

SHIRE OF SHARK BAY MINUTES

15 December 2021

ORDINARY COUNCIL MEETING



SHARK BAY



15 DECEMBER 2021



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

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

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 15 December 2021 commencing at 3.13 pm.

TABLE OF CONTENTS

1.0	Declaration of Opening	4
2.0	Acknowledgement of Country	4
3.0	Record of Attendances / Apologies / Leave of Absence Granted	4
4.0	Response To Previous Public Questions On Notice	4
5.0	Public Question Time	4
6.0	Applications For Leave Of Absence	5
6.1	Application For Leave Of Absence – Councillor Bellottie	5
7.0	Petitions	7
8.0	Confirmation Of Minutes	7
8.1	Confirmation of the Minutes of the Ordinary Council meeting held on 24 November 2021	7
9.0	Announcements By The Chair	7
10.0	President’s Report	8
11.0	Councillors’ Reports	9
12.0	Finance Report	10
12.1	Schedule of Accounts Paid to be Received	10
13.0	Town Planning Report	21
13.1	Proposed Front Fencing – Lot 20 (22) Terry Deschamps Way, Denham	21
13.2	Proposed Pedestrian Access Way Closure – Lot 155 Hughes Street, Denham	29
13.3	Application Seeking Retrospective Planning Approval for a Holiday House – Lot 114 (127) Knight Terrace, Denham	33
13.4	Application Seeking Retrospective Planning Approval For A Holiday House – Lot 1 (31A) Hartog Crescent, Denham	50
13.5	Proposed Outbuilding – Lot 20 (22) Terry Deschamps Way, Denham	66
14.0	Motions of Which Previous Notice Has Been Given	79
15.0	Urgent Business Approved By The Person Presiding Or By Decision	79
15.1	Financial Reports To 30 November 2021	79
15.2	Community Bus	108
16.0	Matters Behind Closed Doors	112
16.1	Citizen of The Year Awards 2022	112
16.2	Information Report On Trading On Private Property and the Shire of Shark Bay ‘Activities In Thoroughfares and Public Places and Trading Local Law	112
16.3	Termination Pay Enquiry Re: Long Service Leave Allowance Entitlement	113
17.0	Date And Time Of Next Meeting	114
18.0	Closure of Meeting	114

15 DECEMBER 2021

1.0 DECLARATION OF OPENING

The President declared the December 2021 Ordinary Council meeting open at 3.13 pm.

2.0 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Malgana People as the traditional custodians of the land and sea in and around the Shire of Shark Bay.
I pay my respects to their Elders past, present and emerging.

3.0 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED

ATTENDANCES

Cr C Cowell	President
Cr M Vankova	Deputy President
Cr E Fenny	
Cr G Ridgley	
Cr M Smith	
Cr P Stubberfield	

Mr D Chapman	Chief Executive Officer
Mr B Galvin	Works Manager
Mrs R Mettam	Executive Assistant

APOLOGIES

Cr Bellottie	Leave of Absence granted item 6.1 of this meeting.
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VISITORS

4 visitors in the gallery

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE

There were no previous public questions on notice.

5.0 PUBLIC QUESTION TIME

The President opened public question time at 3.14 pm and as no question were put forward the President closed public question time at 3.15 pm.

15 DECEMBER 2021

6.0 APPLICATIONS FOR LEAVE OF ABSENCE

**6.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR BELLOTTIE
GV00010**

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr Stubberfield
Seconded Cr Ridgley

Council Resolution

Councillor Bellottie 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 15 December 2021.

6/0 CARRIED

Background

Councillor Bellottie has applied for leave of absence from the ordinary meeting of Council scheduled for Wednesday 15 December 2021. 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 Bellottie has advised the Chief Executive Officer, he will be unable to attend the Ordinary meeting of Council scheduled to be held on Wednesday 15 December 2021 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 Bellottie 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

15 DECEMBER 2021

- (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 *D Chapman*

Date of Report 14 December 2021

15 DECEMBER 2021

7.0 PETITIONS

Mr Robert Morgan presented a petition to the President in relation to the proposed South Peron National Park.

The President accepted the petition from Mr Robert Morgan and advised that Council would put the petition to a future Council meeting for consideration.

8.0 CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 NOVEMBER 2021

Moved Cr Fenny
Seconded Cr Vankova

Council Resolution

That the minutes of the Ordinary Council meeting held on 24 November 2021, as circulated to all Councillors, be confirmed as a true and accurate record.

6/0 CARRIED

9.0 ANNOUNCEMENTS BY THE CHAIR

There will be a presentation given to Council from the Department of Biodiversity, Conservation and Attractions during the Council meeting by Mr Nigel Sercombe, Midwest Regional Manager, Mr Luke Skinner, Marine Park Coordinator and Mr Steve Nicholson, Gascoyne District Manager.

Moved Cr Smith
Seconded Cr Ridgley

Council Resolution

That the Ordinary Council meeting be adjourned at 3.18 pm, for the presentation from the Department of Biodiversity, Conservation and Attractions.

6/0 CARRIED

Moved Cr Fenny
Seconded Cr Smith

Council Resolution

That the Ordinary Council meeting be reconvened at 4.12 pm.

6/0 CARRIED

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

10.0 PRESIDENT'S REPORT

GV00002

Council Committee Membership

Member	Audit Committee
Member	Development Assessment Panel
Member (Chair)	Local Emergency Management Advisory Committee
Member	Western Australian Local Government Association – Gascoyne Zone
Ministerial Appointment	Gascoyne Development Commission

Meeting Attendance

24 November 2021	Western Australian Local Government Association – State Councillor Inductions
26	Meeting to discuss future event/s – local entities
29	Regional Development Australia Forum – Carnarvon
30	Gascoyne Development Commission – Audit / Risk Meeting Gascoyne Development Commission Board meeting
1 December	Western Australian Local Government Association – State Council meeting Western Australian Local Government Association – Strategic Forum meeting with Minister for Local Government and Housing
3	Shire Christmas Function
15	Ordinary Council meeting

Signatures

Councillor	<i>Councillor Cowell</i>
Date of Report	3 December 2021

Moved Cr Fenny
Seconded Cr Vankova

Council Resolution

That the President's activity report for December 2021 be received.

6/0 CARRIED

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

11.0 COUNCILLORS' REPORTS

11.1 CR VANKOVA
GV000

Committee Membership

Member	Audit Committee
Deputy Delegate	Western Australian Local Government Association – Gascoyne Zone

Meeting Attendance

2 December 2021	Waste Roundtable – Regional Local Government Waste Forum with Hon. Amber-Jade Sanderson MLA and Mr Reg Howard-Smith
5	Volunteers Day, presentation of the certificates
6	Destination Shark Bay Working Group meeting
15	Ordinary Council meeting

Signatures

Councillor	<i>Councillor Vankova</i>
Date of Report	2 December 2021

Moved	Cr Smith
Seconded	Cr Stubberfield

Council Resolution

That Councillor Vankova's December 2021 report on activities as Council representative be received.

6/0 CARRIED

15 DECEMBER 2021

12.0 FINANCE REPORT

12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED
CM00017

Author

Finance Officer / Accounts Payable

Disclosure of any Interest

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Secretary of Pistol Club – Grant funding received.

Moved Cr Smith
Seconded Cr Fenny

Council Resolution

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$472,854.66 be accepted.

6/0 CARRIED

Comment

The schedules of accounts for payment covering -

Municipal fund credit card direct debits for the month of November 2021 totalling \$3,612.37

Municipal fund account cheque number 26951 totalling \$140.03

Municipal fund direct debits to Council for the month of November 2021 totalling \$25,954.57

Municipal fund account electronic payment numbers MUNI 28943 to 29055 totalling \$305,041.24

Municipal fund account for November 2021 payroll totalling \$114,243.00

Municipal fund account for Police Licensing for November 2021 transaction number 212205 totalling \$23,863.45

No Trust fund account cheque numbers were issued for November 2021 totalling \$0

The schedule of accounts submitted to each member of Council on 10 December 2021 has been checked and are fully supported by vouchers and invoices. All vouchers and invoices have been duly certified as to the receipt of goods and services and the cost of goods and services received.

LEGAL IMPLICATIONS

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

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The payments listed have been disbursed throughout the month.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

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

Voting Requirements

Simple Majority Required

Signature

Author

A Pears

Chief Executive Officer

D Chapman

Date of Report

7 December 2021

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

**SHIRE OF SHARK BAY – CREDIT CARD
PERIOD – NOVEMBER 2021**

CREDIT CARD TOTAL \$3,612.37

EMCD

DATE	NAME	DESCRIPTION	AMOUNT
20/10/2021	BACKSAFE AUSTRALIA	SCISSOR LIFT TROLLEY FOR ROSE DE FREYCINET GALLERY UPGRADE	949.30
20/10/2021	INSTRUMENT CHOICE	PRECISION LIGHT METER ROSE DE FREYCINET GALLERY UPGRADE	181.50
12/11/2021	SHIRE OF SHARK BAY	ACCOMMODATION AT WILDSIGHTS FOR CHRISTMAS FESTIVAL MARKETS ENTERTAINER	338.00

\$1,468.80

EMFA

DATE	NAME	DESCRIPTION	AMOUNT
21/10/2021	TELSTRA CORP	RECHARGE USB MODEM FOR TELEVISION UPGRADE TO MPEG4	30.00
27/10/2021	MCFARLANE GENERATORS	ENGINE INTERFACE MODULES PLUS 12V PANELS FOR 25KVA GENERATOR (PP060)	357.50
29/10/2021	BELONG	1GB MONTHLY TELEVISION CONNECTION WITH N-COM	10.00
1/11/2021	MELBOURNE OFFICE SUPPLIES	FIRST AID CABINET FOR RECREATION CENTRE AND BINDING MACHINE FOR DEPOT	637.17
4/11/2021	IKEA	FURNITURE FOR ROSE DE FREYCINET GALLERY UPGRADE	992.00
5/11/2021	RIB BLOOMS	FLOWERS – GET WELL FOR STAFF MEMBER	116.90

\$2,143.57

**SHIRE OF SHARK BAY – MUNI CHQ
NOVEMBER 2021
CHEQUE # 26951**

CHQ #	DATE	NAME	DESCRIPTION	AMOUNT
26951	15/11/2021	WATER CORPORATION - OSBORNE PARK	WATER AND SERVICE CHARGES FOR COMMUNITY STANDPIPE	140.03
			TOTAL	\$140.03

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

**SHIRE OF SHARK BAY – MUNI DIRECT DEBITS
NOVEMBER 2021**

DD #	DATE	NAME	DESCRIPTION	AMOUNT
BPAY	05/11/2021	AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	-182.98
BPAY	05/11/2021	GESB	SUPERANNUATION CONTRIBUTIONS	-518.51
DD16357.1	07/11/2021	URL NETWORKS PTY LTD	OCTOBER 2021 SHIRE VOIP PHONE CHARGES	-196.16
DD16360.1	07/11/2021	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-222.11
DD16360.2	07/11/2021	SPIRIT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-394.54
DD16360.3	07/11/2021	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-463.83
DD16360.4	07/11/2021	MERCER SUPER TRUST	SUPERANNUATION CONTRIBUTIONS	-448.23
DD16360.5	07/11/2021	NGS SUPER	SUPERANNUATION CONTRIBUTIONS	-67.31
DD16360.6	07/11/2021	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-241.58
DD16360.7	07/11/2021	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-385.43
DD16360.8	07/11/2021	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.95
DD16360.9	07/11/2021	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-427.47
DD16372.1	21/11/2021	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-222.11
DD16372.2	21/11/2021	SPIRIT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-278.90
DD16372.3	21/11/2021	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-463.83
DD16372.4	21/11/2021	MERCER SUPER TRUST	SUPERANNUATION CONTRIBUTIONS	-442.89
DD16372.5	21/11/2021	NGS SUPER	SUPERANNUATION CONTRIBUTIONS	-83.36
DD16372.6	21/11/2021	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-241.58
DD16372.7	21/11/2021	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.95
DD16372.8	21/11/2021	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.96
DD16372.9	21/11/2021	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-410.90
DD16378.1	29/11/2021	EXETEL PTY LTD	INTERNET CHARGES FOR SHIRE BUILDINGS	-374.97
DD16360.10	07/11/2021	AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	-3964.67
DD16360.11	07/11/2021	REST	SUPERANNUATION CONTRIBUTIONS	-1982.14
DD16360.12	07/11/2021	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-841.89
DD16360.13	07/11/2021	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-410.90
DD16360.14	07/11/2021	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1893.21
DD16360.15	07/11/2021	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-236.52

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD16372.10	21/11/2021	AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	-3805.31
DD16372.11	21/11/2021	REST	SUPERANNUATION CONTRIBUTIONS	-1952.29
DD16372.12	21/11/2021	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-955.58
DD16372.13	21/11/2021	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-410.90
DD16372.14	21/11/2021	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1893.21
DD16372.15	21/11/2021	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-239.40
			TOTAL	\$25,954.57

**SHIRE OF SHARK BAY – MUNI EFT
NOVEMBER 2021
EFT 28943-29055**

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT28943	01/11/2021	JAMES SNR POLAND	BOOKEASY OCTOBER 2021	-28.00
EFT28944	01/11/2021	SHARK BAY AVIATION	BOOKEASY OCTOBER 2021	-3555.20
EFT28945	01/11/2021	BAY LODGE MIDWEST OASIS	BOOKEASY OCTOBER 2021	-316.00
EFT28946	01/11/2021	BLUE LAGOON PEARLS	BOOKEASY OCTOBER 2021	-2368.00
EFT28947	01/11/2021	DENHAM SEASIDE CARAVAN PARK	BOOKEASY OCTOBER 2021	-1881.84
EFT28948	01/11/2021	HARTOG COTTAGES	BOOKEASY OCTOBER 2021	-1615.10
EFT28949	01/11/2021	HAMELIN POOL CARAVAN PARK AND TOURIST CENTRE	BOOKEASY OCTOBER 2021	-150.55
EFT28950	01/11/2021	HERITAGE RESORT	BOOKEASY OCTOBER 2021	-3462.80
EFT28951	01/11/2021	INTREPID DRONE SERVICES	BOOKEASY OCTOBER 2021	-120.00
EFT28952	01/11/2021	ISLAND LIFE ADVENTURES PTY LTD	BOOKEASY OCTOBER 2021	-9267.00
EFT28953	01/11/2021	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	FAREHARBOR OCTOBER 2021	-8552.20
EFT28954	01/11/2021	MONKEYMIA WILDSIGHTS	BOOKEASY OCTOBER 2021	-169.84
EFT28955	01/11/2021	DENHAM NATURETIME - 4WD TOURS/PHOTOGRAPHY TOURS	BOOKEASY OCTOBER 2021	-1447.60
EFT28956	01/11/2021	OCEANSIDE VILLAGE	BOOKEASY OCTOBER 2021	-350.00

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT28957	01/11/2021	SHARK BAY DIVE AND MARINE SAFARIS	BOOKEASY OCTOBER 2021	-3441.84
EFT28958	01/11/2021	SHARK BAY HOTEL MOTEL	BOOKEASY OCTOBER 2021	-1623.50
EFT28959	01/11/2021	SHARK BAY CARAVAN PARK	BOOKEASY OCTOBER 2021	-1591.04
EFT28960	01/11/2021	SHARK BAY 4WD TOURS	BOOKEASY OCTOBER 2021	-2096.40
EFT28961	01/11/2021	SHARK BAY COASTAL TOURS	BOOKEASY OCTOBER 2021	-1883.20
EFT28962	01/11/2021	SHIRE OF SHARK BAY	BOOKEASY AND FAREHARBOR COMMISSION OCTOBER 2021	-6969.88
EFT28963	01/11/2021	SHARK BAY SEAFRONT APARTMENTS	BOOKEASY OCTOBER 2021	-336.16
EFT28964	01/11/2021	WULA GURA NYINDA ECO ADVENTURES	BOOKEASY OCTOBER 2021	-2820.40
EFT28965	08/11/2021	DRAGONFLY MEDIA	METRO CAD CONVERSION REQUIRED FOR SHARK BAY SINK YOUR TEETH IN ADVERTISEMENT DURING THE BACHELORETTE	-99.00
EFT28966	08/11/2021	NAPA AUTO PARTS	FLASHER RELAY FOR FREIGHTLINER (P174)	-12.65
EFT28967	08/11/2021	AUSTRALIA POST	OCTOBER 2021 SHIRE POSTAGE	-272.05
EFT28968	08/11/2021	BOC LIMITED	GAS HIRE CONTAINER SERVICE CHARGES	-124.22
EFT28969	08/11/2021	BOB WADDELL & ASSOCIATES	CONTRACT RATES OFFICER FEES	-1584.00
EFT28970	08/11/2021	CITY OF GREATER GERALDTON	BUILDING CERTIFICATION SERVICES - JULY TO SEPTEMBER 2021	-2066.84
EFT28971	08/11/2021	CONTROLLED IRRIGATION SUPPLIES AUSTRALIA	SPRINKLER PARTS FOR RECREATION CENTRE GROUNDS	-110.00
EFT28972	08/11/2021	DENHAM MEATS	COUNTRY CREW BUTCHER ACCOUNT	-152.09
EFT28973	08/11/2021	REFUEL AUSTRALIA (formerly GERALDTON FUEL COMPANY)	MONTHLY BULK FUEL ACCOUNT - OCTOBER 2021 DEPOT FUEL, OIL AND FUEL FOR EMCD VEHICLE	-12090.59
EFT28974	08/11/2021	HORIZON POWER	OCTOBER 2021 STREET LIGHTING	-4209.45
EFT28975	08/11/2021	HERITAGE RESORT	CATERING FOR WALGA EMERGENCY MANAGEMENT TRAINING 2-5 NOVEMBER 2021	-800.00
EFT28976	08/11/2021	GRAYT MAINTENANCE SOLUTIONS	PART SUPPLY OF MATERIALS - SBDC ROOF FLASHINGS	-3300.00
EFT28977	08/11/2021	JASON SIGNMAKERS	DISCOVERY CENTRE CEILING SIGNS	-418.58
EFT28978	08/11/2021	LANDGATE (WA LAND INFORMATION AUTHORITY)	GROSS RENTAL VALUATIONS CHARGEABLE SEPTEMBER 2021	-70.40

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT28979	08/11/2021	MARKET FORCE PTY LTD	SPECIAL COUNCIL MEETING ADVERTISEMENT	-192.90
EFT28980	08/11/2021	OFFICEWORKS LTD	SHIRE OFFICE STATIONERY	-609.75
EFT28981	08/11/2021	PURCHER INTERNATIONAL PTY LTD	SERVICE FILTERS FOR FREIGHTLINER (P174)	-561.15
EFT28982	08/11/2021	PROFESSIONAL PC SUPPORT	SOFTWARE SETUP AT DEPOT RECORDS ROOM	-192.50
EFT28983	08/11/2021	PR POWER	NEW 20KVA DIESEL GENERATOR (PP190)	-15357.10
EFT28984	08/11/2021	LYONS ENTERPRISES-SHARK BAY CAR HIRE	CAR HIRE FOR CARNARVON MEDICAL STAFF TRANSFER - OCTOBER 2021	-729.30
EFT28985	08/11/2021	RAY WHITE REAL ESTATE SHARK BAY	RENT FOR 12 MEAD STREET - 15 NOV TO 12 DEC 2021	-1100.00
EFT28986	08/11/2021	WINC AUSTRALIA PTY LIMITED	NEW PHOTOCOPIER FOR SHIRE OFFICE INCLUDING ONSITE ASSEMBLY AND SERVICE AND PARTS FOR DEPOT PHOTOCOPIER	-12259.21
EFT28987	08/11/2021	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES - OCTOBER 2021	-4331.25
EFT28988	08/11/2021	T-QUIP	BLOWER BELT FOR RIDE ON MOWER (P192)	-27.25
EFT28989	08/11/2021	AFGRI EQUIPMENT	NEW WINDOW AND ISOLATOR FOR SKID STEER (P161)	-1146.51
EFT28990	08/11/2021	WA HOLIDAY GUIDE PTY LTD	BOOKEASY MARKETING FEE - OCTOBER 2021	-111.49
EFT28991	21/11/2021	AUSTRALIAN TAXATION OFFICE	OCTOBER 2021 BAS	-43285.00
EFT28992	15/11/2021	AMANDA KERR	GYM CARD DEPOSIT REFUND	-20.00
EFT28993	15/11/2021	AIYANA JOAN CHRISTI WRIGHT	SBDC MERCHANDISE	-385.00
EFT28994	15/11/2021	BUNNINGS BUILDING SUPPLIES PTY LTD	SBDC ROSE DE FREYCINET GALLERY UPGRADE – UNIVERSAL LEVEL, HAMMER DRILL KIT, SCREWDRIVER KIT, COTTON GLOVES	-475.99
EFT28995	15/11/2021	BRIAN CHILD	REPLACEMENT OF BROKEN DRAIN - MENS SHED	-400.00
EFT28996	15/11/2021	BOOKEASY AUSTRALIA PTY LTD	BOOKING COMMISSION FOR BOOKEASY - OCTOBER	-957.21
EFT28997	15/11/2021	BATTERY MART	NEW BATTERIES FOR SOLAR STREET LIGHTS AT LITTLE LAGOON	-577.50
EFT28998	15/11/2021	BOB WADDELL & ASSOCIATES	CONTRACT RATES OFFICER FEES	-264.00
EFT28999	15/11/2021	KM & SJ CAPEWELL	REPAIRS TO FORESHORE SHADESAIL	-100.00
EFT29000	15/11/2021	CAITLYN MC CARTHY	LIBRARY CARD DEPOSIT REFUND	-50.00
EFT29001	15/11/2021	DENHAM MEATS	COUNTRY CREW BUTCHER ACCOUNT	-110.70

