay Speedway Club to contribute towards prize money for the Club's race meets.

### LEGAL IMPLICATIONS

There are no legal implications associated with this report.

### POLICY IMPLICATIONS

These recommendations comply with current Policies made by Council 2.2 Financial Assistance/Donations.

### FINANCIAL IMPLICATIONS

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An amount of \$20,000 is included in the 2020/2021 Shire's Annual Budget.

If the Shark Bay Speedway Club is successful in receiving the requested amount of \$8,000.00 there will be \$12,000.00 left in the 2020/2021 budget.

STRATEGIC IMPLICATIONS

Social Objective: A safe, welcoming and inclusive community

Economic Objective: A progressive, resilient and diverse economy

RISK MANAGEMENT

As per the lease agreement, Administration has recently requested a copy of the Speedway's public liability and property insurance policies to ensure these are current and adequate.

VOTING REQUIREMENTS

Absolute Majority Required

SIGNATURES

Executive Manager Community Development      *D Wilkes*

Chief Executive Officer      *P Anderson*

Date of Report      17 August 2020

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## Shire of Shark Bay Community Assistance Grants

### APPLICATION FORM

Please complete and return the signed application form to The Shire of Shark Bay.  
*Late submissions will not be considered.*

Applications to be addressed to: Chief Executive Officer  
Shire of Shark Bay  
PO Box 126  
Denham WA 6537

Applications can be delivered: Shire of Shark Bay  
65 Knight Terrace  
Denham WA 6537

Or

Email: [cdo@sharkbay.wa.gov.au](mailto:cdo@sharkbay.wa.gov.au)

For further information, please contact the Community Development Officer on 9948 1218

Please ensure you have read The Shire of Shark Bay Community Assistance Grants – Guidelines before completing the application form to confirm your organisation's eligibility and funding round.

<b>Organisation Name</b>	Shark Bay Speedway Club
<b>Postal Address</b>	PO Box 53, Denham WA 6537
<b>Contact Person</b>	Mick Reynolds
<b>Position/Title</b>	President
<b>Telephone</b>	(Mobile) 0419 961 819
<b>E-mail</b>	<a href="mailto:sharkbayspeedwayclub@outlook.com">sharkbayspeedwayclub@outlook.com</a>

#### FUNDING ROUND

Please indicate which funding round you are applying for:

- Round 1 - Community Projects
- Round 2 - Equipment and minor projects
- Significant Event Sponsorship Funding

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**ORGANISATION DETAILS**

**What is the purpose of the organisation?**

The objects of the association are; 1. to provide a suitable area and administration for those interested in motor racing 2. to promote good fellowship among those interested in motor racing and to do all such things conducive to the furtherance of the objects and interest of the Club.

**How many years has your organisation been in operation?** Since 1999

**How many members does your organisation have?** 102

**Association Constitution:** To be eligible for this grant, all Clubs and Associations must provide the Shire with a current copy of their Constitution.

Copy enclosed

Copy previously provided

Which of the following best describes the organisation's legal status?

- |                  | YES                                 | NO                                  |
|------------------|-------------------------------------|-------------------------------------|
| • Incorporated   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| • GST Registered | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Australian Business Number\* (ABN):** 58 004 288 176

Please note the Shire of Shark Bay requires applicants to have an ABN. Applicants who do not have one may be subjected to withholding tax of 48.5%. If you are unsure, please contact the Shire to discuss how to best proceed.

**FUNDING DETAILS**

**Project title:** Shark Bay Speedway Club – Racing Calendar 2020/2021

**Project description:**

This grant application with our local Shire of Shark Bay would enable our local Speedway Club to offer money to competitors as an incentive to come to Denham and race. Offering money draws larger racing audiences as travelling becomes viable for competitors and their crews. The Shark Bay Speedway Club holds 4 to 5 race meets a year and plans at meets other than the Far Western (as that already attracts a large crowd) to offer cash incentives to various division competing for perpetual trophies. On the 5<sup>th</sup> September for example, our last meet for 2020, we hope to encourage Wingless Sprints drivers from all across the state to come and test their open wheeler action on our track at our Wingless Sprints Perpetual Trophy day.

Money is planned to be disbursed across all Club supported divisions on various race dates, however taking into consideration some divisions may attract a larger driver competitor base than others and Juniors are legally unable to accept cash prizes/incentives as per Speedway Australia policies. The Shark Bay Speedway Club will manage the cash incentives and is willing to cover any shortfalls. Statistics are not available and our own Club financial contributions are

MINUTES OF THE ORDINARY COUNCIL MEETING

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unknown as we have not been in a position to offer this previously to compare and budget against.

We anticipate that this cash incentive would be used considerably in our community as drivers will be paying for their own fuel, food and accommodation whilst participating in Shark Bay Speedway Club race meets.

**Date(s) the project will take place:** Various dates, 5<sup>th</sup> September 2020 with 2021 racing dates still to be confirmed

**Location(s) where the project will take place:** Shark bay Speedway Club

**Total project funds requested (including GST if applicable)** \$8,000.00

**Has your organisation previously received funding from the Shire of Shark Bay?**

YES  NO

If Yes,

**Previous funding amount received:** \$5,000.00

**Round / Year funding was received:** 2019/2020

**Funded project:** Speedway Concrete Safety wall

**Has your organisation acquitted all previous Shire of Shark Bay funding?**

YES  NO

If No, please outline why?

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*Please Note: Your organisation is not eligible to receive new funding from the Shire of Shark Bay, until previous Shire of Shark Bay funding has been acquitted.*

#### PROJECT DETAILS

**What is the funding to be used for?**

- Leveraging a grant from a State or Federal agency
- Purchasing goods and services (i.e. sporting equipment or materials and/or engaging a professional for the purpose of instruction)
- Infrastructure (i.e. significant construction or improvement of facilities). Please include Planning Approvals from the Shire
- Funding for a specific event or program
- Prize money.



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**Does the project meet the objectives of the Shire of Shark Bay Strategic Community Plan 2018-2028? Copy of the Plan can be found on the Shire's website.**

- |                                     |             |   |
|-------------------------------------|-------------|---|
| <input checked="" type="checkbox"/> | Economic    | A progressive, resilient and diverse economy          |
| <input type="checkbox"/>            | Environment | Help protect our unique natural and built environment |
| <input checked="" type="checkbox"/> | Social      | A safe, welcoming and inclusive community             |

**Outline the project goals and how they will benefit Shark Bay.**

**Social:**

With an enthusiastic committee of 9, membership base of 101 and to date welcoming 108 drivers onto our track in 2020, the Shark Bay Speedway Club is continuing to prove its racing calendar is an economic and social benefit to the community. Our Club has continued over the last few years to grow and maintain 4 to 5 race meets in a calendar year which includes a state recognised blue ribboned event, the Far Western Championships which reached its 33<sup>rd</sup> annual milestone recently.

**Economic:**

Our Club plans to develop our race season calendar further in the coming years, and has amalgamated with the Carnarvon Speedway Club to host a Gascoyne Race Series over a long weekend throughout the year. The event was planned for April 2020 however due to the Covid pandemic the meeting was cancelled for 2020 but will continue in 2021.

The Shark Bay Speedway Club was the first Speedway Club in Australia to resume registered practice days and racing after the COVID pandemic in June 2020, which received national media attention. The Club paved the way to ensure racing could resume under the current state and federal pandemic regulations by recognising maximum patron numbers, social distancing measures and health food and hygiene training. Registers of those attending our events were maintained as well as extra cleaning measures adopted which gave our Club valuable experience into running events under new health guidelines.

**Tourism:**

Our Club's goal is to involve and expose people in the sport of racing, whether it be as a spectator, driver, their maintenance crew or as a volunteer. The 2019 Far Western attracted 495 people through our main gate however in 2020 we reached an exciting attendance milestone of 724 people. A greater exposure of the sport in our community during challenging times, that encouraged over 90 drivers to nominate, travel to our community and experience day racing in our World Heritage area. A fantastic tourism opportunity which our local businesses and community reaped rewards from.