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT29002	15/11/2021	DUNTEC PTY LTD	NEW SELF BUNDED FUEL TANK INCLUDING DELIVERY TO SITE - TAMALA CAMP	-29221.50
EFT29003	15/11/2021	DEBORAH ANN WILKES	GYM TOKEN DEPOSIT REFUND	-20.00
EFT29004	15/11/2021	ETCHED GLASS DESIGN	SBDC MERCHANDISE	-1967.00
EFT29005	15/11/2021	DENHAM IGA X-PRESS	OCTOBER 2021 SUPERMARKET ACCOUNT	-2211.90
EFT29006	15/11/2021	EMU TRACKS	SBDC MERCHANDISE	-485.76
EFT29007	15/11/2021	SHARK BAY SUPERMARKET	OCTOBER 2021 SUPERMARKET ACCOUNT	-482.29
EFT29008	15/11/2021	FAR WEST ELECTRICAL	ELECTRICAL SUPPLY AND INSTALL FOR MENS SHED	-20956.77
EFT29009	15/11/2021	GERALDTON MOWER & REPAIRS SPECIALISTS	CARBURETTOR FOR MOWER (PP076)	-347.60
EFT29010	15/11/2021	TOLL IPEC PTY LTD	FREIGHT ACCOUNT	-31.19
EFT29011	15/11/2021	KEYS THE MOVING SOLUTION	REMOVALIST RELOCATION COSTS - CEO FURNITURE	-6487.10
EFT29012	15/11/2021	SHARK BAY MARINE AND HARDWARE	REPLACE ROOF ON X 1 PENSIONER UNITS	-13703.78
EFT29013	15/11/2021	OFFICEWORKS LTD	STATIONERY FOR SBDC	-499.91
EFT29014	15/11/2021	PROFESSIONAL PC SUPPORT	ADDITIONAL IP ADDRESS FOR NEW SHIRE OFFICE PHOTOCOPIER	-38.50
EFT29015	15/11/2021	PAPER PLUS OFFICE NATIONAL	SOLAR CONTROLLER FOR LITTLE LAGOON LIGHTS	-31.90
EFT29016	15/11/2021	R & L COURIERS	MONTHLY FREIGHT ACCOUNT - OCTOBER 2021	-1256.64
EFT29017	15/11/2021	SHARK BAY BUSINESS AND TOURISM ASSOCIATION	SHARK BAY BUSINESS & TOURISM ASSOCIATION MEMBERSHIP 2021/2022	-275.00
EFT29018	15/11/2021	SHARK BAY SERVICES	NEW BATTERIES FOR HINO (P178)	-520.00
EFT29019	15/11/2021	SHARK BAY CLEANING SERVICE	STRIP AND RESEAL OF GYM FLOOR - MARCH 2021 AND VACATE CLEAN OF CEO HOUSE	-1399.20
EFT29020	15/11/2021	SHARK BAY PISTOL CLUB INC	COMMUNITY ASSISTANCE GRANT - ROUND 1 2021/2022	-3200.00
EFT29021	15/11/2021	ST JOHN AMBULANCE ASSOC. - SHARK BAY SUB CENTRE	FIRST AID COURSE FOR SHERRY LINDSEY - SBDC STAFF	-160.00
EFT29022	15/11/2021	SAFE MASTER SAFETY PRODUCTS	RECERTIFICATION HEIGHT SAFETY SYSTEM - REC CENTRE AND SBDC	-2262.00
EFT29023	15/11/2021	SUNPRINTS CLOTHING COMPANY	SBDC MERCHANDISE	-3652.28
EFT29024	15/11/2021	WREN OIL	OIL DISPOSAL CHARGE - DEPOT	-33.00

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT29025	25/11/2021	ASHLEIGH HELEN BUCHHOLZ	REIMBURSEMENT FOR BALLOONS PURCHASED – THANK A VOLUNTEER DAY	-4.00
EFT29026	25/11/2021	ARTHUR EYRE ELECTRICAL PTY LTD	REATTACHMENT AND ALIGNMENT OF SAT DISHES ON PENSIONER UNIT BLOCK 5,6,7	-385.00
EFT29027	25/11/2021	ASM ECLIPSE PTY LTD	SBDC MERCHANDISE	-115.50
EFT29028	25/11/2021	ABC FOUNDATION PTY LTD	REFUND ON DOUBLE PAYMENT	-88.00
EFT29029	25/11/2021	ANDREA PEARS	REIMBURSEMENT FOR XMAS LOLLY BAGS, WRAPPING PAPER AND LOLLIES	-62.23
EFT29030	25/11/2021	SHARK BAY AVIATION	AIRCHARTER - WALGA ZONE MEETING IN CARNARVON	-700.00
EFT29031	25/11/2021	SHARK BAY SCHOOL	SPONSORSHIP OF END OF YEAR BOOK AWARDS - ACHIEVEMENT AWARDS	-146.38
EFT29032	25/11/2021	HOSPITALITY CARNARVON	STAFF AND COUNCILLOR ATTENDANCE TO REGIONAL DEVELOPMENT AUSTRALIA MEETING IN CARNARVON 29-30 NOVEMBER 2021	-477.00
EFT29033	25/11/2021	CHUBB FIRE & SECURITY LTD	NEW KEYPAD FOR SBDC EXIT DOOR	-544.94
EFT29034	25/11/2021	HOWARD COCK	SBDC MERCHANDISE	-180.00
EFT29035	25/11/2021	CANDICE USZKO	SALARY SACRIFICE COMMUNICATIONS	-79.00
EFT29036	25/11/2021	FAR WEST ELECTRICAL	RECORDS ROOM UPGRADE - FINALISATION OF CABLING, WIFI & ETHERNET POINTS	-1639.90
EFT29037	25/11/2021	C.M & G.D BELL	HIRE OF SKID STEER BUSH RAKE	-300.00
EFT29038	25/11/2021	GYM CARE	ANNUAL SERVICE AND SAFETY CHECK OF GYMNASIUM EQUIPMENT AND REPAIRS TO BROKEN EQUIPMENT	-4636.02
EFT29039	25/11/2021	HARRY PARSONS	GYM TAG DEPOSIT REFUND	-30.00
EFT29040	25/11/2021	HORIZON POWER	OCTOBER 2021 SHIRE ELECTRICITY CHARGES AND EMERGENCY SERVICES BUILDING ELECTRICITY CHARGES	-5123.27

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT29041	25/11/2021	RJ & D HEWITT	INSTALL APPROX 150M OF 1800 HIGH PVC MESH FENCING – SUMP AND ERECT FENCING BETWEEN SHIRE DEPOT AND NEW MORGUE	-2356.50
EFT29042	25/11/2021	TOLL IPEC PTY LTD	TOLL IPEC FREIGHT ACCOUNT	-38.15
EFT29043	25/11/2021	JANE ELEANOR GREEN	REIMBURSEMENT FOR WALGA TRAINING EXPENSES - TRAVEL AND MEALS	-639.52
EFT29044	25/11/2021	MIDWEST FIRE PROTECTION SERVICE	RESET FAULT SENSOR ALARM AT SBDC	-110.00
EFT29045	25/11/2021	QUINTIS SANDALWOOD PTY LTD	SBDC MERCHANDISE	-490.39
EFT29046	25/11/2021	MATTHEW WEYNBERG	DIGITAL PHOTOGRAPH OF SHARK BAY AT NIGHT FOR DIGITAL AND PHYSICAL MEDIA PROMOTIONAL PURPOSES	-200.00
EFT29047	25/11/2021	NETWORK TEN PTY LTD	ADVERTISING ON TV - SINK YOUR TEETH IN	-3669.60
EFT29048	25/11/2021	PROFESSIONAL PC SUPPORT	DECEMBER 2021 MONTHLY PPS AGREEMENT AND SOFTWARE LICENCES, UPGRADE PERFORMED ON EXCHANGE 2016, SERVER MAINTENANCE AND ALTUS FIREWALL INFRACTURE CHANGES DUE TO NEW SERVER AT IT VISION	-3041.68
EFT29049	25/11/2021	BUCKINGHAM PEWTER	SBDC MERCHANDISE	-1386.00
EFT29050	25/11/2021	RAY WHITE REAL ESTATE SHARK BAY	ACCOMMODATION RECORDS MANAGEMENT CONSULTANT	-3069.00
EFT29051	25/11/2021	SHARK BAY COMMUNITY RESOURCE CENTRE	RECREATION CENTRE MANAGEMENT - OCTOBER 2021 AND INSCRIPTION POSTS	-8904.33
EFT29052	25/11/2021	SHARK BAY BUSINESS AND TOURISM ASSOCIATION	ADVERTISING IN SHARK BAY VISITOR'S GUIDE 2022	-2400.00
EFT29053	25/11/2021	SHARK BAY SKIPS	USELESS LOOP ROAD SKIP BIN AND DOT SKIP BIN MONTHLY ACCOUNT– OCTOBER 2021	-4774.00
EFT29054	25/11/2021	SUNPRINTS CLOTHING COMPANY	SBDC MERCHANDISE	-6628.28
EFT29055	25/11/2021	WEST DIGITAL TELEVISION	ADVERTISING ON TV - SINK YOUR TEETH IN	-979.00
			TOTAL	\$305,041.24

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

**SHIRE OF SHARK BAY – MUNI
ELECTRONIC PAYROLL TRANSACTIONS
NOVEMBER 2021**

DATE	NAME	DESCRIPTION	AMOUNT
9/11/2021	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 7 NOVEMBER 2021	\$57,606.00
23/11/2021	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 21 NOVEMBER 2021	\$56,637.00
		TOTAL	\$114,243.00

**SHIRE OF SHARK BAY
NOVEMBER 2021
POLICE LICENSING TRANSACTION # 212205**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
212205	30/11/2021	COMMISSIONER OF POLICE	POLICE LICENSING NOVEMBER 2021	23863.45
			TOTAL	\$23,863.45

15 DECEMBER 2021

13.0 TOWN PLANNING REPORT

13.1 PROPOSED FRONT FENCING – LOT 20 (22) TERRY DESCHAMPS WAY, DENHAM P4203

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Fenny

Nature of Interest: Impartiality Interest as applicant is an employee

Moved Cr Smith
Seconded Cr Ridgley

Council Resolution

That Council:

1. Note that:

- (a) The front fence proposed for Lot 20 (22) Terry Deschamps Way, Denham is being advertised for public comment. Advertising closes on the 23 December 2021.**
- (b) The front fence design complies with the ‘deemed to comply’ requirements of the Residential Design Codes with the exception that 500mm wide pillars are proposed that exceed the permitted 400mm maximum pillar width.**

- 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 a front fence on Lot 20 (22) Terry Deschamps Way, Denham.**

6/0 CARRIED BY ABSOLUTE MAJORITY

BACKGROUND

• **Zoning**

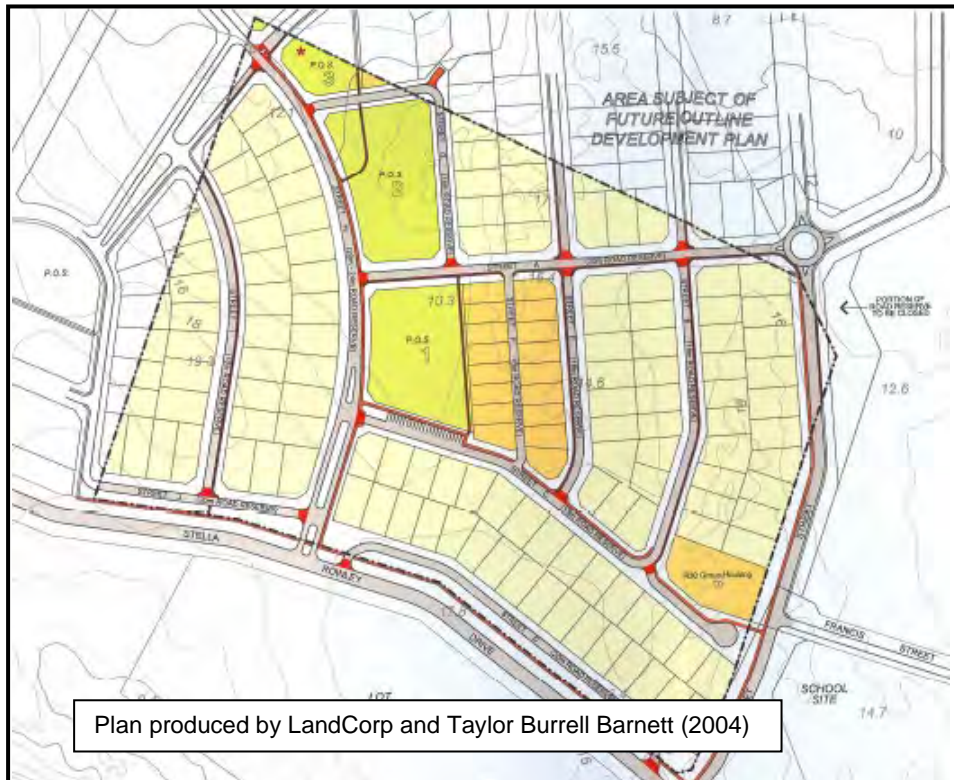
Lot 20 forms part of an area known as ‘Denham Estate’ which is land that was originally subdivided by LandCorp. Development WA is now the State Governments central development agency, and is responsible for the sale of land in Denham Estate.

The lot is zoned ‘Residential’ with a density code of R15 under the Shire of Shark Bay Local Planning Scheme No 4 (‘the Scheme’) – refer location plan overpage.

15 DECEMBER 2021



There is an Outline Development Plan for the area and the existing Denham Estate subdivision proceeded as Stage 1.



15 DECEMBER 2021

As part of subdivision, Design Guidelines for Denham Estate were prepared by Taylor Burrell Barnett (planning consultants) and were commissioned by LandCorp.

Compliance with the Guidelines is assessed by Zuideveld Marchant Hur architects on behalf of Development WA (state developer).

The Design Guidelines require owners to submit their plans to the architects for assessment before lodging any planning and / or building permit application to the Shire.

Planning approval is required for any variation to the Residential Design Codes irrespective of compliance with the Design Guidelines.

A Building Permit (No 3393) was issued for a single house on Lot 20 on the 29 October 2021. The house did not require planning approval as it complied with the Residential Design Codes.

The Denham Estate Design Guidelines include the following fencing requirements:

- If fencing is provided in front of the building line (including dividing fencing), it must be low (less than 900mm) or visually permeable, as per the R Codes, and constructed of materials and colours complimentary to the building.
- If fencing is provided on the secondary street frontage of the lot (i.e. corner lots), it must be low (less than 900mm) or visually permeable, as per the R Codes, for a minimum of 50% of the secondary street frontage, and constructed of materials and colours complimentary to the building.
- The use of corrugated fibre cement, Colorbond metal and brushwood materials for front and secondary street fences are not permitted.

The proposed fencing complies with Design Guidelines.

COMMENT

• ***Description of application***

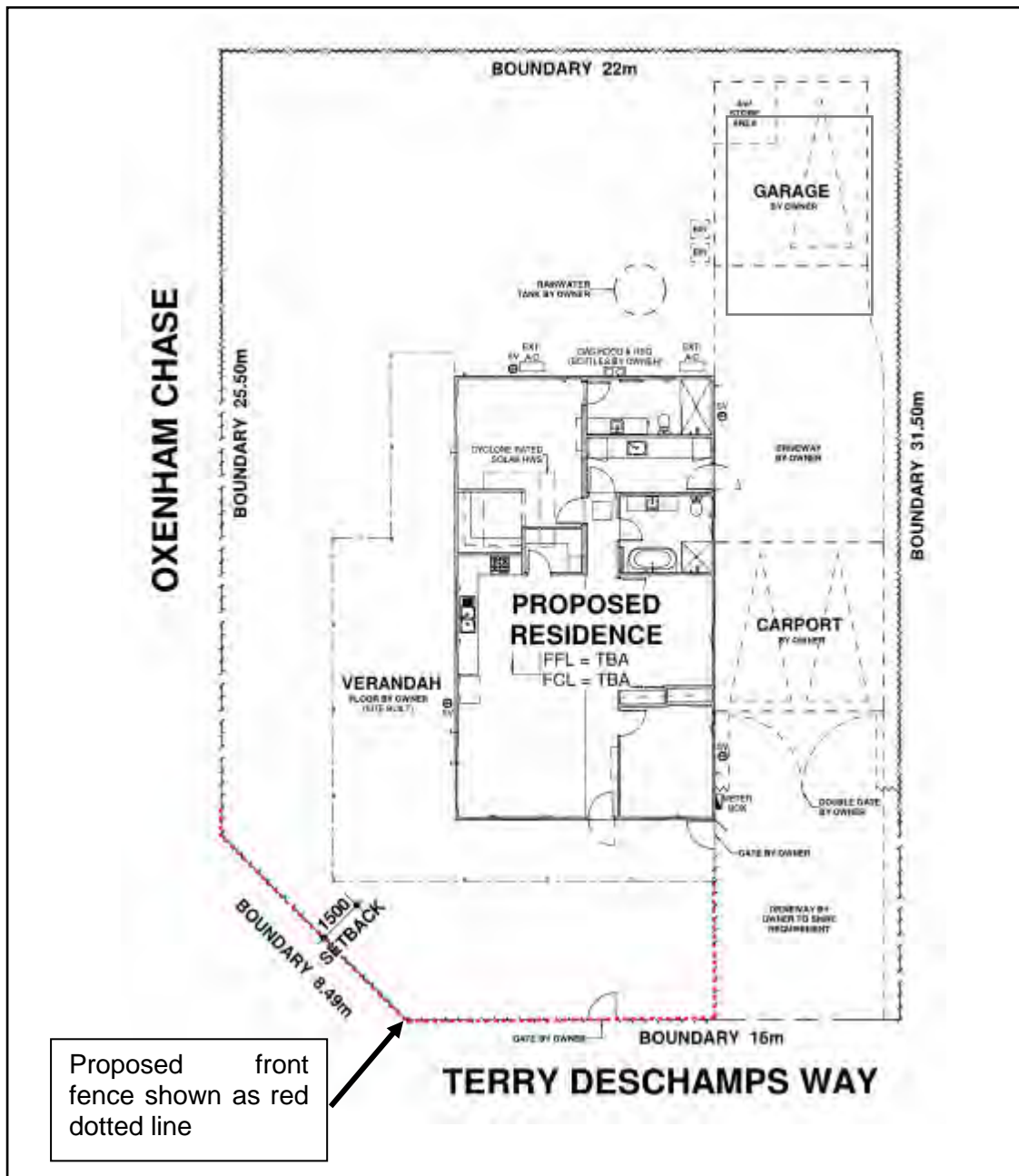
The applicant proposes fencing in front of the existing dwelling facing Terry Deschamps Way, and fencing along the secondary street frontage being Oxenham Close.

Planning approval is only required for the proposed front fencing (ie fencing in front of the house).

The applicant has lodged elevations showing all proposed fencing. They propose to use the same fencing along both the Terry Deschamps Way frontage and the Oxenham Close frontage.

15 DECEMBER 2021

A site plan is included below for ease of reference.



15 DECEMBER 2021

The front fence is proposed to be constructed out of reconstituted limestone blocks with piers, and horizontal infill timber panels with 50mm gaps.

The applicant has drawn elevations detailing all the fence dimensions, however the photo below shows comparative fencing as an example. .



- ***Residential Design Codes – Deemed to Comply Requirements***

Under the Residential Design Codes there are specific ‘Deemed to Comply’ requirements for front fencing. Where a fence complies with the ‘Deemed to Comply’ criteria it does not need planning approval, however a separate Building Permit is still required.

When the Western Australian Planning Commission last amended the Residential Design Codes (R Codes) in July 2021, they introduced very specific fencing dimensions.

MINUTES OF THE ORDINARY COUNCIL MEETING

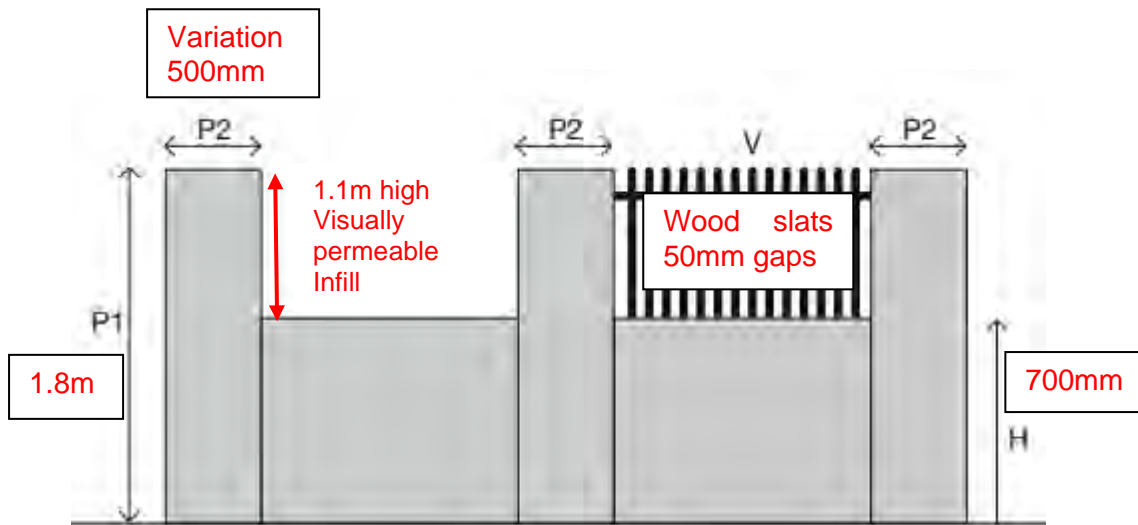
15 DECEMBER 2021

Compliance with the R Codes is summarised below:

Clause 5.2.4 Street Walls and fences		Officer Town Innovations	Comment Planning
C4.1	Front fences within the primary street setback area that are visually permeable above 1.2 metres of natural ground level, measured from the primary street side of the front fence (refer Figure 12).	Complies.	
C4.2	Solid pillars that form part of the front fences not more than 1.8m above natural ground level provided the horizontal dimension of the pillars is not greater than 400mm by 400mm and pillars are separated by visually permeable fencing in line with C4.1 (refer figure 12).	Complies with the exception of the pillar width. The applicant proposes 500mm by 500mm pillars.	
Definitions	The term 'Visually Permeable' is defined in the R Codes :	Officer Town Innovations	Comment – Planning
	<p>In reference to a wall, gate, door, screen or fence that the vertical surface when viewed directly from the street or other public space has:</p> <ul style="list-style-type: none"> • continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; • continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; 	Complies.	<p>The horizontal wood panels will have a 50mm gap, and will make up more than 1/3rd of the total fence surface area.</p> <p>N/A – Complies with above criteria.</p>

15 DECEMBER 2021

Town Planning Innovations has marked up the proposed fence dimensions on Figure 12 from the R Codes (in red) to show the level of compliance, and the one variation proposed for the pillar width:



Above: Figure 12 extracted from the R Codes

Figure 12 notes / required:	Proposed:	Comment
H Maximum height of visually impermeable fencing 1.2m	700mm	Complies
P1 Maximum height of pillar 1.8m	1.8m	Complies
P2 Pillar dimensions 400mm x 400mm maximum	500mm x 500m	Variation
V Area above 1.2 metres to be visually permeable	Wood slats with 50mm gap	Complies.