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Please list other organisations involved in this project

Name of Organisation	Project Involvement
Shire of Shark Bay	Inkind use of Shire equipment including grader, front end loaders etc
Shark Bay CRC	Event administration & contact point, poster & event document designs
St Johns Ambulance – Shark Bay	Assists with 1 <sup>st</sup> aid response/ambulance at all race meets
Denham Volunteers Fire Brigade	Assists with fire response units at all race meets
Shark Bay Fishing Club	Donates use of equipment including; white boards, portable toilets, extension leads, carts, tables, chairs as well as storage in their sea container
Shark Bay Bowling Club	Utilising volunteers to assist with bar duties
Shark Bay Hotel	Use of kitchen facilities to assist with canteen requirements

Please show evidence that your organisation has attempted to obtain or raise funds from alternative sources/activities (if applicable)

Agency Name	Funds Secured	Funds Raised	In-Kind Value
Shark Bay Speedway Club		\$19,247.08 Far Western 2020	
Local & Regional business sponsorship		\$2,750 2 x June 2020 9 x Far Western 2020	
Post & Panel Sponsorship (75 to date)		\$23,655	

If your funding application involves purchasing equipment, can the equipment be used by other community groups in the future?

YES  NO

If Yes, please provide details:

EQUIPMENT	COMMUNITY USE	PROPOSED LOCATION
e.g. Portable Event Marquee	√ Please tick for yes	e.g. Emergency Service Building

If you are seeking the use of equipment for your community project and/or event, please contact the Shire's Community Development Officer to discuss equipment available for community use.

**SIGNIFICANT EVENT - ONLY**

If your project is a **Significant Event** will it attract additional visitors to town? If so, how many additional visitors are you planning for?

- 50-100  
 100-200  
 200-300  
 Over 500

Will you be charging an entry fee to attend the event?

YES  NO

Shire of Shark Bay Community Assistance Grants – Application Form

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If Yes, how much? Club race meets are; \$15 adults, \$10 Concession, \$5 students, \$35 family, under 5 free.

**PROJECT BUDGET**

Please provide a budget of how the funds are to be spent and where (if any) additional funds are coming from.

**INCOME**

GRANT AGENCY	GRANT AMOUNT	ORGANISATION CONTRIBUTION	IN-KIND VALUE (see below)
Shire of Shark Bay	\$8,000.00		
Shark Bay Speedway Club		\$8,000 TBC As unknown	
<b>TOTAL CASH INCOME</b>	<b>\$8,000.00</b>	<b>\$8,000</b>	

*In-Kind Value: Number of volunteers x hours worked directly on Project x \$25 per hour*

**EXPENDITURE**

ITEM	COST	LOCAL SPEND	EXTERNAL SPEND
Wingless Sprints Perpetual Trophy Day	\$1,000	\$800	\$200
Supermods Perpetual Trophy Day	\$1,000	\$800	\$200
Street Stocks Perpetual Trophy Day	\$1,000	\$800	\$200
Productions Perpetual Trophy Day	\$1,000	\$800	\$200
Modifieds Perpetual Trophy Day	\$1,000	\$800	\$200
New Stars Perpetual Trophy Day	\$1,000	\$1,000 – can not be cash (eg. tyres instead)	
Top Stars Perpetual Trophy Day	\$1,000	\$1,000 – can not be cash (eg. tyres instead)	
Other division/attraction	\$1,000	\$800	\$200
<b>TOTAL</b>	<b>\$8,000</b>	<b>\$6,800</b>	<b>\$1,200</b>

**PART 6 – ADDITIONAL INFORMATION**


- Please attach a copy of the following:
- Organisation's most recent Audited Financial Statement
  - Quotations for expenditure items
  - Letters of support (minimum of 2)

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**PART 7 – DECLARATION**

*I hereby certify that I am the authorised person to sign on behalf of the organisation and that the information is correct. I have read, understand and agree to abide by the conditions set out in the Shire of Shark Bay Community Grants guidelines.*

NAME	<u>MICK REYNOLDS</u>
SIGNATURE	 _____
POSITION IN ORGANISATION	<u>PRESIDENT</u>
DATE	<u>24/07/2020</u>

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**Denham Fire & Rescue Service**

Lot 297 Dampier Road  
Denham WA 6537  
08 9948 1329

11<sup>th</sup> August 2020

**RE: LETTER OF SUPPORT  
Shark Bay Speedway Club – Money Incentives**

To whom it may concern,

The volunteers at our Denham Fire & Rescue Service are in support of our local Shark Bay Speedway Club's grant application with the Shire to seek funding to assist with Money Incentives to their competitors. Our organisation can see the benefits this event sponsorship would provide to not just the Club but also to the wider community and its economy.

Our organisation works with the Speedway Club to assist at every race meet, as it is a requirement by governing racing body Speedway Australia, that fire and safety equipment is present and easily accessible in case of any emergency at any speedway race meet. Our equipment, which includes our mobile fire unit are used at all race meets and we also assist by providing the volunteer staff on most occasions.

The Speedway Club continues to prove its social and economic benefits to our community as we witnessed impressive attendance by drivers, volunteers and spectators to date during their 2020 race meets. Offering money incentives could possibly encourage state recognized drivers and their crews to attend our local track during these tough pandemic times. The Speedway Club's committee, volunteer and membership base has the capabilities and experience to welcome and encourage greater numbers, a welcoming opportunity for growth in our community.

Should you wish to discuss our support of the Shark Bay Speedway Club's application, please do not hesitate to contact myself on 0411 107 226 or speak with our Brigade captain Dave Harrower on 0429 998 944. Dave himself has been impressed with the development of the Speedway Club over the years and has purchased his own car to 'have a go'.

Kind regards



Claire Harrower  
Secretary  
Denham Fire & Rescue Service

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Shark Bay Community Resource Centre, 10 Denham Road  
PO Box 58, DENHAM WA 6537  
P: 08 9948 1787 F: 08 9948 1823  
E: sharkbay@crc.net.au

4<sup>th</sup> August 2020

**RE: LETTER OF SUPPORT – SHARK BAY SPEEDWAY CLUB INC**  
**Event Sponsorship application**

To whom it may concern,

The Shark Bay Community Resource Centre (SBCRC) is keen to continue to assist and support the Shark Bay Speedway Club in their efforts to secure financial assistance to assist with significant event sponsorship for their 2020/2021 Race Season.

During the course of the year, the SBCRC has worked with volunteers from the Shark Bay Speedway Club to promote their upcoming race meets as well as assist with secretarial club duties and design requirements of events. In this space, we have witnessed the professional and organised manner the Club's key committee members operate under, as they work together to plan and host each race meet.

2020 has been a challenging year in Australia however the Shark Bay Speedway Club didn't shy away from the COVID pandemic challenge and continued to plan and implement their race season calendar around State and Federal Government health regulations and guidelines. Their efforts were rewarded, with record breaking attendance statistics at the July Far Western Championships. An extremely popular event which has proven economically beneficial to our Shark Bay community.

The SBCRC is in support of the proposed application as we strongly feel these established events bring;

- economic benefits to our community – town accommodation, food, drinks, fuel purchases as well as financial opportunities for community groups (Speedway Club canteen, gate and bar sales) as well as Ambulance attendance fees. The Speedway Club purchases their drinks and the majority of the canteen supplies locally also.
- Increased health and ones well being – volunteering, feeling a sense of achievement and importance, feeling a part of something, social opportunities and enjoying entertainment.
- Increased collaborative partnerships between community groups/businesses/organisations – local Speedway Club, Fire Brigade, St John Ambulance, Shire of Shark Bay, SBCRC as well as with visiting Speedway Club's especially Carnarvon and Geraldton.

We look forward to being involved in any future planning of events and hope the Speedway Club has success with their application to provide money incentives to competitors. A great idea which we hope will bring more people and money to our community! Should you wish to discuss our support please do not hesitate to contact myself on 08 9948 1787 or email sharkbay@crc.net.au.

Kind regards

A handwritten signature in black ink, appearing to read 'Patricia Weston', is written over a horizontal line.