In addition to the above, the R Codes has requirements for fencing adjacent to, and within 1.5 metres to any driveway (to maintain sightlines). The proposed fence complies as the solid component of the fence is less than the 0.75 metre maximum stipulated by the R Codes.

• **Residential Design Codes – Alternative Design Principle**

The proposed front fence only entails one minor variation to the ‘deemed to comply’ requirements of the Residential Design Codes, being the pillar width.

Any variations has to be assessed with the alternative Design Principle which is:

‘5.2.4 P4 Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:

- *for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and*
- *for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.’*

Town Planning Innovations is of the view that proposed front fence design complies with the alternative Design Principle (above) as it still has a low solid section, permits casual surveillance of the street, and will enhance the streetscape.

15 DECEMBER 2021

- **Consultation**

The Shire is advertising the application for public comment due the proposed R Code variation. Advertising closes on the 23 December 2021.

To expedite the planning process, it is recommended that Council grant delegated authority to the Chief Executive Officer to determine the application following advertising.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 -

Clause 61(1) only exempts front fencing 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.

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

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 proposed fencing in Terry Deschamps Way in terms of the pillar width.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

D Chapman

Date of Report

5 December 2021

15 DECEMBER 2021

13.2 PROPOSED PEDESTRIAN ACCESS WAY CLOSURE – LOT 155 HUGHES STREET, DENHAM P1077

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 Vankova

Seconded Cr Smith

Council Resolution

That Council:

1. **Note that:**
 - (a) **The proposed closure of a Pedestrian Access Way known as Lot 155 Hughes Street on Plan 12666 has been advertised for public comment pursuant to Section 58 of the Land Administration Act 1997.**
 - (b) **Two letters of non objection were received by the Water Corporation and the Department of Water and Environmental Regulation (as per Table 1 in this report).**
2. **Support the permanent closure of the Pedestrian Access Way, known as Lot 155 Hughes Street on Plan 12666.**
3. **Authorise the Shire Chief Executive Officer to lodge a request seeking closure of the Pedestrian Access Way, known as Lot 155, to the Department of Planning, Lands and Heritage for formal consideration of the Minister of Lands.**
4. **Authorise the Shire Chief Executive Officer to advise the applicant, Sylvia Pryer, of the Council decision.**

6/0 CARRIED

BACKGROUND

• ***Relevant Council Decision 2014***

On the 5 March 2014, the then Department of Lands wrote to the Shire advising that the Pedestrian Access Way on Lot 155 is unmanaged and sought advice as to whether the Shire would accept a management order for the Pedestrian Access Way whether the Pedestrian Access Way was required, and if the Shire was agreeable to disposal of the Pedestrian Access Way into adjacent Lots 55 and 56.

A report on the matter was considered by Council on the 26 March 2014. Council resolved *'that the Department of Lands be advised that Lot 155 on plan 12666*

15 DECEMBER 2021

In order to close and amalgamate this Pedestrian Access Way the Shire has to meet the statutory obligations under Section 58 of the Land Administration Act 1997 and Regulation 9 of the Land Administrative Regulations 1998.

The 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 Pedestrian Access Way closure request to the Department of Planning, Lands and Heritage for formal consideration of the Minister of Lands.
4. Assessment by the Department of Planning, Lands and Heritage and consideration of a purchase price. The owner of Lots 55 and 56 will have to purchase the Pedestrian Access Way from the State.
5. Acceptance by the proponent and payment of purchase price and other costs associated with the proposal.
6. Completion of Pedestrian Access Way closure and disposal actions. The Pedestrian Access Way area may need to be surveyed.

Once any formal Pedestrian Access Way closure request is lodged to the Department of Planning, Lands and Heritage, then the Department of Planning, Lands and Heritage completes the rest of the process.

- **Consultation**

The proposed Pedestrian Access Way closure was advertised by:

- A. A publication in the West Australian newspaper on the 2 November 2021;
- B. Letters to key stakeholders and relevant service authorities;
- C. A sign located on site at the Public Access Way location.

Advertising closed on the 29 November 2021. Two submissions were received and no objections were lodged – refer Table 1 over page.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

Table 1 – Summary of submissions	
Department	Submission
1. Department of Water and Environmental Regulation PO Box 73 WA 6531	Thank you for providing the Advertising of proposed pedestrian access way: Lot 155 Hughes St, Denham: Comment on any services and infrastructure for the Department of Water and Environmental Regulation (Department) to consider. The Department has no comments to the Advertising of proposed pedestrian access way. In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.
2. Water Corporation PO Box 100 Leederville WA 6902	Thank you for your letter dated 1 November 2021, regarding the above proposal. The Water Corporation has no objection to the proposed land action, as it does not affect any of our services.

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 Lands. It includes copies of Council resolutions, advertising details, submissions and the local government comments on submissions.

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

L Bushby

Chief Executive Officer

D Chapman

Date of Report

5 December 2021

15 DECEMBER 2021

13.3 APPLICATION SEEKING RETROSPECTIVE PLANNING APPROVAL FOR A HOLIDAY HOUSE – LOT 114 (127) KNIGHT TERRACE, DENHAM
P1011

AUTHOR

Liz Bushby – Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Town Planning Innovations

Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.1270A of *Local Government Act 1995*

Declaration of Interest: Cr Stubberfield

Nature of Interest: Proximity Interest as neighbouring property

Declaration of Interest: Cr Fenny

Nature of Interest: Proximity Interest as family owns property on Knight Terrace

Cr Stubberfield and Cr Fenny left the Council Chamber at 4.33 pm

Officer Recommendation

That Council:

- A. Note that the application for a Holiday House on Lot 114 (127) Knight Terrace, Denham is being advertised for public comment. Advertising closes on the 23 December 2021.
- B. Advise the Shire Chief Executive Officer that in regards to the crossover the following is supported:
- Option 1 – Impose a condition to require a sealed, paved or concrete crossover to be constructed within 12 months of any approval (if granted);
- OR
- Option 2 – Vary the Policy requirement for a sealed, paved or concrete crossover and allow retention of the existing blue metal crossover (if approval is granted).
- C. 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 seeking retrospective planning approval for the existing single house on Lot 114 (127) Knight Terrace, Denham to be used as a Holiday House.

BY ABSOLUTE MAJORITY

Moved Cr Vankova

Seconded Cr Ridgely

Council Resolution

That Council:

- A. **Note that the application for a Holiday House on Lot 114 (127) Knight Terrace, Denham is being advertised for public comment. Advertising closes on the 23 December 2021.**
- B. **Advise the Shire Chief Executive Officer that in regards to the crossover the following is supported:**
- **Option 1 – Impose a condition to require a sealed, paved or concrete crossover to be constructed within 12 months of any approval (if granted);**

15 DECEMBER 2021

- C. 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 seeking retrospective planning approval for the existing single house on Lot 114 (127) Knight Terrace, Denham to be used as a Holiday House.

3/1 LOST AS REQUIRED ABSOLUTE MAJORITY

Cr Smith is recorded as voting against the motion.

REASON: Consistency with properties.

Cr Stubberfield and Cr Fenny returned to the Council Chamber at 4.41 pm.

BACKGROUND

- **Relevant Council decision : Local Planning Policy No 1 Holiday Houses in Residential Areas**

The Shire Council adopted Local Planning Policy No 1 (with modifications) at the meeting held in September 2020. Council also resolved to allow a 12 month transitional period for owners to comply with the Scheme, and apply for planning approval.

- **Relevant Council decision : Holiday Houses**

On the 28 July 2021, Council adopted the following resolution at it's Ordinary meeting;

"1. Note that:

- (a) All new applications for any holiday house will be referred to Council for determination, and the initial approval period will be for 12 months.
- (b) A flyer on Holiday Houses will be sent out with this year's Rate Notices to raise public awareness of the need for planning approval for Holiday Houses.
- (c) Local Planning Policy No 1 : Holiday Houses in Residential Areas can be viewed on the Shire website.

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 any subsequent planning applications for renewal of an existing approval for any holiday house within Denham townsite.

3. Resolve to allow the 12 month transitional period to be between August 2021 and August 2022. "

15 DECEMBER 2021

- **Location**

Lot 114 is located near the corner of Knight Terrace and Fry Court. The lot is in close proximity to the beach and amenities available along Knight Terrace. A location plan is included below for ease of reference.



COMMENT

- **Description of proposal**

The owners have advised that they, and their family, use the existing single house on Lot 114 for their own holidays for at least 3 months per year, and rent it out for short stay when they are not occupying the house.

The owners also advise that they have rented out the dwelling as a holiday house for over 12 years, they use Ray White as a property manager, and believe that it is well managed.

They have advised that generally guests stay for less than 2 weeks at time.

The application is summarised as follows:

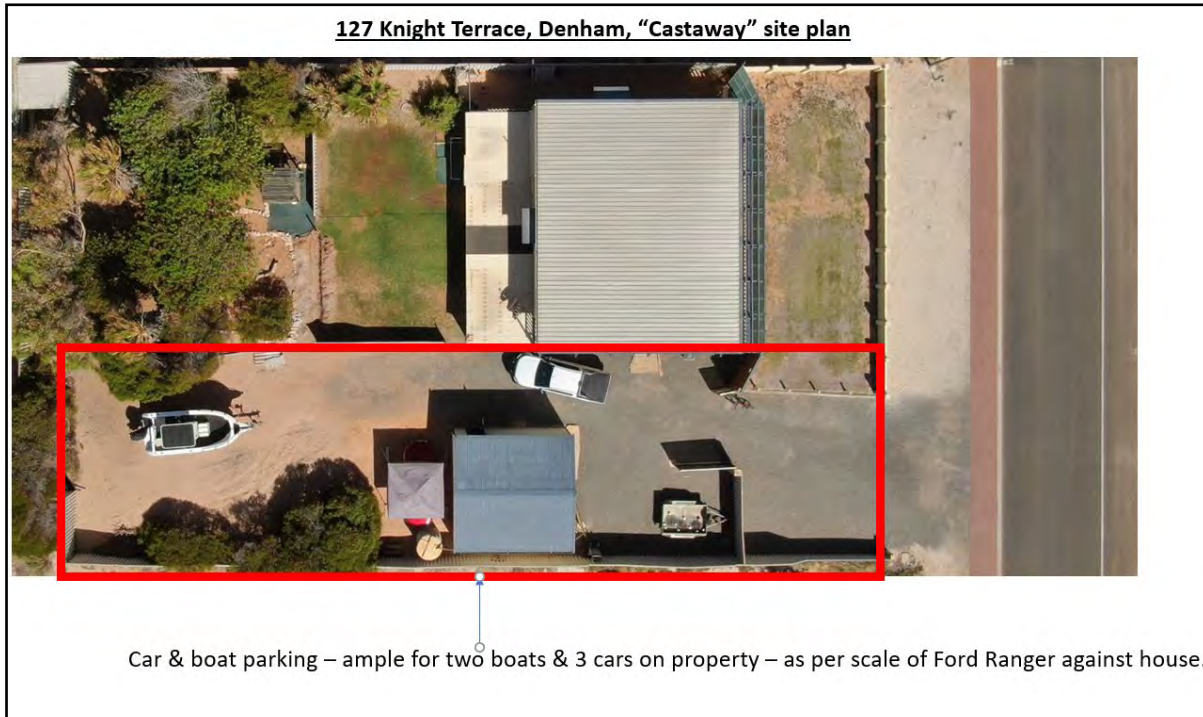
- (i) The house accommodates a maximum of 10 persons at any one time.
- (ii) The house has 3 bedrooms and a spare bedroom/games room.
- (iii) There is a hardstand parking area which can accommodate at least 3 cars.
- (iv) There is good side access to the rear yard which allows for boat parking.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

- (iv) The owners intend to continue to use Ray White as the property manager. The property manager is responsible for all bookings, provision of information to guests, monitoring the property, ongoing maintenance, and dealing with any complaints.
- (v) The lot is connected to sewer.
- (vi) The house is marketed as 'Castaway' on line - [Castaway – Beach Front Accommodation Denham | Shark Bay Holiday Accommodation Services \(sharkbayholidayhouses.com.au\)](https://sharkbayholidayhouses.com.au)

The owners have highlighted available parking areas in red on the aerial (below).





Above: Front view of house and driveway



Above: Photograph showing access to the side of the house to the rear yard

- ***Zoning and Proposed Land Use***

Lot 114 is zoned 'Residential' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones.

Each symbol has a different meaning and determines whether Council has discretion to consider a land use in the corresponding zone (ie if the land use is permitted, not permitted, discretionary or requires advertising).

Part of the planning assessment involves determining which land use definition from the Scheme 'best fits' the proposal.

The proposed land use is construed as a 'holiday house' which is defined in the Scheme as '*means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast*'.

Under the Scheme, the term 'short term accommodation' means '*temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.*'

The land use of 'holiday house' is listed in Table 1 of the Scheme as an 'D' use in the Residential zone which '*means that the use is not permitted unless the local government has exercised its discretion by granting development approval*'. An extract of Table 1 is included overpage.

TABLE 1

USE AND DEVELOPMENT CLASS	Commercial	Tourism	Residential	Urban Development	General Industry	Rural	Special use
Holiday house	A	A	D		X	X	

This essentially means that Council has discretion to consider an application for a holiday house in the Residential zone.

• **Local Planning Policy No 1 : Holiday Houses**

The Local Planning Policy is relatively new and will be reviewed in the future.

It reflects the requirements of the Scheme provisions, and generally accords with the Western Australian Planning Commission Holiday House Guidelines which recommend that:

- (i) Holiday house registers be established;
- (ii) A Holiday house management plans should be lodged with applications;
- (iii) Display of a fire and emergency response plans;
- (iv) Provision of a fire extinguisher;
- (v) Limitations of initial approval periods.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

A summary of the policy requirements and compliance is included below:

Policy Requirement	Comment
1. A site plan or good quality clear aerial showing the existing house, existing buildings, driveway, and guest parking areas. The location, number and dimensions of parking areas should be clearly marked on the plan.	The owners have lodged a clear aerial showing access and carparking bays.
2. An internal floor plan showing the house layout, the use of each room, and number of double, single or bunk beds per room (including fold out couches).	The owners have lodged detailed floor plans showing all bedrooms, written advice on the number of bedrooms, and a website link with photos of the house and bedrooms.
3. Carparking to be provided at a rate of 1 space every 3 guests.	3-4 carparking bays are required. The owners have advised that a minimum of 3 bays can be accommodated, however it is noted that there are additional areas to the side of the house and rear that can also be used for parking.
4. A Management Plan that addresses how the land use will be managed on a day to day basis to maximise protection of residential amenity, including details of how noise issues will be addressed by the Manager (handling of complaints), and full contact details of the Manager or employee of the Manager.	A Management Plan has been prepared in consultation with both Ray White and Town Planning Innovations. It details all property manager responsibilities, booking procedures, and procedures for complaints. The plan also outlines some of the owners responsibilities. The Management Plan is included as Attachment 1 . It is similar to one already approved for a holiday house at 6 Sellenger Heights in Denham Estate.
5. A Fire and Emergency Response Plan that includes detailed fire escape route maps, provision of a fire extinguisher and emergency contact numbers.	The Policy includes an example Fire and Emergency Response Plan template that can be modified by owners to suit their premises. The owners have lodged detailed floor plans that show the location of smoke detectors, a fire extinguisher, fire blanket, outdoor hose, escape routes and assembly point at the front of the lot. The fire escape route plans can be displayed in the dwelling.

- **Crossover**

The Shires Local Planning Policy requires that all crossovers that relate to Holiday Houses be sealed, paved or concreted to comply with the construction specifications in the Shire's Crossover Policy.

The Shires crossover policy requires a standard sealed or paved crossing comprising of either -

1. A 150 mm compacted and water bound road base driveway, sealed with two coat of bitumen and topped with an approved aggregate; or
2. A minimum of 100 mm reinforced concrete over a compacted sub-base; or
3. A minimum of 50 mm thick brick pavers.

The crossover is the section of verge in front of a lot that is used for vehicular access – refer Figure 1.

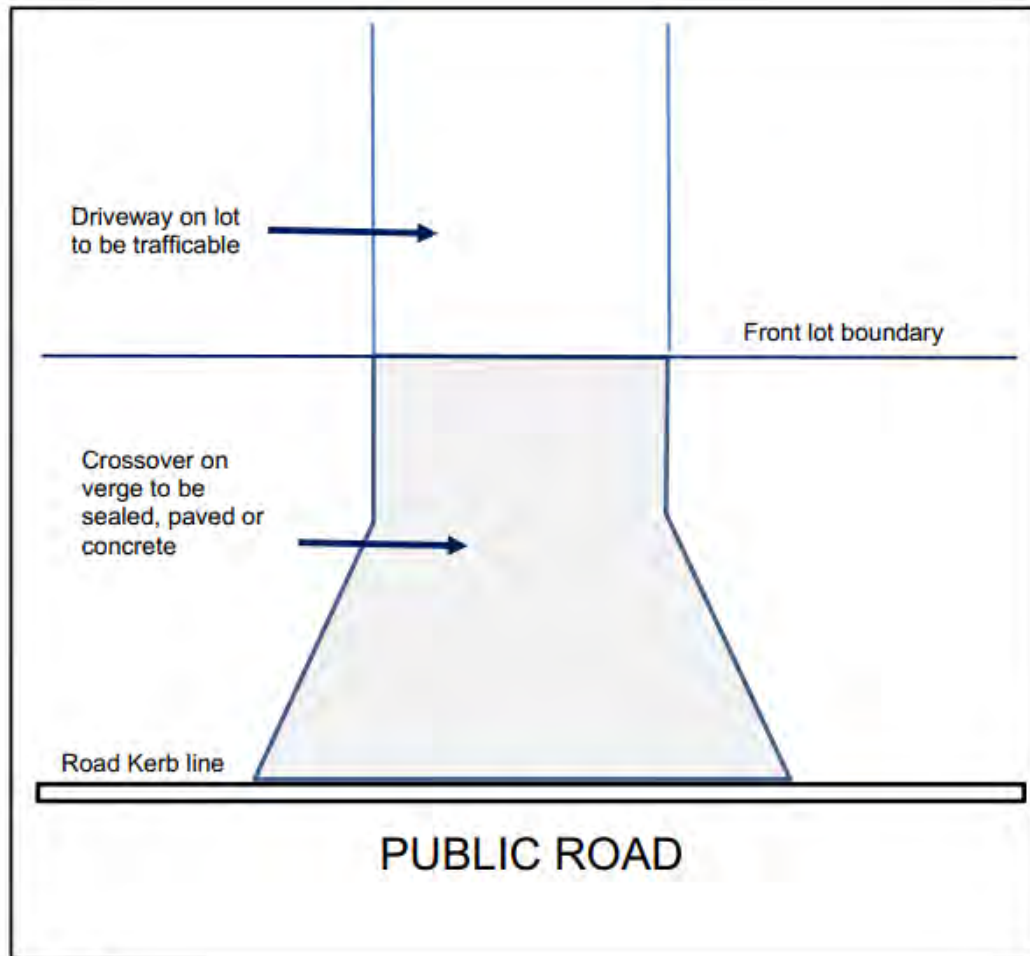


Figure 1

15 DECEMBER 2021

The Manager of Works has inspected the lot and advises that the existing crossover consist of blue metal.



Council has two options in regards to the crossover:

- **Option 1 – Impose a condition to require a sealed, paved or concrete crossover**

Town Planning Innovations is of the understanding that when the Holiday House Policy was developed, there was significant discussion about the standards that should be applied.

Over the past few years the Shire has been trying to raise standards and require new developments to install formal crossovers, both within residential areas and the industrial area, as a condition of planning approval.

Owners can claim reimbursement from the Shire for part of the crossover cost.

If Council seeks to uphold the Policy requirement a condition can be imposed to require installation of a sealed crossover. Whilst there is an existing crossover it is not to the standard required under the Shire's Local Planning Policy.

It is recommended that if a condition is imposed to require upgrading of the existing crossover that it allows a 12 month period for compliance.

- **Option 2 – Vary the Policy requirement for a sealed, paved or concrete crossover**

A Local Planning Policy provides guidance for decision making, however elements of the Policy can be varied by Council based on the individual merits of a proposal.

If Council supports a lower crossover standard then it may set a precedent for other holiday houses that have a similar crossover to the one existing at 127 Knight Terrace.

Given that Knight Terrace is the main street within Denham Townsite, and that a hardstand crossover is required by the Policy, Council may seek to uphold the Policy requirements.

15 DECEMBER 2021

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

Under the ‘deemed provisions’ of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have ‘due regard’ to any state planning policy. 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 house is not within the declared bushfire prone area (pink area).



15 DECEMBER 2021

Town Planning Innovations is of the view that bushfire management is not an impediment to the proposed land use as:

- (a) The house located outside of the bushfire prone area, which is shown in pink.
- (b) The dwelling has already been constructed and the bushfire risk will not be increased;
- (c) The owner has addressed fire safety by preparing a fire escape plan and provision of a fire extinguisher in accordance with the Shires Local Planning Policy No 1.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 –

Clause 3 and 4 under Part 2, Schedule 2 of the Deemed Provisions contained in the Regulations sets out the power for local governments to make a local planning policy and the procedure for making a local planning policy.

The Deemed Provisions contained in the Regulations also outlines procedures for amending a Local Planning Policy, or revocation of any Local Planning Policy.

Regulation 1277 of the deemed provisions outlines '*matters to be considered by Council*' including but not limited to orderly and proper planning, the compatibility of the development with it's setting including the relationship to development on adjoining land, the amenity of the locality, the adequacy of proposed means of access to and from the site, the amount of traffic to be generated by the development, and any submission received.

Under the Regulations the Shire cannot consider '*potential loss that may result from economic competition between new and existing businesses*'.

Shire of Shark Bay Local Planning Scheme No 4 – There are specific provisions that apply to Holiday Houses in Residential zones under Clause 32.15 as follows:

- 32.15.1 The local government may permit a Holiday house within the Residential zone where, in its opinion, the use would not substantially spoil or detract from the residential character and amenity of the locality.
- 32.15.2 The local government shall not consider an application for development approval for a Holiday house unless it is accompanied by:
 - (a) A Management Plan that addresses how the land use will be managed to maximize protection of residential amenity, includes details of how noise issues will be addressed by the Manager, and full contact details of the Manager or employee of the Manager.
 - (b) A Fire and Emergency Response Plan that includes detailed fire escape route maps and addresses the provision of safety features including hard wired smoke detectors, provision of a fire extinguisher and emergency contact numbers.
 - (c) A detailed site plan which demonstrates adequate carparking can be provided on site.

15 DECEMBER 2021

- 32.15.3 The local government may have regard for the following matters when determining an application for development approval for a Holiday house:
- (a) A Management Plan adequately demonstrates that the land use will be managed as to ensure that it will not cause nuisance or annoyance to the owners of adjoining or nearby residential properties;
 - (b) A manager, caretaker or a contactable employee of the Manager permanently resides in Denham townsite or within one hours drive of Denham townsite;
 - (c) A Fire and Emergency Response Plan comprehensively addresses fire safety;
 - (d) The proximity of the lot to Denham townsite, the beach and/or any significant tourist attraction;
 - (e) The need to encourage holiday house's close to the Denham Town Centre and discourage these uses within established residential areas distanced from the Denham Town Centre;
 - (f) The size of the lot and density of development in the surrounding area;
 - (g) The potential for increased impact where adjacent land has been developed for grouped dwellings or there are small lots with dwellings in close proximity to each other;
 - (h) The potential for occupiers to have different behaviours and routines and the need to protect residents in suburban locations with daily work routines; and
 - (i) The location of active outdoor areas and their relationship to sensitive bedrooms within surrounding dwellings in a suburban environment.
- 32.15.4 The local government shall limit any initial development approval for a Holiday house to a maximum 12 month period.
- 32.15.5 The local government may issue subsequent Development approvals for a Holiday house and has discretion to limit the term of approval to one year, 3 years or up to a maximum of 5 years as deemed appropriate by the local government.
- 32.15.127 The local government may have regard for any substantiated written complaint or evidence about mismanagement of a Holiday house in considering the issue of subsequent Development approvals.
- 32.15.7 Advertising signage associated with a Holiday house shall have a maximum area of 0.2m² and be fully located within the lot boundary.
- 32.15.8 A Holiday house is to comply with the Residential Design Codes and/ or any existing Planning consent already granted for the dwelling or variation to the Residential Design Codes with the exception that Council has discretion to require a higher provision of carparking for any Holiday house having regard for the number of bedrooms and maximum number of persons to be accommodated at any one time.
- 32.15.9 Development approvals can be renewed when an owner/ applicant lodges a new Planning Application to the local government.

15 DECEMBER 2021

32.15.10 A development approval for a Holiday house is issued to a specific owner of a particular parcel of land, it shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted.

Should there be a change of the owner of the land in respect of which planning consent is issued the planning consent is cancelled.

32.15.11 A Holiday house shall not operate within the Residential zone unless it is registered in respect of the lot under Clause 32.15.12.

The Scheme also requires Holiday Houses to be registered. The Shire needs to establish a Holiday House Register and properties will be included as soon as any planning approval is issued.

POLICY IMPLICATIONS

Explained in the body of this report. A copy of the Local Planning Policy is included as a separate attachment to this report labelled **Local Planning Policy No 1 – Holiday Houses**.

Although not a local planning policy, Council should note that the Western Australian Planning Commission publish:

- Guidelines on Holiday Homes and short stay use of residential dwellings
- Planning Bulletin No 99 Holiday Homes Guidelines
- Information on the State governments response to the short stay accommodation inquiry - [State Government responds to short-stay accommodation inquiry - Department of Planning, Lands and Heritage \(dplh.wa.gov.au\)](http://dplh.wa.gov.au)

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Local Planning Policy is relatively new and will be reviewed in the future.

It is important to be aware that the WA Planning Commission has developed a 'Draft Position Statement: Planning for Tourism and Guidelines' which gives direction to local governments on managing short-term rental accommodation within their local planning framework.

The Western Australian Planning Commission Position Statement is being advertised until the 7 March 2021.

To support the changes, the Department of Local Government, Sport and Cultural Industries is investigating the implementation of a new State-wide registration system.

RISK MANAGEMENT

There are no known risks associated with the proposed development. If the existing crossover standard is accepted then it may undermine the Policy requirement for a constructed crossover to be provided.

VOTING REQUIREMENTS

Simple Majority Required

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

SIGNATURES

Author

L Bushby

Chief Executive Officer

D Chapman

Date of Report

7 December 2021

15 DECEMBER 2021

ATTACHMENT # 1

**RAY WHITE SHARK BAY
MANAGEMENT PLAN**

1. PROPERTY ADDRESS: "CASTAWAY" 127 KNIGHT TERRACE, DENHAM

2. PROPERTY MANAGER DETAILS:

Name: Rob and Trudy Emery, Ray White Shark Bay
Address: U3/ 71 Knight Terrace, Denham
Phone Number: 9948 1323
Mobile: 0408 641 541
Email: sharkbay.wa@raywhite.com

3. DETAILS OF RESERVATION ARRANGEMENTS (PLEASE TICK ALL APPLICABLE):

- Internet (please specify) :AirBnB – All bookings through Ray White
- Property Manager :All bookings through Ray White
- Other (please specify) N/A

4. RAY WHITE SHARK BAY MANAGEMENT STATEMENT

Ski At Denham Pty Ltd T/A Ray White Shark Bay has been managing holiday accommodation houses and units in Denham continuously for the last 20 years.

Ray White Shark Bay are a complete property management service and over the years have developed the skills necessary to help the owners of the properties, and, the many thousands of visitors we deal with annually. We are based permanently in Denham and have an office located at 3/71 Knight Terrace. The office is officially open 6 days a week and we are available by mobile if the office is not open.

Some key points of our service below.

- The premises are inspected after guest check out to ensure that it has been kept in a neat and tidy condition. Guests can provide their credit card details as security or pay a bond which is refunded after inspection.
- Bins are put out weekly for standard Council pick up or as necessary.
- We arrange regular cleaning of the premises in between guest stays, and ongoing maintenance of the property.
- Any damage, safety or general maintenance issues are reported to the owner, including smoke alarms.
- If works are needed, such as replacement of smoke alarms, new batteries in smoke alarms, or general safety / maintenance repairs then we organise those works for the owners.
- As premises are inspected regularly we have a high level of knowledge about the condition of each property/dwelling under our management.
- Because we are based locally and live in the Denham community we have excellent knowledge of what happens at all the properties that we manage.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

5. BOOKING PROCEEDURE CONDUCT FOR GUESTS

RAY White Shark Bay have booking procedures and provide guests with the following at the time of booking:

TERMS AND CONDITIONS (House rules) Need to know items such as Check in Check out times. After Hour Key Pick Up. Linen and what is provided. Cancellation Policy. Pet Information. Rubbish collection. Guest Numbers/Excessive Noise. Guest Responsibilities. Left Items. Feedback. Call Outs. Loss or Damage to Property. Alternate Accommodation. Property Keys. Covid 19 information.

CONFIRMATION LETTER which the guest acknowledges the booking is for 12 amount of guests and that there is a strict no smoking policy inside the premises, they also acknowledge that if house rules are broken and false or misleading information has been given that as the manager we have the authority to order the premises be vacated with no refunds given.

When guests check in whether it be in business hours or after hours they collect an envelope with a town map and directions to their accommodation, a set of keys, our after hour contact numbers if they are needed and important things to know.

6. MAINTENANCE AND ACCESSIBLTY

Who will be responsible for ensuring that a fire extinguisher will be provided?	Owner
Who will inspect the premises reguarly to ensure that the smoke alarms and fire extinguisher are in working order?	Owner / at least 2 times a year but up to 4
What arrangements are in place for cleaning the house before each booking?	Organised by Ray White Shark Bay via local contract
Is there a working outdoor hose available to guests?	Yes two / one on the front ground floor under the balcony / and one at rear near the fish cleaning with a long hose
If windows are fitted with locks, are the keys provided to guests?	The ones on the balcony facing south are wind out with locks but have door way access built in to them. They are not used and are left permantly closed for safety reasons. All other Windows do not have locks.
Are guests given keys to all external lockable doors, including security doors?	Yes - organised by Ray White Shark Bay
What arrangements are in place for maintenance of external yard areas?	Organised by Ray White Shark Bay & also conducted via owners on a regular basis. The place is always well kept.

7. RAY WHITE SHARK BAY ACTIVE COMPLAINTS POLICY

- Ray White Shark Bay have staff available after hours who are contactable by mobile and email if neighbours need to report any guest behaviour issues.
- All complaints are recorded in an electronic form with the address and nature of complaint.
- Each complaint is assessed based on the individual situation taking into regard the seriousness of the complaint.
- Any premises would be inspected in person on receipt of a complaint and staff would talk to the guests about any issue reported by a neighbour.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

- Depending on the nature of the issue, staff may give the guests a warning or under extreme circumstances our company has authority to evict guests.
- The complainant /neighbour would be informed of the outcome of any inspection, and action taken by our company to respond to the complaint. Advice would be generally be provided in writing by email for recording purposes.
- Owners are also advised in writing of the any serious or justified complaint and action taken to respond or resolve any complaint.
- If warranted we would liaise with police over any serious issues, and have a good working relationship with local police.
- During peak holiday periods we conduct drive by inspections of properties under our care to ensure that they are well managed. We take an active role in overseeing the use of all holiday houses under our management to ensure that they are used responsibly.
- It is in our interest to ensure that all properties under our care are well managed, looked after, and maintained to fulfill our contractual obligations with land owners.

Also being a part of a large franchise group such as Ray White we can also call on our corporate office for assistance and support regarding any complaints or disputes.

As outlined in Point 5 all guests are provided with detailed terms and conditions as part of the booking process.

15 DECEMBER 2021

13.4 APPLICATION SEEKING RETROSPECTIVE PLANNING APPROVAL FOR A HOLIDAY HOUSE – LOT 1 (31A) HARTOG CRESCENT, DENHAM P4181

AUTHOR

Liz Bushby – Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Town Planning Innovations

Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.31A0A of *Local Government Act 1995*

Officer Recommendation

That Council:

- A. Note that the application for a Holiday House on Lot 1 (31A) Hartog Crescent, Denham is being advertised for public comment. Advertising closes on the 23 December 2021.
- B. Advise the Shire Chief Executive Officer that in regards to the crossover the following is supported:
- Option 1 – Impose a condition to require a sealed, paved or concrete crossover to be constructed within 12 months of any approval (if granted);
 - OR
 - Option 2 – Vary the Policy requirement for a sealed, paved or concrete crossover and allow retention of the existing blue metal crossover (if approval is granted).
- C. 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 seeking retrospective planning approval for the existing single house on Lot 1 (31A) Hartog Crescent, Denham to be used as a Holiday House.

BY ABSOLUTE MAJORITY

Moved Cr Smith
Seconded Cr Fenny

Council Resolution

That Council:

- A. **Note that the application for a Holiday House on Lot 1 (31A) Hartog Crescent, Denham is being advertised for public comment. Advertising closes on the 23 December 2021.**
- B. **Advise the Shire Chief Executive Officer that in regards to the crossover the following is supported:**
- **Vary the Policy requirement for a sealed, paved or concrete crossover and allow retention of the existing blue metal crossover (if approval is granted).**
- C. **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 seeking retrospective planning approval for the existing**

15 DECEMBER 2021

single house on Lot 1 (31A) Hartog Crescent, Denham to be used as a Holiday House.

5/1 CARRIED BY ABSOLUTE MAJORITY

BACKGROUND

- **Relevant Council decision : Local Planning Policy No 1 Holiday Houses in Residential Areas**

The Shire Council adopted Local Planning Policy No 1 (with modifications) at the meeting held in September 2020. Council also resolved to allow a 12 month transitional period for owners to comply with the Scheme, and apply for planning approval.

- **Relevant Council decision : Holiday Houses**

On the 28 July 2021, Council adopted the following resolution at it's Ordinary Meeting;

1. *Note that:*
 - (a) *All new applications for any holiday house will be referred to Council for determination, and the initial approval period will be for 12 months.*
 - (b) *A flyer on Holiday Houses will be sent out with this year's Rate Notices to raise public awareness of the need for planning approval for Holiday Houses.*
 - (c) *Local Planning Policy No 1 : Holiday Houses in Residential Areas can be viewed on the Shire website.*
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 any subsequent planning applications for renewal of an existing approval for any holiday house within Denham townsite.*
3. *Resolve to allow the 12 month transitional period to be between August 2021 and August 2022. "*

- **Location**

An aerial showing 31A Hartog Crescent is included over page.

It should be noted that the development at 31A mirrors development on adjacent 31B Hartog Crescent. The carport/ patio at 31A joins an adjacent carport/ patio located on 31B Hartog Crescent in Denham.

The dwelling located at 31A Hartog Crescent is on a different lot than the dwelling located at 31B Hartog Crescent. Although both dwellings are on separate lots, their driveways are physically joined (ie they are side by side).

An aerial is included below.

15 DECEMBER 2021



COMMENT

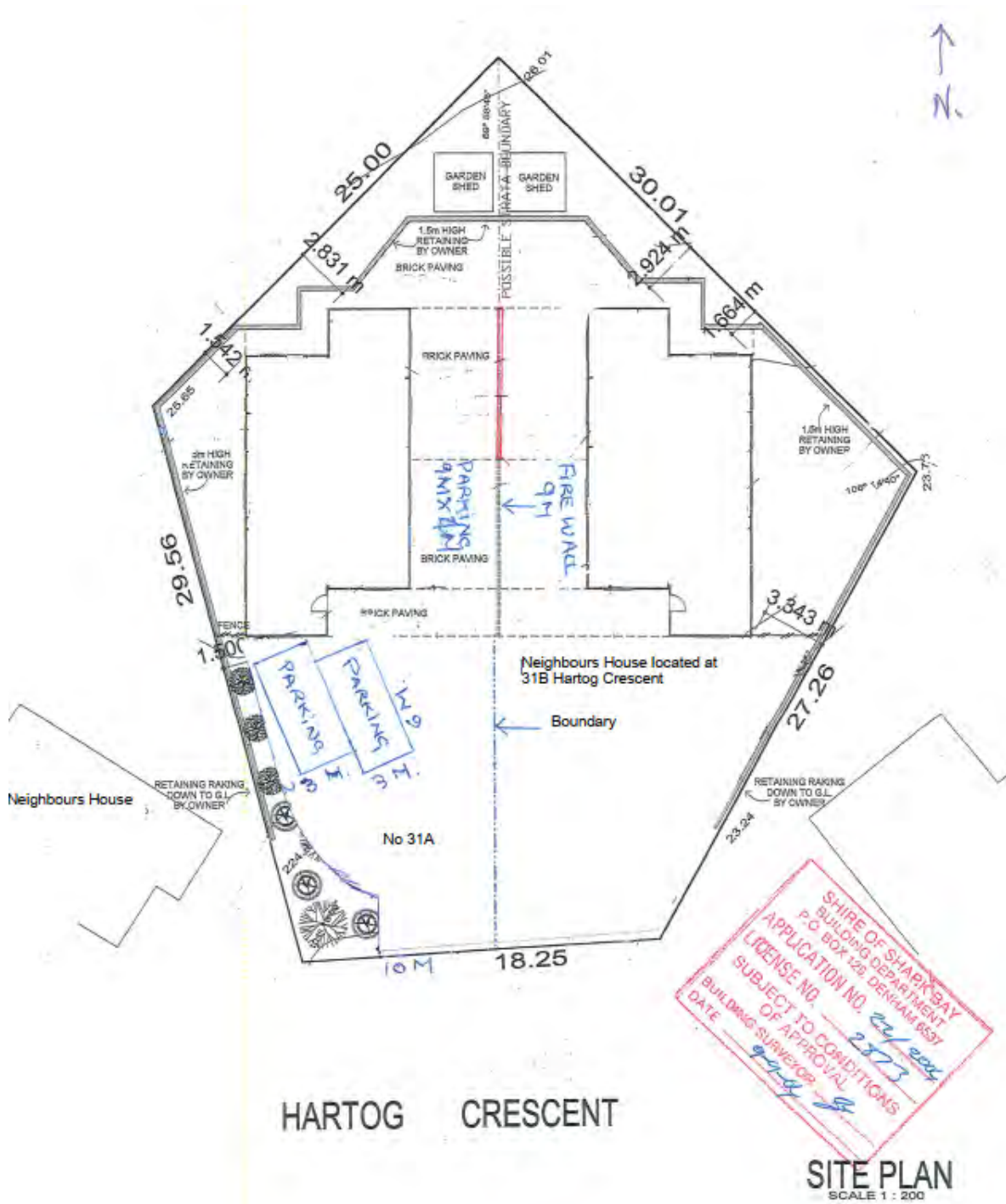
• ***Description of proposal***

The owners of Lot 1 seek approval to operate a holiday house and advise that the property is managed by Ray White Shark Bay.

The application is summarised as follows:

- (i) The house will accommodate a maximum of 8 persons at any one time.
- (ii) The house has 3 bedrooms. Two bedrooms each have a queen bed, and there are 2 bunk beds in the third bedroom.
- (iii) The front yard consists of gravel hardstand and a site plan has been lodged showing 3 on site carparking bays.
- (iv) The owners intend to continue to use Ray White as the property manager. The property manager is responsible for all bookings, provision of information to guests, monitoring the property, ongoing maintenance, and dealing with any complaints.

A site plan is included over page.



- Zoning and Proposed Land Use**

Lot 1 is zoned 'Residential' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones.

15 DECEMBER 2021

Each symbol has a different meaning and determines whether Council has discretion to consider a land use in the corresponding zone (ie if the land use is permitted, not permitted, discretionary or requires advertising).

Part of the planning assessment involves determining which land use definition from the Scheme 'best fits' the proposal.

The proposed land use is construed as a 'holiday house' which is defined in the Scheme as *'means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast'*.

Under the Scheme, the term 'short term accommodation' means *'temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.'*

The land use of 'holiday house' is listed in Table 1 of the Scheme as an 'D' use in the Residential zone which *'means that the use is not permitted unless the local government has exercised its discretion by granting development approval'*.

An extract of Table 1 is included below.

TABLE 1

USE AND DEVELOPMENT CLASS	Commercial	Tourism	Residential	Urban Development	General Industry	Rural	Special use
	Holiday house	A	A	D		X	X

This essentially means that Council has discretion to consider an application for a holiday house in the Residential zone.

- **Local Planning Policy No 1 : Holiday Houses**

The Local Planning Policy is relatively new and will be reviewed in the future.

It reflects the requirements of the Scheme provisions, and generally accords with the Western Australian Planning Commission Holiday House Guidelines which recommend that:

- (i) Holiday house registers be established;
- (ii) A Holiday house management plans should be lodged with applications;
- (iii) Display of a fire and emergency response plans;
- (iv) Provision of a fire extinguisher;
- (v) Limitations of initial approval periods.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

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Policy Requirement	Comment
1. A site plan or good quality clear aerial showing the existing house, existing buildings, driveway, and guest parking areas. The location, number and dimensions of parking areas should be clearly marked on the plan.	The owners have lodged a detailed site plan showing access and carparking bays.
2. An internal floor plan showing the house layout, the use of each room, and number of double, single or bunk beds per room (including fold out couches).	The owners have lodged detailed floor plans showing 3 bedrooms, and photographs of each bedroom.
3. Carparking to be provided at a rate of 1 space every 3 guests.	<p>Three carparking bays are required.</p> <p>The owners have shown 3 bays on their site plan. One bay is proposed under cover, and 2 angled bays are shown in the driveway.</p>
4. A Management Plan that addresses how the land use will be managed on a day to day basis to maximise protection of residential amenity, including details of how noise issues will be addressed by the Manager (handling of complaints), and full contact details of the Manager or employee of the Manager.	<p>The Policy includes an example Management Plan that can be used as a base.</p> <p>Ray White have prepared a Management Plan in consultation with Town Planning Innovations and the owners that details their role as property manager, responsibilities, booking procedures, and procedures for complaints. The plan also outlines some of the owners responsibilities.</p> <p>The Management Plan is included as Attachment 1.</p>
5. A Fire and Emergency Response Plan that includes detailed fire escape route maps, provision of a fire extinguisher and emergency contact numbers.	<p>The Policy includes an example Fire and Emergency Response Plan template that can be modified by owners to suit their premises.</p> <p>The owners have lodged detailed floor plans that show the location for a fire extinguisher, fire blanket, outdoor hose, escape routes and assembly point at the front of the lot.</p> <p>The fire escape route plans can be displayed in the dwelling.</p>

There are two subjective aspects of the Policy that are highlighted for Councillor discussion:

15 DECEMBER 2021

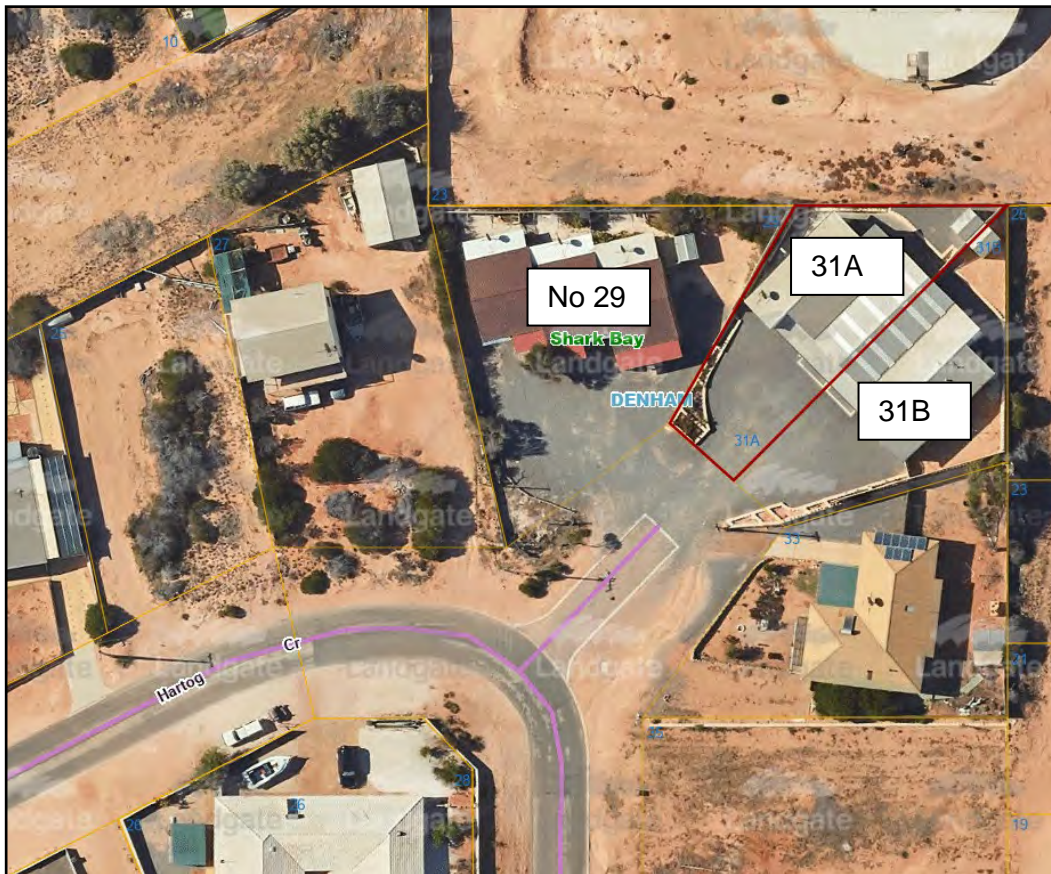
(A) Landscaping

The Policy states that where landscaping forms part of the character of an existing streetscape then holiday houses should also include landscaping to blend in and contribute to the existing streetscape.