Patricia Weston  
Office Manager  
Shark Bay Community Resource Centre

PLEASE BE ADVISED THAT MORE INFORMATION IS SUPPLIED UNDER  
CONFIDENTIAL ATTACHMENT

MINUTES OF THE ORDINARY COUNCIL MEETING

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

**15.1 NOTICE OF MOTION**

That Council reconsider the 2020/2021 capital works budget allocation of \$50,000 (\$44,062 grant/\$5,938 infrastructure reserve) for the refurbishment of the old stables situated at 10 Denham Road

**Officer Comment**

Councillor Stubberfield would like the Council to discuss the budget allocation of \$50,000 towards the refurbishment of the old stables and the possibility of other options including the demolition rather than refurbishment

Moved           Cr Stubberfield  
Seconded       Cr Smith

**Council Resolution**

**That Council suspend Standing Orders at 5.50pm to discuss the Notice of Motion by Cr Stubberfield, in accordance with Clause 9.5 - limitation on number of speeches, for open discussion on Item 15.1 Notice of Motion.**

**6/0 CARRIED**

Moved           Cr Stubberfield  
Seconded       Cr Smith

**Council Resolution**

**That Council reinstate Standing Orders at 5.57pm.**

**6/0 CARRIED**

Moved           Cr Smith  
Seconded       Cr Burton

**Council Resolution**

**That Council undertakes an inspection of the old stables situated at 10 Denham Road prior to the Ordinary Council meeting scheduled to be held on the 30 September 2020.**

**6/0 CARRIED**

The President adjourned the Ordinary Council meeting at 5.58 pm.

The President reconvened the Ordinary Council meeting at 6.04 pm with all previously in attendance, present.



26 AUGUST 2020

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

Moved Cr Smith  
Seconded Cr Burton

**Council Resolution**

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

**17.1 Chief Executive Officer Employment Contract and Remuneration  
6/0 CARRIED**

All Council Staff, the Chief Executive Officer, Mr Anderson, the Executive Manager Finance and Administration, Ms Pears, the Executive Manager Community Development, Ms Wilkes and the Works Manager, Mr Galvin left the Council Chamber at 6.05pm

**17.0 MATTERS BEHIND CLOSED DOORS**

Moved Cr Smith  
Seconded Cr Ridgley

**Council Resolution**

**That the meeting be closed to members of the public in accordance with section 5.23(2) of the *Local Government Act 1995* for Council to discuss matters of a confidential nature.**

**6/0 CARRIED**

**17.1 CHIEF EXECUTIVE OFFICER EMPLOYMENT CONTRACT AND REMUNERATION  
PE00008**

Author  
Shire President

Disclosure of Any Interest

Declaration of Interest: Mr Anderson

Nature of Interest: Financial Interest as his contract of employment

Moved Cr Burton  
Seconded Cr Ridgley

**Council Resolution**

**That the Council consider the Chief Executive Officer's proposal for a short-term extension to his current contract for a period not exceeding twelve months beyond the conclusion date of 27 September 2020 for his current contract of employment.**

**6/0 CARRIED**

MINUTES OF THE ORDINARY COUNCIL MEETING

26 AUGUST 2020

Moved Cr Smith  
Seconded Cr Bellottie

**Council Resolution**

**That the Council endorse the Chief Executive Officer's proposal for a short-term extension to his current contract for a period not exceeding twelve months beyond the conclusion date of 27 September 2020 for his current contract of employment.**

**6/0 CARRIED**

The Chief Executive Officer, Mr Anderson returned to the Council Chamber at 6.20pm

Moved Cr Stubberfield  
Seconded Cr Ridgley

**Council Resolution**

**That the meeting be reopened to the members of the public.**

**6/0 CARRIED**

The Executive Manager Finance and Administration returned to the Council Chamber at 6.33pm

**18.0 DATE AND TIME OF NEXT MEETING**

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 30 September 2020, commencing at 3.00 pm.

**19.0 CLOSURE OF MEETING**

As there was no further business the President closed the Ordinary Council meeting at 6.34 pm.