The Policy also states that *'extensive hardstand and gravel areas should be avoided unless it is consistent with the character already established in the existing streetscape'*.

Whilst there are extensive blue metal areas in front of the dwelling at 31B Hartog Crescent, it is noted that:

- It forms parts of the driveway access. The lot has limited frontage.
- There is a landscaped area along the western side of the driveway.
- There are extensive hardstand areas in front of the units at adjacent 29 Hartog Crescent, so it is not out of keeping with some of the existing streetscape characteristics.



Based on the information available, the front yard of the holiday house on Lot 1 is consistent with the existing streetscape, therefore no additional landscaping is recommended by Town Planning Innovations.

(B) Crossover

The Policy requires that all crossovers that relate to Holiday Houses shall be sealed, paved or concreted to comply with the construction specifications in the Shire's Crossover Policy.

15 DECEMBER 2021

The Shires crossover policy requires a standard sealed or paved crossing comprising of either -

4. A 150 mm compacted and water bound road base driveway, sealed with two coat of bitumen and topped with an approved aggregate; or
5. A minimum of 100 mm reinforced concrete over a compacted sub-base; or
6. A minimum of 50 mm thick brick pavers.

The crossover is the section of verge in front of a lot that is used for vehicular access.

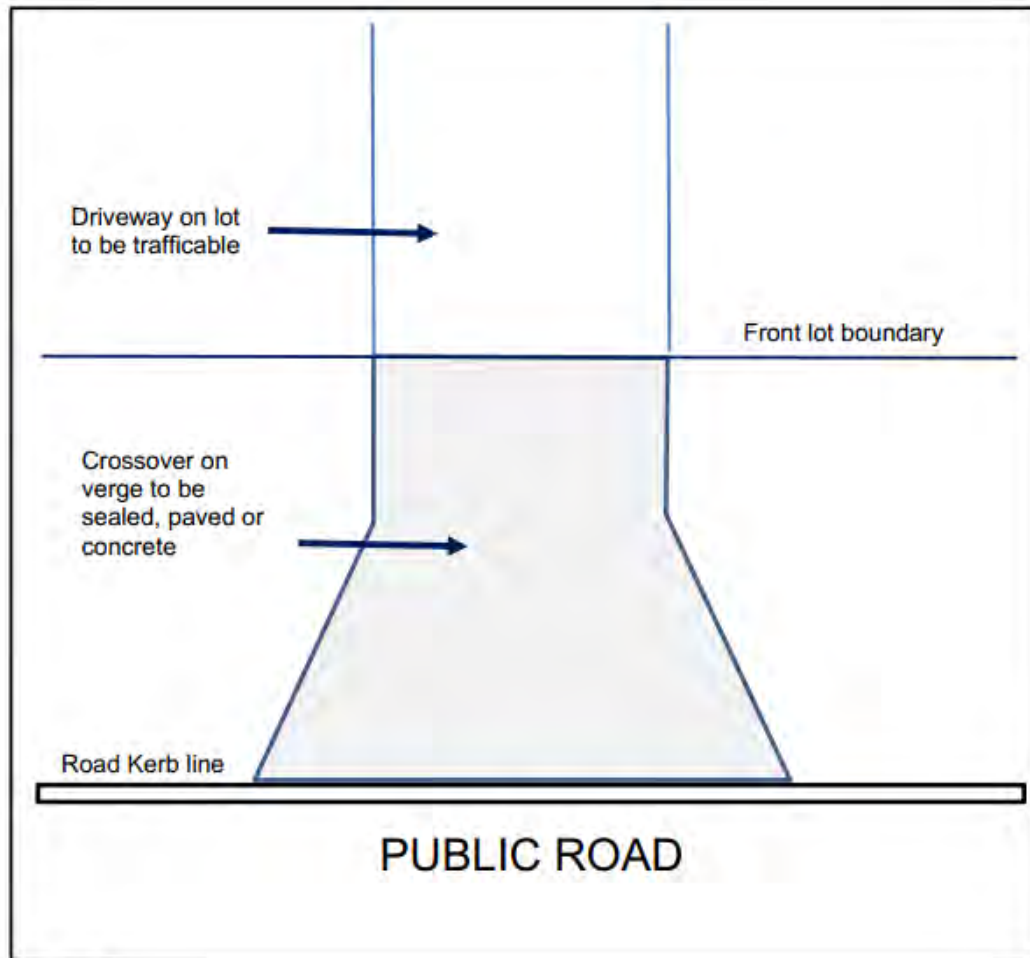


Figure 1

The Manager of Works has advised that the existing crossover consists of blue metal.

Council has two options in regards to the crossover:

- **Option 1 – Impose a condition to require a sealed, paved or concrete crossover**

Town Planning Innovations is of the understanding that when the Holiday House Policy was developed, there was significant discussion about the standards that should be applied.

15 DECEMBER 2021

Over the past few years the Shire has been trying to raise standards and require new developments to install formal crossovers, both within residential areas and the industrial area, as a condition of planning approval.

Owners can claim reimbursement from the Shire for part of the crossover cost.

If Council seeks to uphold the Policy requirement a condition can be imposed to require installation of a sealed crossover. Whilst there is an existing crossover it is not to the standard required under the Shire's Local Planning Policy.

It is recommended that if a condition is imposed to require upgrading of the existing crossover that it allows a 12 month period for compliance.

- **Option 2 – Vary the Policy requirement for a sealed, paved or concrete crossover**

A Local Planning Policy provides guidance for decision making, however elements of the Policy can be varied by Council based on the individual merits of a proposal.

If Council supports a lower crossover standard then it may set a precedent for other holiday houses that have a similar crossover to the one existing at 31A Hartog Crescent.

Given that it is an unusual situation as the crossover and driveway to both 31A and 31B Hartog Crescent is shared, Council may consider supporting a variation due to the unique circumstances involved.

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

Under the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have 'due regard' to any state planning policy. 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.

15 DECEMBER 2021

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 1 is partially within the declared bushfire prone area (pink area).



The Policy generically requires a Bushfire Attack level Assessment be lodged with any planning application. The Western Australian Planning Commission 'Position Statement on Tourism land uses in bushfire prone areas' recommends that a simplified Emergency Evacuation Plan be provided for holiday houses.

Town Planning Innovations is of the view that bushfire management is not an impediment to the proposed land use as:

- (a) The dwelling has already been constructed and the bushfire risk will not be increased. The dwelling is outside of the 'pink' area. The carport/ patio is within the 'pink' area.
- (b) The owner has addressed fire safety by preparing a fire escape plan and provision of a fire extinguisher in accordance with the Shires Local Planning Policy No 1;

15 DECEMBER 2021

- (c) The Policy does not apply to planning applications where the lot area is less than 1,100m². Lot 1 only has an area of 547m².

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 –

Clause 3 and 4 under Part 2, Schedule 2 of the Deemed Provisions contained in the Regulations sets out the power for local governments to make a local planning policy and the procedure for making a local planning policy.

The Deemed Provisions contained in the Regulations also outlines procedures for amending a Local Planning Policy, or revocation of any Local Planning Policy.

Regulation 31A7 of the deemed provisions outlines '*matters to be considered by Council*' including but not limited to orderly and proper planning, the compatibility of the development with its setting including the relationship to development on adjoining land, the amenity of the locality, the adequacy of proposed means of access to and from the site, the amount of traffic to be generated by the development, and any submission received.

Under the Regulations the Shire cannot consider '*potential loss that may result from economic competition between new and existing businesses*'.

Shire of Shark Bay Local Planning Scheme No 4 – There are specific provisions that apply to Holiday Houses in Residential zones under Clause 32.15 as follows:

- 32.15.1 The local government may permit a Holiday house within the Residential zone where, in its opinion, the use would not substantially spoil or detract from the residential character and amenity of the locality.
- 32.15.2 The local government shall not consider an application for development approval for a Holiday house unless it is accompanied by:
- (a) A Management Plan that addresses how the land use will be managed to maximize protection of residential amenity, includes details of how noise issues will be addressed by the Manager, and full contact details of the Manager or employee of the Manager.
 - (b) A Fire and Emergency Response Plan that includes detailed fire escape route maps and addresses the provision of safety features including hard wired smoke detectors, provision of a fire extinguisher and emergency contact numbers.
 - (c) A detailed site plan which demonstrates adequate carparking can be provided on site.
- 32.15.3 The local government may have regard for the following matters when determining an application for development approval for a Holiday house:
- (a) A Management Plan adequately demonstrates that the land use will be managed as to ensure that it will not cause nuisance or annoyance to the owners of adjoining or nearby residential properties;

15 DECEMBER 2021

- (b) A manager, caretaker or a contactable employee of the Manager permanently resides in Denham townsite or within one hours drive of Denham townsite;
 - (c) A Fire and Emergency Response Plan comprehensively addresses fire safety;
 - (d) The proximity of the lot to Denham townsite, the beach and/or any significant tourist attraction;
 - (e) The need to encourage holiday house's close to the Denham Town Centre and discourage these uses within established residential areas distanced from the Denham Town Centre;
 - (f) The size of the lot and density of development in the surrounding area;
 - (g) The potential for increased impact where adjacent land has been developed for grouped dwellings or there are small lots with dwellings in close proximity to each other;
 - (h) The potential for occupiers to have different behaviours and routines and the need to protect residents in suburban locations with daily work routines; and
 - (i) The location of active outdoor areas and their relationship to sensitive bedrooms within surrounding dwellings in a suburban environment.
- 32.15.4 The local government shall limit any initial development approval for a Holiday house to a maximum 12 month period.
- 32.15.5 The local government may issue subsequent Development approvals for a Holiday house and has discretion to limit the term of approval to one year, 3 years or up to a maximum of 5 years as deemed appropriate by the local government.
- 32.15.31A The local government may have regard for any substantiated written complaint or evidence about mismanagement of a Holiday house in considering the issue of subsequent Development approvals.
- 32.15.7 Advertising signage associated with a Holiday house shall have a maximum area of 0.2m² and be fully located within the lot boundary.
- 32.15.8 A Holiday house is to comply with the Residential Design Codes and/ or any existing Planning consent already granted for the dwelling or variation to the Residential Design Codes with the exception that Council has discretion to require a higher provision of carparking for any Holiday house having regard for the number of bedrooms and maximum number of persons to be accommodated at any one time.
- 32.15.9 Development approvals can be renewed when an owner/ applicant lodges a new Planning Application to the local government.
- 32.15.10 A development approval for a Holiday house is issued to a specific owner of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted.

15 DECEMBER 2021

Should there be a change of the owner of the land in respect of which planning consent is issued the planning consent is cancelled.

32.15.11 A Holiday house shall not operate within the Residential zone unless it is registered in respect of the lot under Clause 32.15.12.

The Scheme also requires Holiday Houses to be registered. The Shire needs to establish a Holiday House Register and properties will be included as soon as any planning approval is issued.

POLICY IMPLICATIONS

Explained in the body of this report. A copy of the Local Planning Policy is included as a separate attachment to this report **labelled Local Planning Policy No 1 – Holiday Houses.**

Although not a local planning policy, Council should note that the Western Australian Planning Commission publish:

- Guidelines on Holiday Homes and short stay use of residential dwellings
- Planning Bulletin No 99 Holiday Homes Guidelines
- Information on the State governments response to the short stay accommodation inquiry - [State Government responds to short-stay accommodation inquiry - Department of Planning, Lands and Heritage \(dplh.wa.gov.au\)](https://www.dplh.wa.gov.au)

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Local Planning Policy is relatively new and will be reviewed in the future.

It is important to be aware that the Western Australian Planning Commission has developed a 'Draft Position Statement: Planning for Tourism and Guidelines' which gives direction to local governments on managing short-term rental accommodation within their local planning framework.

The Western Australian Planning Commission Position Statement is being advertised until the 7 March 2021.

To support the changes, the Department of Local Government, Sport and Cultural Industries is investigating the implementation of a new State-wide registration system.

RISK MANAGEMENT

There are no known risks associated with the proposed development.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

D Chapman

Date of Report

5 December 2021

15 DECEMBER 2021

ATTACHMENT # 1

**RAY WHITE SHARK BAY
MANAGEMENT PLAN**

1. PROPERTY ADDRESS: 31A HARTOG CRESCENT, DENHAM

2. PROPERTY MANAGER DETAILS:

Name: Rob and Trudy Emery, Ray White Shark Bay
Address: U3/ 71 Knight Terrace, Denham
Phone Number: 9948 1323
Mobile: 0408 641 541
Email: sharkbay.wa@raywhite.com

3. DETAILS OF RESERVATION ARRANGEMENTS (PLEASE TICK ALL APPLICABLE):

- Internet (please specify) :AirBnB – All bookings through Ray White
- Property Manager :_All bookings through Ray White
- Other (please specify) N/A

4. RAY WHITE SHARK BAY MANAGEMENT STATEMENT

Ski At Denham Pty Ltd T/A Ray White Shark Bay has been managing holiday accommodation houses and units in Denham continuously for the last 20 years.

Ray White Shark Bay are a complete property management service and over the years have developed the skills necessary to help the owners of the properties, and, the many thousands of visitors we deal with annually. We are based permanently in Denham and have an office located at 3/71 Knight Terrace. The office is officially open 6 days a week and we are available by mobile if the office is not open.

Some key points of our service below.

- The premises are inspected after guest check out to ensure that it has been kept in a neat and tidy condition. Guests can provide their credit card details as security or pay a bond which is refunded after inspection.
- Bins are put out weekly for standard Council pick up or as necessary.
- We arrange regular cleaning of the premises in between guest stays, and ongoing maintenance of the property.
- Any damage, safety or general maintenance issues are reported to the owner, including smoke alarms.
- If works are needed, such as replacement of smoke alarms, new batteries in smoke alarms, or general safety / maintenance repairs then we organise those works for the owners.
- As premises are inspected regularly we have a high level of knowledge about the condition of each property/dwelling under our management.
- Because we are based locally and live in the Denham community we have excellent knowledge of what happens at all the properties that we manage.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

5. BOOKING PROCEEDURE CONDUCT FOR GUESTS

RAY White Shark Bay have booking procedures and provide guests with the following at the time of booking:

TERMS AND CONDITIONS (House rules) Need to know items such as Check in Check out times. After Hour Key Pick Up. Linen and what is provided. Cancellation Policy. Pet Information. Rubbish collection. Guest Numbers/Excessive Noise. Guest Responsibilities. Left Items. Feedback. Call Outs. Loss or Damage to Property. Alternate Accommodation. Property Keys. Covid 19 information.

CONFIRMATION LETTER which the guest acknowledges the booking is for 12 amount of guests and that there is a strict no smoking policy inside the premises, they also acknowledge that if house rules are broken and false or misleading information has been given that as the manager we have the authority to order the premises be vacated with no refunds given.

When guests check in whether it be in business hours or after hours they collect an envelope with a town map and directions to their accommodation, a set of keys, our after hour contact numbers if they are needed and important things to know.

6. MAINTENANCE AND ACCESSIBLTY

Duties	Responsibility
Who will be responsible for ensuring that a fire extinguisher will be provided?	Property Manager and Owner
Who will inspect the premises reguarly to ensure that the smoke alarms and fire extinguisher are in working order?	Property Manager
What arrangements are in place for cleaning the house before each booking?	Cleaning contractor organised by Property Manager
Is there a working outdoor hose available to guests?	Yes. Two working hoses, one at the front and one at the rear
If windows are fitted with locks, are the keys provided to guests?	Yes. Window locks are provided to guesta at check in.
Are guests given keys to all external lockable doors, including security doors?	Yes - provided to guesta at check in.
What arrangements are in place for maintenance of external yard areas?	Monitored by Property Manager and arrange maintenance as necessary. Also owners check twice yearly.

7. RAY WHITE SHARK BAY ACTIVE COMPLAINTS POLICY

- Ray White Shark Bay have staff available after hours who are contactable by mobile and email if neighbours need to report any guest behaviour issues.
- All complaints are recorded in an electronic form with the address and nature of complaint.
- Each complaint is assessed based on the individual situation taking into regard the seriousness of the complaint.
- Any premises would be inspected in person on receipt of a complaint and staff would talk to the guests about any issue reported by a neighbour.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

- Depending on the nature of the issue, staff may give the guests a warning or under extreme circumstances our company has authority to evict guests.
- The complainant /neighbour would be informed of the outcome of any inspection, and action taken by our company to respond to the complaint. Advice would be generally be provided in writing by email for recording purposes.
- Owners are also advised in writing of the any serious or justified complaint and action taken to respond or resolve any complaint.
- If warranted we would liaise with police over any serious issues, and have a good working relationship with local police.
- During peak holiday periods we conduct drive by inspections of properties under our care to ensure that they are well managed. We take an active role in overseeing the use of all holiday houses under our management to ensure that they are used responsibly.
- It is in our interest to ensure that all properties under our care are well managed, looked after, and maintained to fulfill our contractual obligations with land owners.

Also being a part of a large franchise group such as Ray White we can also call on our corporate office for assistance and support regarding any complaints or disputes.

As outlined in Point 5 all guests are provided with detailed terms and conditions as part of the booking process.

15 DECEMBER 2021

13.5 PROPOSED OUTBUILDING – LOT 20 (22) TERRY DESCHAMPS WAY, DENHAM P4203

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Fenny

Nature of Interest: Impartiality Interest as applicant is an employee

Officer Recommendation

That Council:

1. Note that the proposed outbuilding on Lot 20 (22) Terry Deschamps Way, Denham has been advertised for public comment. One objection has been received from the owner of adjacent 29 Freycinet Drive, Denham – Attachment 1.
2. Note that 3 Options have been outlined in the body of this report.
3. Option 1 : Approve the Outbuilding
Determine that the outbuilding meets the alternative Design Principle 5.4.3 P3 of the Residential Design Codes as ‘it *does not detract from the streetscape or the visual amenity of residents of neighbouring properties*’ and approve the Outbuilding on Lot 20 (22) Terry Deschamps Way, Denham subject to the following conditions:
 - (i) Prior to the issue of a Building Permit, the owner to lodge a revised site plan that includes a minimum one metre setback between the outbuilding and the rear lot boundary. All development shall be in accordance with the approved revised site plan required by this condition.
 - (ii) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.
 - (iii) The building is only approved for non habitable purposes and ancillary to the proposed dwelling.
 - (iv) 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.

OR

- 3b. Option 2 – Defer the application and seek revised plans from the applicant
Defer determination of the application for an Outbuilding on Lot 20 (22) Terry Deschamps Way, Denham and recommend that the owner consider revised plans that:
 - (1) Maximise the achievable setback distance between the proposed outbuilding and the boundary shared with 29 Freycinet Drive; and
 - (2) Consider opportunities for water wise landscaping between the outbuilding and the rear lot boundary.

15 DECEMBER 2021

- 3c. Option 3 – Refuse the Outbuilding proposed on Lot 17 (16) Terry Deschamps Way, Denham for the following reasons:
- (i) The outbuilding does not meet the alternative Design Principle 5.4.3 P3 of the Residential Design Codes as the wall height will detract from the visual amenity of the adjacent lots.

Moved Cr Smith
Seconded Cr Fenny

Council Resolution

That Council:

1. **Note that the proposed outbuilding on Lot 20 (22) Terry Deschamps Way, Denham has been advertised for public comment. One objection has been received from the owner of adjacent 29 Freycinet Drive, Denham – Attachment 1.**
2. **Note that 3_Options have been outlined in the body of this report.**
3. **Option 1 : Approve the Outbuilding**

Determine that the outbuilding meets the alternative Design Principle 5.4.3 P3 of the Residential Design Codes as ‘it *does not detract from the streetscape or the visual amenity of residents of neighbouring properties*’ and approve the Outbuilding on Lot 20 (22) Terry Deschamps Way, Denham subject to the following conditions:

- (i) **Prior to the issue of a Building Permit, the owner to lodge a revised site plan that includes a minimum one metre setback between the outbuilding and the rear lot boundary. All development shall be in accordance with the approved revised site plan required by this condition.**
- (ii) **All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.**
- (iii) **The building is only approved for non habitable purposes and ancillary to the proposed dwelling.**
- (iv) **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.**

6/0 CARRIED

BACKGROUND

- **Zoning**

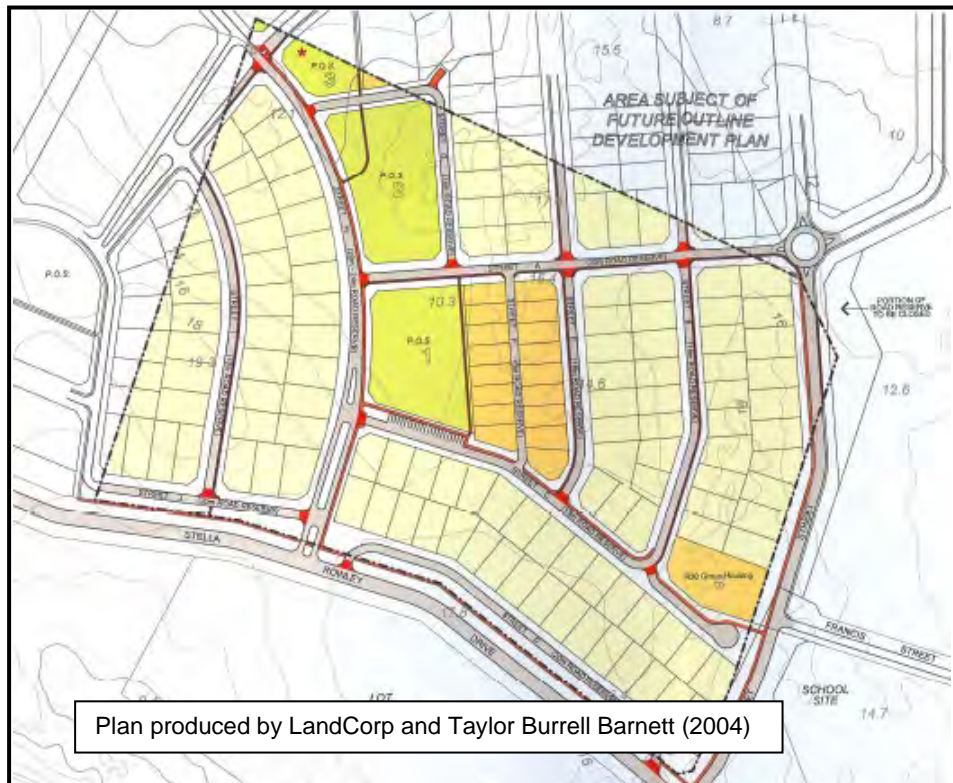
Lot 20 forms part of an area known as 'Denham Estate' which is land that was originally subdivided by LandCorp. Development WA is now the State Governments central development agency, and is responsible for the sale of land in Denham Estate.

The lot is zoned 'Residential' with a density code of R15 under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme') – refer location plan below.



15 DECEMBER 2021

There is an Outline Development Plan for the area and the existing Denham Estate subdivision proceeded as Stage 1.



As part of subdivision, Design Guidelines for Denham Estate were prepared by Taylor Burrell Barnett (planning consultants) and were commissioned by LandCorp.

Compliance with the Guidelines is assessed by Zuideveld Marchant Hur architects on behalf of Development WA (state developer).

The Design Guidelines require owners or their agent to submit an Application for Design Guidelines Approval including all appropriate drawings, plans with a completed 'Design Guidelines Checklist' to the architects for assessment before lodging any planning and / or building permit application to the Shire.

Planning approval is required for any variation to the Residential Design Codes irrespective of compliance with the Design Guidelines.

Plans for a single house on Lot 20 were lodged in September 2021. The single house complied with the 'deemed to comply' requirements of the Residential Design Codes, so the house was exempt from the need for any planning approval in accordance with Clause 61 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

A Building Permit (No 3393) was issued for the single house on the 29 October 2021.

15 DECEMBER 2021

The applicant was advised that the owners would need to lodge a separate application for the proposed outbuilding as it entails variations to the 'deemed to comply' wall height requirements.

Zuideveld Marchant Hur architects supported an outbuilding subject to it being designed in the same or complimentary materials, finishes, colours and roof type of the main dwelling.

- ***Relevant Council decision***

A preliminary report on the proposed outbuilding was referred to the Ordinary Meeting of Council held on the 24 November 2021.

Council noted that the application was being advertised for public comment, and granted delated authority to the Chief Executive Officer to determine the application.

As a written objection has been received the matter is being referred back to Council for determination.

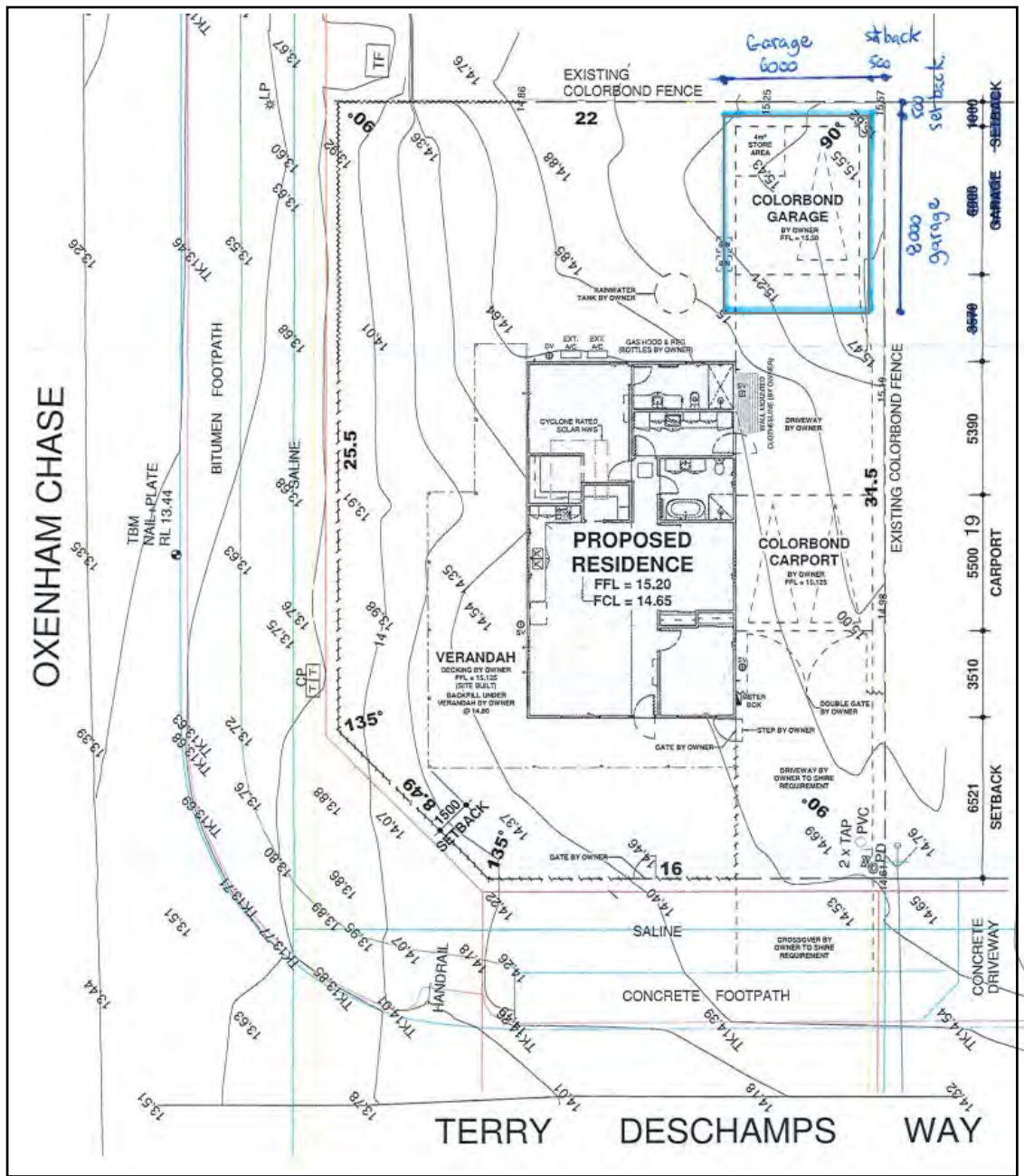
COMMENT

- ***Description of application***

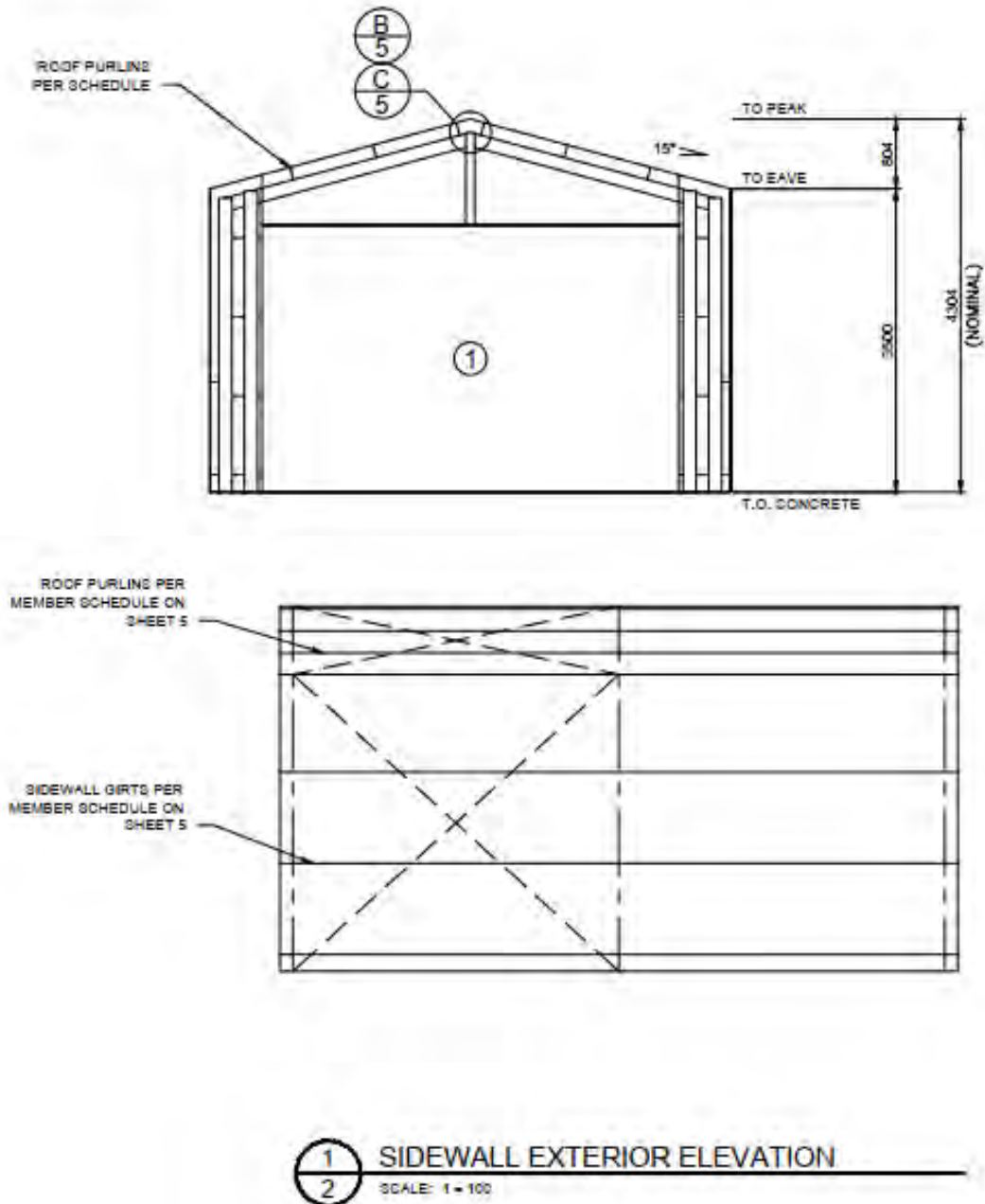
The applicant proposes a 48m² outbuilding with a 0.5 metre setback to the south (side) and east (rear) lot boundary. The owners already have a building permit for a single house on the lot, and the outbuilding is proposed to the south east of the proposed dwelling.

A site plan and elevations are included overpage for ease of reference.

15 DECEMBER 2021



15 DECEMBER 2021



- **Applicant advice**

The owner/ applicant has been advised of the neighbours objection and advises as follows:

1. The site levels of the neighbouring lot to the rear of Lot 20 are substantially lower which will limit their view of the outbuilding.
2. The wall height and roof height are at the minimum required to still allow some clearance for a boat to be stored within the outbuilding.
3. Whilst it is their preference to have a rear setback of 0.5 metres, they are prepared to increase the rear setback to 1 metre so that outbuilding is further from the neighbours shared lot boundary.

• **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 B ‘deemed to comply’ criteria / Outbuildings that:	Officer Comment (Town Planning Innovations)
(i) individually or collectively does not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Complies. A floor area of 48m ² is proposed for the new outbuilding.
(ii) setback in accordance with Table 2a.	Variation. A 0.5 metre side setback is proposed in lieu of 1 metre. The owner has advised that the rear setback can be increased to 1 metre to comply.
(iii) does not exceed a wall height of 2.4 metres	Variation. A wall height of 3.5 metres is proposed.
(iv) does not exceed a ridge height of 4.2 metres	Minor Variation. A ridge height of 4.3 metres is proposed.
(vi) not located within the primary or secondary street setback area; and	Complies.
vi) do not reduce the open space and outdoor living area requirements in table 1.	Complies.

The 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:

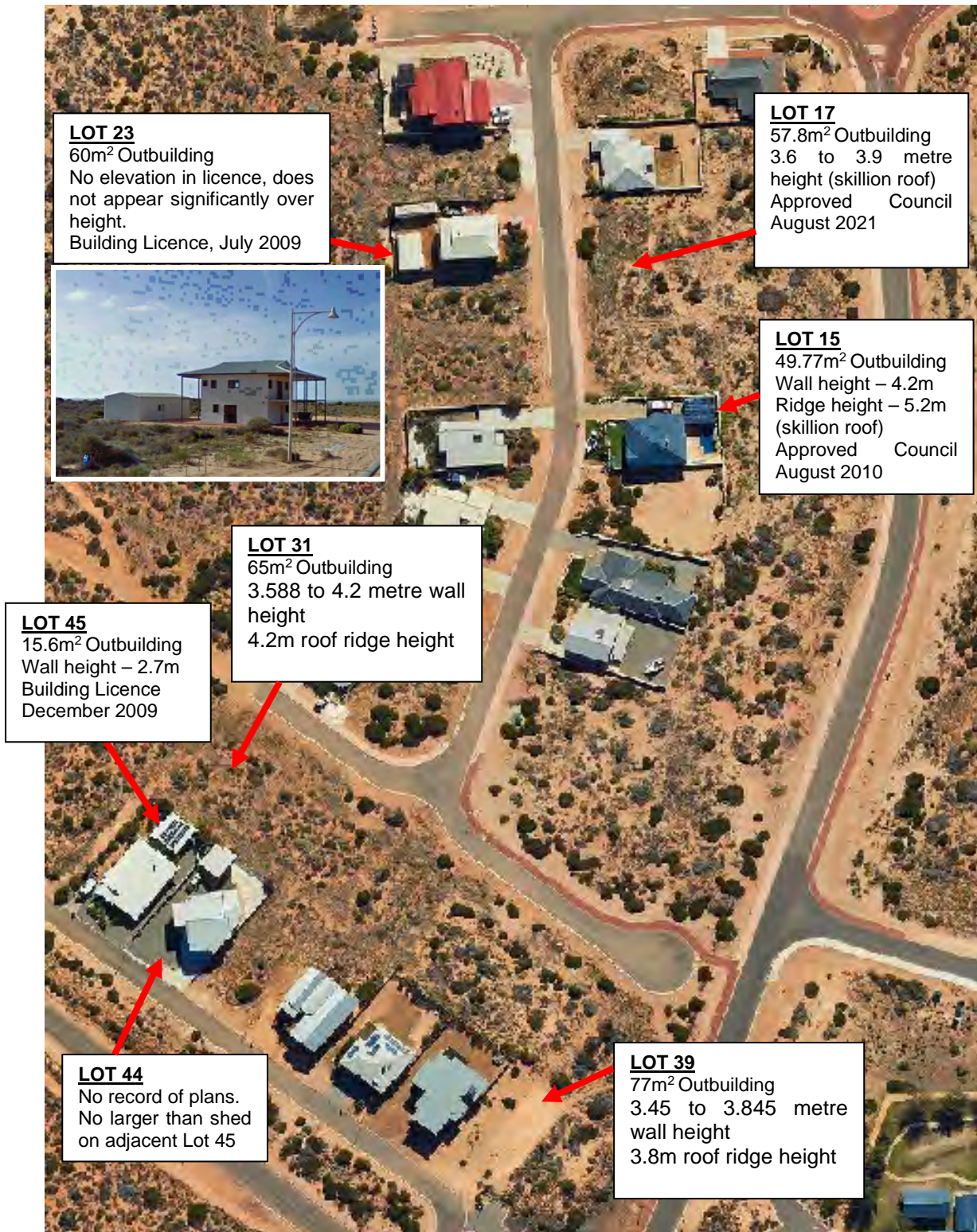
“Outbuildings that do not detract from the streetscape or the visual amenity of residents of neighbouring properties”.

In considering the application it is noted outbuildings with comparable heights have recently been approved in Denham Estate as follows:

Address	Wall Height	Roof height	Size	Date
Lot 39 (4) Sellenger Heights, Denham	3.45 metres to 3.845 metres	3.845 metres	77m ²	February 2019
Lot 31 (13) Mitchell Rise, Denham	3.588 to 4.2 metres	4.2 metres	65m ²	Delegated authority after general report to Council in April 2021
Lot 17 (16) Terry Deschamps Way, Denham	3.6 to 3.9 metres (skillion roof)	3.6 to 3.9 metres (skillion roof)	57.8m ²	August 2021

15 DECEMBER 2021

An aerial showing outbuildings approved in Denham Estate is included below.



Source: Landgate (2017)

15 DECEMBER 2021

• **Consultation**

The Shire has advertised the application for public comment. Advertising closed on the 30 November 2021.

The owner of adjacent 29 Freycinet Drive, which is to the rear of Lot 20, has objected to the outbuilding on the basis of:

Summary of Issues	Town Planning Innovations Comment
Visual impact of the 1.1 metre height in exceedance of the R Codes	<p>There is potential for visual impact from any higher wall height, however Council has supported similar heights for other outbuildings in Denham Estate.</p> <p>To a certain extent this has established a precedent for larger outbuildings to form part of the character and streetscape within Denham Estate.</p> <p>If Council is of the view that the proposed outbuilding will have a negative visual impact on the amenity of the neighbouring lot, then one option available is to refuse the application.</p>
Heat reflection from the surface of the outbuilding	<p>The Residential Design Codes do not specifically address potential heat reflection.</p> <p>It is noted that any dividing fence between the two lots will mitigate heat reflection closest to the lower ground levels of the objectors lot. As the levels at Lot 22 are higher, and heat rises, it is anticipated that heat reflection is not such a major issue that it warrants refusal of the proposal.</p>
Rear setback of 0.5 metres in lieu of 1 metre	The owner of Lot 20 has agreed to increase the rear setback from 0.5 metres to 1 metre.
The outbuilding should be moved to the western side of their block.	The Shire has to assess the application as submitted. An option has been included in this report to request that the owner examine potential for revised plans.
We built our house over 10 years ago and met all the regulations. We expect future buildings to also comply with those Regulations.	It should be noted that outbuildings are assessed in accordance with the Residential Design Codes, which are amended from time to time. The current R Codes allow applicants to seek variations under alternative Design Principles.

15 DECEMBER 2021

- **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’.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website.

Although the subject lot is within the declared bushfire prone area, it only has an area of approximately 675m². A Bushfire Attack Level assessment is not required as part of the planning process for lots less than 1100m².

- **OPTIONS AVAILABLE TO COUNCIL**

1. *Option 1 – Approve the application subject to conditions.*

If Council is of the view that the proposed outbuilding will not detract from the streetscape or the visual amenity of residents of neighbouring properties in line with the alternative Design Principle of the Codes, then conditional approval can be granted.

2. *Option 2 – Defer the application and seek revised plans from the applicant*

Council may defer determination of the application and recommend that the owner of Lot 20 consider revised plans that maximises the distance between the proposed outbuilding and the boundary shared with 29 Freycinet Drive.

The owner could also consider opportunities for water wise landscaping between the outbuilding and the rear lot boundary.

3. *Option 3 – Refuse the Application*

If Council is of the view that the proposed outbuilding will detract from the streetscape or the visual amenity of residents of neighbouring properties then the application can be refused.

Although there is some precedent of larger outbuildings approved in Denham Estate, each case can be assessed based on the individual merit, and having regard for concerns raised by adjacent neighbours.

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.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

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 Terry Deschamps Way 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

D Chapman

Date of Report

7 December 2021

15 DECEMBER 2021

ATTACHMENT # 1

28 November 2021

Dale Chapman
Chief Executive Officer
65 Knight Terrace
Denham WA 6537

ATTENTION: CHIEF EXECUTIVE OFFICER – DALE CHAPMAN, LIZ BUSHBY

We are making contact in regards to receiving a development application for proposed outbuilding at Lot 20 (22), Terry Deschamps Way, Denham. We have reviewed the plans and would like to voice our strong objection to the current outbuilding proposal.

If the outbuilding was adhering to the design codes there would be no issue with the location, however with the current design there will be a tin wall 1.1m higher than the design codes already in place. This gives the wall facing our courtyard an area of approximately 21m² of tin which is a major heat reflector. This will directly affect us as the wall is facing East resulting from sunrise until the afternoon the sun will be shining directly onto the tin wall radiating heat directly into our courtyard resulting in not being able to utilise our courtyard and would increase the need to run air conditioners longer during the day, increasing our power bill.

In your letter to us it is stated the outbuilding has a setback of .5m. After seeking further information regarding boundary setbacks from the State Planning Policy 3.1 Residential Design Codes, Table 2a clearly states that for a wall height of 3.5m or less with a wall length 9m or less the requirement is 1 meter from the boundary, which your letter failed to inform. From the information that you have given, there is a proposed wall 1.1m higher than regulations and also encroaching within the minimum setback. If the owners still require an outbuilding of this size could I suggest they move it to the Western side of their block where it would not directly affect a neighbour.

We built our house over 10 years ago, meeting all regulations and expecting future buildings around us to also meet those regulations.

We would appreciate direct contact from Shire regarding any decisions with the current proposal of outbuilding at Lot 20 (22) Terry Deschamps Way, Denham.

Kind regards

15 DECEMBER 2021

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There were no motions of which previous notice have been given for the December 2021 Ordinary Council meeting.

15.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Moved Cr Fenny
Seconded Cr Stubberfield

Council Resolution

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

15.1 Financial Reports to 30 November 2021

15.2 Community Bus

6/0 CARRIED

15.1 FINANCIAL REPORTS TO 30 NOVEMBER 2021
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Fenny
Seconded Cr Stubberfield

Council Resolution

That the monthly financial report to 30 November 2021 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 **30 November 2021** are attached.

VARIANCE ANALYSIS

The Shire is unable to process Depreciation until the Financial Audit for 2020/2021 is completed and the Asset Module is rolled forward into the 2021/2022 Financial Year. Due to depreciation having a major impact on the analysis outcome reporting on variances will be delayed until the audit is completed.

LEGAL IMPLICATIONS

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

15 DECEMBER 2021

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 were implemented in the budget to further reduce expenditure in anticipation of an adverse impact on cashflow forecast for the 2021/2022 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

D Chapman

Date of Report

8 December 2021

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

SHIRE OF SHARK BAY

MONTHLY FINANCIAL REPORT (Containing the Statement of Financial Activity) For the period ending 30 November 2021

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

TABLE OF CONTENTS

Statement of Financial Activity by Program	5
Statement of Financial Activity by Nature or Type	7
Basis of Preparation	8
Note 1 Statement of Financial Activity Information	9
Note 2 Cash and Financial Assets	10
Note 3 Receivables	11
Note 4 Other Current Assets	12
Note 5 Payables	13
Note 6 Rate Revenue	14
Note 7 Disposal of Assets	15
Note 8 Capital Acquisitions	16
Note 9 Borrowings	21
Note 10 Cash Reserves	22
Note 11 Other Current Liabilities	23
Note 12 Operating grants and contributions	24
Note 13 Non operating grants and contributions	25
Note 14 Bond Liability	26
Note 16 Explanation of Material Variances	27

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 30 NOVEMBER 2021**

SUMMARY INFORMATION - GRAPHS



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 30 NOVEMBER 2021

EXECUTIVE SUMMARY

Funding surplus / (deficit) Components				
Funding surplus / (deficit)				
	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$1.78 M	\$1.78 M	\$1.74 M	(\$0.04 M)
Closing	\$0.00 M	\$2.66 M	\$2.34 M	(\$0.31 M)
Refer to Statement of Financial Activity				
Cash and cash equivalents		Payables		Receivables
	\$6.85 M	% of total	\$0.47 M	% Outstanding
Unrestricted Cash	\$2.94 M	43.0%	Trade Payables	\$0.38 M
Restricted Cash	\$3.90 M	57.0%	Over 30 Days	3.8%
			Over 90 Days	3.8%
				Rates Receivable
				\$0.06 M
				% Collected
				\$0.25 M
				86.4%
				Trade Receivable
				\$0.06 M
				Over 30 Days
				10.7%
				Over 90 Days
				1.3%
Refer to Note 2 - Cash and Financial Assets		Refer to Note 5 - Payables		Refer to Note 3 - Receivables
Key Operating Activities				
Amount attributable to operating activities				
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	
(\$0.28 M)	\$1.37 M	\$1.23 M	(\$0.14 M)	
Refer to Statement of Financial Activity				
Rates Revenue		Operating Grants and Contributions		Fees and Charges
YTD Actual	\$1.48 M	% Variance	YTD Actual	\$0.77 M
YTD Budget	\$1.46 M	1.5%	YTD Budget	\$0.77 M
				% Variance
				0.8%
				YTD Actual
				\$0.81 M
				% Variance
				(5.0%)
Refer to Note 6 - Rate Revenue		Refer to Note 12 - Operating Grants and Contributions		Refer to Statement of Financial Activity
Key Investing Activities				
Amount attributable to investing activities				
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	
(\$1.30 M)	(\$0.46 M)	(\$0.60 M)	(\$0.14 M)	
Refer to Statement of Financial Activity				
Proceeds on sale		Asset Acquisition		Capital Grants
YTD Actual	\$0.06 M	%	YTD Actual	\$0.95 M
Adopted Budget	\$0.25 M	(76.6%)	Adopted Budget	\$2.57 M
				% Spent
				(63.1%)
				YTD Actual
				\$0.29 M
				% Received
				(71.7%)
Refer to Note 7 - Disposal of Assets		Refer to Note 8 - Capital Acquisition		Refer to Note 8 - Capital Acquisition
Key Financing Activities				
Amount attributable to financing activities				
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	
(\$0.20 M)	(\$0.03 M)	(\$0.03 M)	(\$0.00 M)	
Refer to Statement of Financial Activity				
Borrowings		Reserves		
Principal repayments	\$0.03 M	Reserves balance	\$3.90 M	
Interest expense	\$0.01 M	Interest earned	\$0.00 M	
Principal due	\$0.80 M			
Refer to Note 9 - Borrowings		Refer to Note 10 - Cash Reserves		

This information is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF SHARK BAY | 3

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

KEY TERMS AND DESCRIPTIONS FOR THE PERIOD ENDED 30 NOVEMBER 2021

STATUTORY REPORTING PROGRAMS

Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

PROGRAM NAME AND OBJECTIVES	ACTIVITIES
GOVERNANCE To provide a decision making process for the efficient allocation of scarce resources.	Expenses associated with the provision of services to members of council and elections.
GENERAL PURPOSE FUNDING To collect revenue to allow for the provision of services.	Rates and associated revenues, general purpose government grants, interest revenue and other miscellaneous revenues such as commission on Police Licensing. This also includes the costs associated with raising these revenues e.g. valuation expenses, debt collection and overheads.
LAW, ORDER, PUBLIC SAFETY To provide services to help ensure a safer and environmentally conscious community.	Enforcement of Local Laws, fire prevention, animal control and the provision of ranger services.
HEALTH To provide an operational framework for environmental and community health.	Health inspection services, food quality control and mosquito control.
HOUSING To provide and maintain housing for the elderly and staff.	Provision and maintenance of rented housing accommodation for pensioners and employees.
COMMUNITY AMENITIES To provide services required by the community.	Sanitation, stormwater drainage, protection of the environment, public conveniences, cemeteries and town planning.
RECREATION AND CULTURE To establish and effectively manage infrastructure and resources which will help the social wellbeing of the community.	Parks, gardens and recreation reserves, library services, television and radio re-broadcasting, swimming facilities, walk trails, youth recreation, Shark Bay World Heritage Discovery and Visitor Centre, foreshore, public halls and the Shark Bay Recreation Centre.
TRANSPORT To provide safe, effective and efficient transport services to the community.	Construction and maintenance of roads, footpaths, drainage, parking facilities, traffic control, depot operations, marine facilities and street cleaning.
ECONOMIC SERVICES To help promote the Shire and its economic wellbeing.	Tourism, community development, building services and private works.
OTHER PROPERTY AND SERVICES To monitor and control council's overhead operating accounts.	Plant maintenance, administration, labour overheads and stock.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

 STATEMENT OF FINANCIAL ACTIVITY
 FOR THE PERIOD ENDED 30 NOVEMBER 2021

STATUTORY REPORTING PROGRAMS

	Ref Note	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	1,780,950	1,780,950	1,742,420	(38,530)	(2.16%)	
Revenue from operating activities							
Governance		15,310	3,975	5,145	1,170	29.43%	
General purpose funding - general rates	6	1,425,451	1,425,451	1,447,653	22,202	1.56%	
General purpose funding - other		990,515	517,304	526,927	9,623	1.86%	
Law, order and public safety		88,181	54,742	56,400	1,658	3.03%	
Health		1,800	925	1,997	1,072	115.89%	
Housing		132,470	55,070	53,508	(1,562)	(2.84%)	
Community amenities		340,884	281,526	289,636	8,110	2.88%	
Recreation and culture		358,670	150,245	232,627	82,382	54.83%	▲
Transport		521,522	281,317	272,591	(8,726)	(3.10%)	
Economic services		873,228	364,356	255,979	(108,377)	(29.74%)	▼
Other property and services		40,000	16,665	27,561	10,896	65.38%	▲
		4,788,031	3,151,576	3,170,024	18,448		
Expenditure from operating activities							
Governance		(337,247)	(206,042)	(86,436)	119,606	58.05%	▲
General purpose funding		(117,947)	(41,395)	(49,988)	(8,593)	(20.76%)	▼
Law, order and public safety		(310,286)	(140,291)	(115,729)	24,562	17.51%	▲
Health		(90,370)	(26,581)	(21,426)	5,155	19.39%	▲
Housing		(218,961)	(98,938)	(51,229)	47,709	48.27%	▲
Community amenities		(694,962)	(283,607)	(237,313)	46,294	16.32%	▲
Recreation and culture		(2,220,762)	(968,862)	(630,645)	338,217	34.91%	▲
Transport		(1,778,107)	(485,324)	(523,108)	(37,784)	(7.79%)	▼
Economic services		(1,068,714)	(270,463)	(312,999)	(42,536)	(15.73%)	▼
Other property and services		(39,500)	10,734	97,497	86,763	(808.30%)	▲
		(6,876,856)	(2,510,769)	(1,931,376)	579,399		
Non-cash amounts excluded from operating activities	1(a)	1,810,040	731,095	(3,877)	(734,972)	(100.53%)	▼
Amount attributable to operating activities		(278,785)	1,371,902	1,234,771	(137,131)		
Investing Activities							
Proceeds from non-operating grants, subsidies and contributions	13	1,031,415	278,962	292,301	13,339	4.78%	
Proceeds from disposal of assets	7	245,273	57,273	57,273	0	0.00%	
Payments for property, plant and equipment and infrastructure	8	(2,574,525)	(800,185)	(951,030)	(150,845)	(18.85%)	▼
Amount attributable to investing activities		(1,297,837)	(463,950)	(601,456)	(137,500)		
Financing Activities							
Transfer from reserves	10	1,174,998	0	0	0	0.00%	
Repayment of debentures	9	(67,132)	(33,302)	(33,302)	0	0.00%	
Transfer to reserves	10	(1,312,194)	0	(1,636)	(1,636)	0.00%	
Amount attributable to financing activities		(204,328)	(33,302)	(34,938)	(1,636)		
Closing funding surplus / (deficit)	1(c)	0	2,655,600	2,340,797	(314,803)		

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold. Refer to Note threshold. Refer to Note 16 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2021-22 year is \$5,000 or 5.00% whichever is the greater.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF SHARK BAY |

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

KEY TERMS AND DESCRIPTIONS FOR THE PERIOD ENDED 30 NOVEMBER 2021

REVENUE

RATES

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

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

REVENUE FROM CONTRACTS WITH CUSTOMERS

Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.

FEES AND CHARGES

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

SERVICE CHARGES

Service charges imposed under *Division 6 of Part 6 of the Local Government Act 1995*. *Regulation 54 of the Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

INTEREST EARNINGS

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

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

PROFIT ON ASSET DISPOSAL

Excess of assets received over the net book value for assets on their disposal.

NATURE OR TYPE DESCRIPTIONS

EXPENSES

EMPLOYEE COSTS

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

MATERIALS AND CONTRACTS

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

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

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

INSURANCE

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

LOSS ON ASSET DISPOSAL

Shortfall between the value of assets received over the net book value for assets on their disposal.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

INTEREST EXPENSES

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

OTHER EXPENDITURE

Statutory fees, taxes, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

 STATEMENT OF FINANCIAL ACTIVITY
 FOR THE PERIOD ENDED 30 NOVEMBER 2021

BY NATURE OR TYPE

	Ref Note	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	1,780,950	1,780,950	1,742,420	(38,530)	(2.16%)	
Revenue from operating activities							
Rates	6	1,425,451	1,425,451	1,447,653	22,202	1.56%	
Specified area rates	6	36,884	36,884	36,884	0	0.00%	
Operating grants, subsidies and contributions	12	1,463,615	765,674	771,616	5,942	0.78%	
Fees and charges		1,681,997	849,594	806,983	(42,613)	(5.02%)	▼
Interest earnings		8,640	4,476	4,630	154	3.44%	
Other revenue		146,671	65,522	98,381	32,859	50.15%	▲
Profit on disposal of assets	7	24,773	3,975	3,877	(98)	(2.47%)	
		4,788,031	3,151,576	3,170,024	18,448		
Expenditure from operating activities							
Employee costs		(2,287,732)	(782,395)	(957,639)	(175,244)	(22.40%)	▼
Materials and contracts		(2,155,494)	(630,713)	(632,254)	(1,541)	(0.24%)	
Utility charges		(178,475)	(74,324)	(63,628)	10,696	14.39%	▲
Depreciation on non-current assets		(1,753,645)	(735,070)	0	735,070	100.00%	▲
Interest expenses		(24,622)	(5,700)	(5,701)	(1)	(0.02%)	
Insurance expenses		(192,630)	(180,965)	(189,222)	(8,257)	(4.56%)	▲
Other expenditure		(203,090)	(101,602)	(82,932)	18,670	18.38%	▲
Loss on disposal of assets	7	(81,168)	0	0	0	0.00%	
		(6,876,856)	(2,510,769)	(1,931,376)	579,393		
Non-cash amounts excluded from operating activities							
	1(a)	1,810,040	731,095	(3,877)	(734,972)	(100.53%)	▼
Amount attributable to operating activities		(278,785)	1,371,902	1,234,771	(137,131)		
Investing activities							
Proceeds from non-operating grants, subsidies and contributions	13	1,031,415	278,962	292,301	13,389	4.78%	
Proceeds from disposal of assets	7	245,273	57,273	57,273	0	0.00%	
Payments for property, plant and equipment and infrastructure	8	(2,574,525)	(800,185)	(951,030)	(150,845)	(18.85%)	▼
Amount attributable to investing activities		(1,297,837)	(463,950)	(601,456)	(137,506)		
Financing Activities							
Transfer from reserves	10	1,174,998	0	0	0	0.00%	
Repayment of debentures	9	(67,132)	(33,302)	(33,302)	0	0.00%	
Transfer to reserves	10	(1,312,194)	0	(1,636)	(1,636)	0.00%	
Amount attributable to financing activities		(204,328)	(33,302)	(34,938)	(1,636)		
Closing funding surplus / (deficit)	1(c)	0	2,655,600	2,340,797	(314,803)		

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold.

Refer to Note 16 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF SHARK BAY | 87

**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 30 NOVEMBER 2021**

BASIS OF PREPARATION

BASIS OF PREPARATION

REPORT PURPOSE

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996 - Regulation 34*. Note: The statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

BASIS OF ACCOUNTING

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying regulations.

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

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 30 November 2021

SIGNIFICANT ACCOUNTING POLICIES

CRITICAL ACCOUNTING ESTIMATES

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

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 14 to these financial statements.

GOODS AND SERVICES TAX

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.

ROUNDING OFF FIGURES

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

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 NOVEMBER 2021

NOTE 1 STATEMENT OF FINANCIAL ACTIVITY INFORMATION

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with Financial Management Regulation 32.

	Notes	Adopted Budget	YTD Budget (a)	YTD Actual (b)
Non-cash items excluded from operating activities				
		\$	\$	\$
Adjustments to operating activities				
Less: Profit on asset disposals	7	(24,773)	(3,975)	(3,877)
Add: Loss on asset disposals	7	81,168	0	0
Add: Depreciation on assets		1,753,645	735,070	0
Total non-cash items excluded from operating activities		1,810,040	731,095	(3,877)

(b) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation 32* to agree to the surplus/(deficit) after imposition of general rates

		Last Year Closing 30 June 2021	This Time Last Year 30 November 2020	Year to Date 30 November 2021
Adjustments to net current assets				
Less: Reserves - restricted cash	10	(3,901,203)	(2,924,828)	(3,902,839)
Add: Borrowings	9	67,131	74,957	67,131
Total adjustments to net current assets		(3,834,072)	(2,849,871)	(3,835,708)

(c) Net current assets used in the Statement of Financial Activity

Current assets				
Cash and cash equivalents	2	6,875,899	5,669,459	6,845,682
Rates receivables	3	14,153	1,329,251	250,852
Receivables	3	205,418	80,912	61,585
Other current assets	4	162,179	138,305	122,963
Less: Current liabilities				
Payables	5	(929,878)	(305,197)	(470,952)
Borrowings	9	(67,131)	(74,957)	(67,131)
Contract liabilities	11	(466,036)	(388,447)	(348,092)
Provisions	11	(218,112)	(263,385)	(218,402)
Less: Total adjustments to net current assets	1(b)	(3,834,072)	(2,849,871)	(3,835,708)
Closing funding surplus / (deficit)		1,742,420	3,336,070	2,340,797

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

SHIRE OF SHARK BAY | 7

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

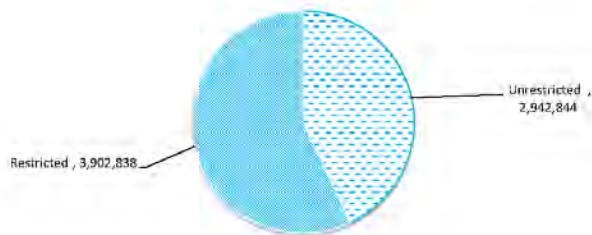
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

OPERATING ACTIVITIES
NOTE 2
CASH AND FINANCIAL ASSETS

Description	Classification	Unrestricted \$	Restricted \$	Total Cash \$	Trust \$	Institution	Interest Rate	Maturity Date
Cash on hand								
Municipal Bank Account	Cash and cash equivalents	233,925	0	233,925	0	Bankwest	0.01%	At Call
Municipal Telenet Saver	Cash and cash equivalents	2,708,019	0	2,708,019	0	Bankwest	0.15%	At Call
Trust Bank Account	Cash and cash equivalents	0	0	0	0	Bankwest	0.00%	At Call
Reserve Bank Account	Cash and cash equivalents	0	179	179	0	Bankwest	0.00%	At Call
Reserve Telenet Saver Account	Cash and cash equivalents	0	3,902,659	3,902,659	0	Bankwest	0.15%	At Call
Till Floats	Cash and cash equivalents	900	0	900	0	N/A	0.00%	On Hand
Total		2,942,844	3,902,838	6,845,682	0			
Comprising								
Cash and cash equivalents		2,942,844	3,902,838	6,845,682	0			
		2,942,844	3,902,838	6,845,682	0			

KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments highly liquid investments with original maturities of three months or less 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 reported as short term borrowings in current liabilities in the statement of net current assets.



MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

OPERATING ACTIVITIES
NOTE 3
RECEIVABLES

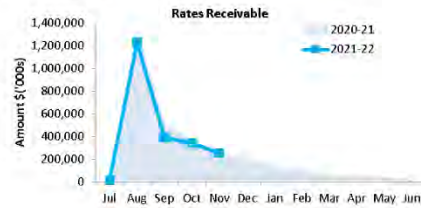
Rates receivable	30 Jun 2021	30 Nov 2021
	\$	\$
Opening arrears previous years	32,544	14,153
Levied this year	1,773,706	1,823,973
Less - collections to date	(1,770,286)	(1,587,274)
Equals current outstanding	14,153	250,852
Net rates collectable	14,153	250,852
% Collected	98%	86.4%

Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(3,485)	41,232	3,766	191	540	42,244
Percentage	(8.2%)	97.6%	8.9%	0.5%	1.3%	
Balance per trial balance						
Sundry receivable						42,244
GST and FBT receivable						15,439
Tenancy Bond - 12 Mead Street						1,360
ESL Levied						0
State Revenue Pensioner Rebate						2,542
Total receivables general outstanding						61,585

Amounts shown above include GST (where applicable)

KEY INFORMATION

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 impairment of receivables is raised when there is objective evidence that they will not be collectible.



MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

OPERATING ACTIVITIES
NOTE 4
OTHER CURRENT ASSETS

	Opening Balance 1 July 2021	Asset Increase	Asset Reduction	Closing Balance 30 November 2021
	\$	\$	\$	\$
Other current assets				
Inventory				
Fuel and materials	26,431		0	26,431
Merchandise	96,532		0	96,532
Prepayments				
Prepayments	0		0	0
Accrued income	39,216		(39,216)	0
Total other current assets	162,179	0	(39,216)	122,963
Amounts shown above include GST (where applicable)				

KEY INFORMATION

Inventory

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.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

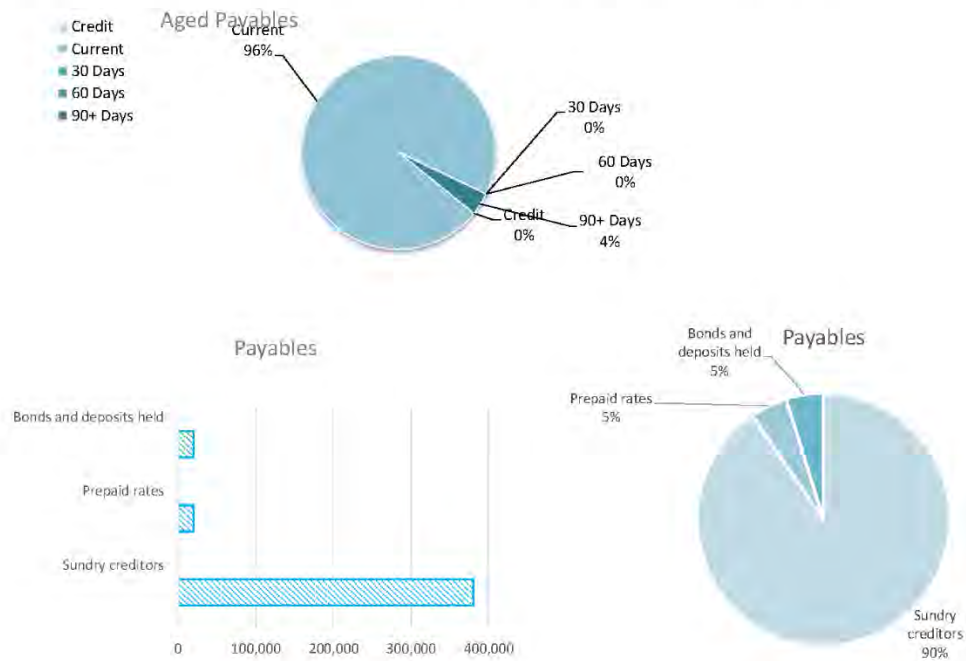
OPERATING ACTIVITIES
NOTE 5
Payables

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	365,695	28	0	14,344	380,067
Percentage	0%	96.2%	0%	0%	3.8%	
Balance per trial balance						
Sundry creditors						380,067
Prepaid rates						20,106
Bonds and deposits held						20,249
Payables - Other						7,408
ESL Levied						222
Total payables general outstanding						470,952

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire that are unpaid and arise when the Shire 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.



MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

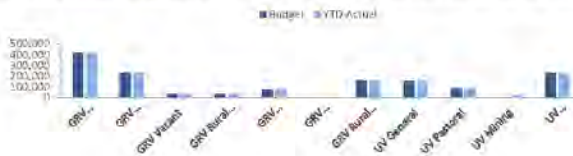
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

OPERATING ACTIVITIES
NOTE 6
RATE REVENUE

General rate revenue	Budget						YTD Actual				
	Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue \$	Interim Rate \$	Back Rate \$	Total Revenue \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$
RATE TYPE											
Gross rental value											
GRV Residential	0.10593	326	3,906,042	413,751	0	0	413,751	413,751	870	(341)	414,280
GRV Commercial	0.10886	41	2,135,007	232,406			232,406	232,406	0	0	232,406
GRV Vacant	0.10593	18	330,101	34,966	0	0	34,966	34,966	1,796	0	36,762
GRV Rural Commercial	0.11009	5	315,380	34,721	0	0	34,721	34,721	0	0	34,720
GRV Industrial / Residential	0.11722	48	658,843	77,228	0	0	77,228	77,228	0	0	77,228
GRV Industrial / Residential Vacant	0.10593	0	0	0	0	0	0	0	0	0	0
GRV Rural Resort	0.11621	2	1,346,800	156,506	0	0	156,506	156,506	0	0	156,506
Unimproved value											
UV General	0.21330	7	714,543	152,412	0	0	152,412	152,412	0	0	152,412
UV Pastoral	0.14608	11	598,906	87,487	0	0	87,487	87,487	0	0	87,487
UV Mining	0.29093	1	8,500	2,473	0	0	2,473	2,473	21,867	0	24,340
UV Exploration	0.27973	10	816,219	228,318	0	0	228,318	228,318	(3,146)	0	225,172
Sub-Total		469	10,830,341	1,420,268	0	0	1,420,268	1,420,267	21,387	(341)	1,441,313
Minimum payment		Minimum \$									
Gross rental value											
GRV Residential	898	50	372,152	44,900	0	0	44,900	44,900	0	0	44,900
GRV Commercial	898	17	93,833	15,766	0	0	15,766	15,766	0	0	15,766
GRV Vacant	898	81	256,029	72,738	0	0	72,738	72,738	0	0	72,738
GRV Rural Commercial	898	0	0	0	0	0	0	0	0	0	0
GRV Industrial / Residential	898	2	12,741	1,796	0	0	1,796	1,796	0	0	1,796
GRV Industrial / Residential Vacant	560	0	0	0	0	0	0	0	0	0	0
GRV Rural Resort	898	0	0	0	0	0	0	0	0	0	0
Unimproved value											
UV General	754	6	3,438	4,524	0	0	4,524	4,524	0	0	4,524
UV Pastoral	943	0	0	0	0	0	0	0	0	0	0
UV Mining	943	1	700	943	0	0	943	943	0	0	943
UV Exploration	943	1	2,115	943	0	0	943	943	0	0	943
Sub-total		158	747,008	141,110	0	0	141,110	141,110	0	0	141,110
Concession											(134,700)
Amount from general rates							1,425,451				1,447,653
Total general rates							1,425,451				1,447,653
Specified area rates		Rate in \$ (cents)									
Monkey Mia Sore Replacement	0.028372		1,300,000	36,884	0	0	36,884	36,884	0	0	36,884
Total specified area rates			1,300,000	36,884	0	0	36,884	36,884	0	0	36,884
Total							1,462,335				1,484,537

KEY INFORMATION

Prepaid rates are, until the taxable event for the rates has occurred, refundable at the request of the ratepayer. Rates received in advance give rise to a financial liability. On 1 July 2020 the prepaid rates were recognised as a financial asset and a related amount was recognised as a financial liability and no income was recognised. When the taxable event occurs the financial liability is extinguished and income recognised for the prepaid rates that have not been refunded.



MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

OPERATING ACTIVITIES
NOTE 7
DISPOSAL OF ASSETS

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Plant and equipment								
	Governance								
MV188	CEO Vehicle	53,298	57,273	3,975	0	53,396	57,273	3,877	0
MV194	EMFA Vehicle	13,665	25,000	11,335	0	0	0	0	0
	Economic services								
MV195	EMCD Vehicle	15,537	25,000	9,463	0	0	0	0	0
	Transport								
MV198	Dual Cab Ute - Gardener	22,582	25,000	2,418	0	0	0	0	0
MV197	Dual Cab Ute - Ranger	22,582	25,000	2,418	0	0	0	0	0
MV163	Refuse Site Loader	90,665	40,000	0	(50,665)	0	0	0	0
MV167	3 Tonne Town Truck	28,336	18,000	0	(10,336)	0	0	0	0
MV168	5 Tonne Town Truck	55,003	30,000	0	(25,003)	0	0	0	0
		301,668	245,273	29,609	(86,004)	53,396	57,273	3,877	0



MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS

Capital acquisitions	Adopted		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Buildings	170,000	25,000	15,323	(9,677)
Buildings - specialised	425,287	220,000	289,423	69,423
Furniture and equipment	20,000	20,000	10,707	9,293
Plant and equipment	605,100	293,100	359,249	66,149
Heritage Assets	50,000	0	0	0
Infrastructure - roads other	369,958	55,000	92,415	37,415
Infrastructure - roads town	430,000	0	0	0
Infrastructure - footpaths	319,000	160,000	151,086	(8,914)
Infrastructure - public facilities	185,180	27,085	32,827	5,742
Total Capital Acquisitions	2,574,525	800,185	951,030	169,431
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	1,031,415	278,962	292,301	13,339
Other (disposals & C/Fwd)	245,273	57,273	57,273	0
Cash backed reserves				
Reserves cash backed - Plant Replacement Reserve	359,827	0	0	0
Reserves cash backed - Infrastructure Reserve	730,171	0	0	0
Reserves cash backed - Pensioner Unit Maintenance Reserve	35,000	0	0	0
Reserves cash backed - Recreation Facilities Upgrade Reserve	50,000	0	0	0
Contribution - operations	122,839	463,950	601,456	137,506
Capital funding total	2,574,525	800,185	951,030	150,845

SIGNIFICANT ACCOUNTING POLICIES

All assets are initially recognised at cost. 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 local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS (CONTINUED)



Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

Level of completion indicator, please see table at the end of this note for further detail.

Account Description	Strategic Plan Reference	Class	Adopted			Variance (Under)/Over
			Budget	YTD Budget	YTD Actual	
05204736 Shire Office Asbestos Removal	3.1, 4.1	Buildings	75,000	0	0	0
09128001 Capital Works 5 Spaven Way	4.1	Buildings	10,000	0	0	0
09128020 Capital Works 65 Brockman St	4.1	Buildings	10,000	0	0	0
09128040 Capital Works 80 Durlacher St	4.1	Buildings	10,000	0	0	0
09128050 Capital Works 51 Durlacher St	4.1	Buildings	10,000	0	0	0
25104785 Pensioner Units Roof Upgrade	4.1	Buildings	45,000	15,000	12,933	2,067
Pensioner Shed Door/Water Pipe Replacement	4.1	Buildings	10,000	10,000	2,390	7,610
		Buildings Total	170,000	25,000	15,323	9,677

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

Level of completion indicator, please see table at the end of this note for further detail.

Account Description	Strategic Plan Reference	Class	Adopted			Variance (Under)/Over
			Budget	YTD Budget	YTD Actual	
5204975 Office Furniture & Equipment	4.1, 7.1	Furniture & equipment	20,000	20,000	10,707	9,293
Furniture & Equipment Total			20,000	20,000	10,707	9,293
5204736 Records Room	4.1,7.1	Buildings - Specialised	0	0	1,491	(1,491)
30404756 Morgue Building	4.1	Buildings - Specialised	70,000	70,000	79,510	(9,510)
35104705 Town Hall Asbestos Removal	3.1, 4.1	Buildings - Specialised	75,000	0	0	0
35104706 Town Hall Access	4.1, 5.1, 5.2	Buildings - Specialised	40,000	0	0	0
35104732 Child Care Building	4.1, 5.1, 5.2	Buildings - Specialised	0	0	4,925	(4,925)
<i>Comments: Sand Pit and Shade Sails installed as per Original Plans</i>						
35104733 Mens Shed Building	5.1	Buildings - Specialised	110,287	90,000	111,907	(21,907)
35104734 Mens Shed Site Works	5.1	Buildings - Specialised	10,000	0	2,396	(2,396)
<i>Comments: Men Shed has commenced</i>						
36004993 SBDC Door Upgrade	4.1, 5.1, 5.2	Buildings - Specialised	25,000	25,000	21,925	3,075
36004994 SBDC Roof Upgrade	4.1, 5.1, 5.2	Buildings - Specialised	30,000	30,000	30,500	(500)
36004997 SBDC Lighting Upgrade	4.1, 5.1, 5.2	Buildings - Specialised	5,000	5,000	5,199	(199)
36004998 SBDC Airconditioner Upgrade	4.1, 5.1, 5.2	Buildings - Specialised	50,000	0	0	0
36004999 SBDC Rose De Freycinet Gallery Upgrade	4.1, 5.1, 5.2	Buildings - Specialised	0	0	3,278	(3,278)
45104722 Depot Office Awning	4.1	Buildings - Specialised	10,000	0	655	(655)
10305311 DFES - SES Capital Expenditure	4.1	Buildings - Specialised	0	0	27,637	(27,637)
Buildings - Specialised Total			425,287	220,000	289,423	(67,932)
35605182 Heritage Stables Refurbishment	4.1	Heritage Assets	50,000	0	0	0
Heritage Assets Total			50,000	0	0	0
<i>Footpath Construction (As Per Denham)</i>						
45145251 Footpath Plan	1.1, 4.1, 5.1	Infrastructure - footpaths	59,000	0	0	0
45145257 Francis Street Lighting	1.1, 4.1, 5.1	Infrastructure - footpaths	80,000	80,000	73,515	6,485
45145259 Stella Rowley Drive Dual Footpath	1.1, 4.1, 5.1	Infrastructure - footpaths	100,000	0	0	0
45145258 Stella Rowley Drive Lighting	1.1, 4.1, 5.1	Infrastructure - footpaths	80,000	80,000	77,571	2,429
Infrastructure - footpaths Total			319,000	160,000	151,086	8,914

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

Level of completion indicator, please see table at the end of this note for further detail.

Account Description	Strategic Plan Reference	Class	Adopted			Variance (Under)/Over
			Budget	YTD Budget	YTD Actual	
30401932 Cemetery Shade	4.1	Infrastructure - public facilities	5,000	0	0	0
30445151 Hamelin Pool Carpark	4.1	Infrastructure - public facilities	10,000	0	0	0
35205537 Adventure Park Lighting Upgrade	4.1, 5.1, 5.2	Infrastructure - public facilities	15,000	0	0	0
Little Lagoon Upgrades, Gazebo, Bollards and						
35302284 Signage	3.1, 4.1	Infrastructure - public facilities	35,000	14,585	18,575	(3,990)
35302285 Little Lagoon Trail Planning	3.1, 4.2	Infrastructure - public facilities	19,980	12,500	14,252	(1,752)
35304741 Recreation Centre Panel And Paint Upgrade	4.1	Infrastructure - public facilities	50,000	0	0	0
35305508 Skate Park Upgrade	4.1, 5.1, 5.2	Infrastructure - public facilities	30,200	0	0	0
Charlie Sappie Park Bed Removal and						
35305560 Replacement	4.1	Infrastructure - public facilities	20,000	0	0	0
		Infrastructure - public facilities Total	185,180	27,085	32,827	(5,742)
45150038 RRG Useless Loop Road 20-21	1.1	Infrastructure - roads other	0	0	40,155	(40,155)
<i>Comments: Project finalised in August</i>						
45150040 RRG Useless Loop Road 21-22	1.1	Infrastructure - roads other	229,958	55,000	52,260	
45150041 RRG Eagle Bluff Road 21-22	1.1	Infrastructure - roads other	140,000	0	0	0
		Infrastructure - roads other Total	369,958	55,000	92,415	(40,155)
45180092 R2R Durlacher Street 21-22	1.1	Infrastructure - roads town	430,000	0	0	0
45180091 R2R Brockman Street 20-21	1.1	Infrastructure - roads town	0	0	0	0
<i>Comment: Brockman Street works in progress.</i>						
		Infrastructure - roads town Total	430,000	0	0	0

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

Level of completion indicator, please see table at the end of this note for further detail.

				Adopted			Variance
Account Description		Strategic Plan Reference	Class	Budget	YTD Budget	YTD Actual	(Under)/Over
	45205475 Major Plant items - Capital	4.1	Plant and equipment	20,000	15,000	13,961	1,039
	45205346 Town Gardener's Ute	4.1	Plant and equipment	46,000	0	0	0
	45205501 Town Truck - 5 Tonne	4.1	Plant and equipment	80,000	0	0	0
	45205502 Town Truck - 3 Tonne	4.1	Plant and equipment	65,000	0	0	0
	45205504 Refuse Site Loader	4.1	Plant and equipment	220,000	220,000	260,649	(40,649)
	45205515 Rangers Vehicle	4.1	Plant and equipment	46,000	0	0	0
	45205319 Tamala Camp Fuel Tanker and Bowser	4.1	Plant and equipment	0	0	26,565	(26,565)
	50104002 EMCD Vehicle	4.1	Plant and equipment	35,000	0	0	0
	5205335 CEO Vehicle Replacement	4.1	Plant and equipment	58,100	58,100	58,074	26
	5205338 EMFA Vehicle Replacement	4.1	Plant and equipment	35,000	0	0	0
Plant and equipment Total				605,100	293,100	359,249	(66,149)
Grand Total				2,574,525	780,185	951,030	(161,387)

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

FINANCING ACTIVITIES
NOTE 9
BORROWINGS

Repayments - borrowings

Information on borrowings Particulars	Loan No.	1 July 2021	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	
Recreation and culture										
Town Oval Bore	58	767,895	0	0	16,323	32,829	751,572	735,066	5,076	22,040
Economic services										
Monkey Mia Bore	57	70,012	0	0	16,979	34,303	53,033	35,709	626	2,582
Total		837,907	0	0	33,302	67,132	804,605	770,775	5,702	24,622
Current borrowings		67,132					67,131			
Non-current borrowings		770,775					737,474			
		837,907					804,605			

All debenture repayments were financed by general purpose revenue.

KEY INFORMATION

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

OPERATING ACTIVITIES
NOTE 10
CASH RESERVES

Cash backed reserve

Reserve name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers	Actual Transfers	Budget Transfers	Actual Transfers	Budget Closing Balance	Actual YTD Closing Balance
				In (+)	In (+)	Out (-)	Out (-)		
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Reserves cash backed - Leave Reserve	195,536	350	82	0	0	0	0	195,886	195,618
Reserves cash backed - Plant Replacement Reserve	595,873	500	250	350,000	0	(359,827)	0	586,546	596,123
Reserves cash backed - Infrastructure Reserve	2,401,214	1,500	1,007	874,154	0	(730,171)	0	2,546,697	2,402,221
Reserves cash backed - Pensioner Unit Maintenance Reserve	172,508	120	72	35,000	0	(35,000)	0	172,628	172,580
Reserves cash backed - Recreation Facilities Upgrade Reserve	484,265	500	203	50,000	0	(50,000)	0	484,765	484,468
Reserves cash backed - Monkey Mia Jetty Reserve	22,155	30	10	0	0	0	0	22,185	22,165
Reserves cash backed - Share Fire System Reserve	29,652	40	12	0	0	0	0	29,692	29,664
	3,901,203	3,040	1,636	1,309,154	0	(1,174,998)	0	4,038,399	3,902,839

KEY INFORMATION

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 NOVEMBER 2021

OPERATING ACTIVITIES NOTE 11 OTHER CURRENT LIABILITIES

	Note	Opening Balance 1 July 2021	Liability Increase	Liability Reduction	Closing Balance 30 November 2021
		\$	\$	\$	\$
Other current liabilities					
Contract liabilities					
Unspent grants, contributions and reimbursements					
- operating	12	33,396	863,518	(821,616)	75,298
- non-operating	13	432,640	132,455	(292,301)	272,794
Total unspent grants, contributions and reimbursements		466,036	995,973	(1,113,917)	348,092
Provisions					
Annual leave		113,343	290	0	113,633
Long service leave		104,769	0	0	104,769
Total Provisions		218,112	290	0	218,402
Total other current assets		684,148	996,263	(1,113,917)	566,494

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 12 and 13

KEY INFORMATION

Provisions

Provisions are recognised when the Shire has a present 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.

Employee benefits

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire'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 calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

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 of 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 Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire 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.

Contract liabilities

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

SHIRE OF SHARK BAY | 21

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

NOTE 12

OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent operating grant, subsidies and contributions liability					Operating grants, subsidies and contributions revenue					
	Liability 1 July 2021	Increase in Liability	Liability Reduction (As revenue)	Liability 30 Nov 2021	Current Liability 30 Nov 2021	Adopted Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Operating grants and subsidies											
General purpose funding											
WALGGC - Grants Commission - General	0	340,801	(340,801)	0	0	714,127	357,064	714,127	0	714,127	340,801
WALGGC - Grants Commission - Roads	0	126,842	(126,842)	0	0	208,136	104,068	208,136	0	208,136	126,842
Law, order, public safety											
FESA Grant - Bush Fire Brigade	2,517	2,604	(3,686)	1,435	1,435	10,069	5,034	10,069	0	10,069	3,686
FESA Grant - SES	11,050	13,537	(24,587)	0	0	46,315	22,805	46,315	0	46,315	24,587
FESA Grant - AWARE Funding	19,829	0	(18,007)	1,822	1,822	19,829	19,829	19,829	0	19,829	18,007
Transport											
Main Roads Road WA Preservation Grant	0	124,069	(124,069)	0	0	124,069	124,069	124,069	0	124,069	124,069
Main Roads WA Useless Loop Maintenance	0	132,000	(132,000)	0	0	330,000	132,000	330,000	0	330,000	132,000
Economic services											
Department of Communities - Thank A Volunteer	0	900	(900)	0	0	700	700	700	0	700	900
Safe 4WD Exploring Project	0	2,041	0	2,041	2,041	0	0	0	0	0	0
Meerlinga Childrens Week Grant	0	610	(610)	0	0	0	0	0	0	0	610
TOTALS	33,396	743,404	(771,502)	5,298	5,298	1,453,245	765,569	1,453,245	0	1,453,245	771,502
Operating contributions											
Recreation and culture											
Contributions - HMAS Sydney Exhibit	0	114	(114)	0	0	250	105	250	0	250	114
Transport											
DPLH - Natural Gas Pipeline Corridor Road Maintenance Contribution	0	0	0	0	0	10,120	0	0	0	0	0
Economic services											
RAC Caravan Park Rental (Full Year Expiry)	0	120,000	(50,000)	70,000	70,000	0	0	0	0	0	0
TOTALS	0	120,114	(50,114)	70,000	70,000	10,370	105	250	0	250	114
TOTALS	33,396	863,518	(821,616)	75,298	75,298	1,463,615	765,674	1,453,495	0	1,453,495	771,616

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

NOTE 11
NON-OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent non operating grants, subsidies and contributions liability					Non operating grants, subsidies and contributions revenue					
	Liability 1 July 2021	Increase In Liability	Liability Reduction (As revenue)	Liability 30 Nov 2021	Current Liability 30 Nov 2021	Adopted Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	YTD Revenue Actual (b)
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Non-operating grants and subsidies											
Housing											
CHO Pensioner Unit Roof Upgrade	20,000	0	(5,748)	14,252	14,252	20,000	0	20,000	0	20,000	5,748
Recreation and culture											
FESA SES - Rear Verandah	0	27,637	(27,637)	0	0	0	0	0	0	0	27,637
Little Lagoon WA State Trail Planning Program	10,580	0	(10,580)	0	0	13,640	13,640	0	0	0	10,580
Gaming Community Chest - Mens Shed	0	0	0	0	0	110,787	0	0	0	0	0
PRGIF Gallery Grant	0	19,496	(3,278)	16,218	16,218	0	0	0	0	0	3,278
Transport											
RRG Grants - Capital Projects	26,770	85,322	(61,611)	50,481	50,481	213,305	85,322	213,305	0	213,305	61,611
Roads to Recovery - Capital Projects	105,975	0	0	105,975	105,975	297,245	0	297,245	0	297,245	0
Local Roads and Community Infrastructure	269,315	0	(183,447)	85,868	85,868	376,938	180,000	376,938	0	376,938	183,447
TOTALS	432,640	132,455	(292,301)	272,794	272,794	1,031,415	278,962	907,488	0	907,488	292,301

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

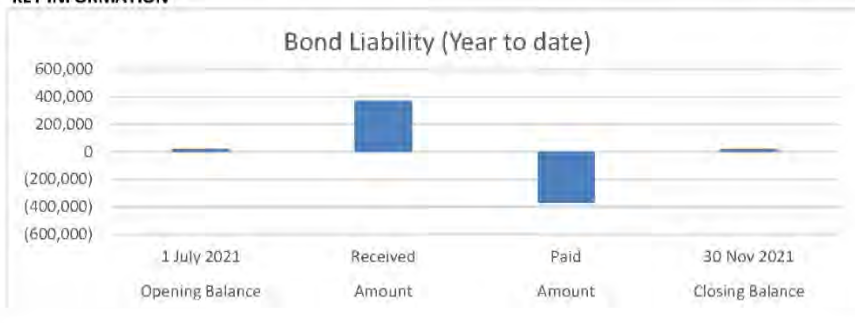
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

NOTE 14
BOND LIABILITY

Funds held for the purpose of bonds or levies (previously trust) and which are reported as a liability are as follows:

Description	Opening Balance	Amount	Amount	Closing Balance
	1 July 2021	Received	Paid	30 Nov 2021
	\$	\$	\$	\$
CITF Levy	0	17,900	(17,900)	0
Library Card Bond	50	100	(100)	50
Bookeasy- Sales	1,294	235,954	(236,592)	656
Kerb/Footpath Deposit	6,800	2,000	0	8,800
Bond Key	5,050	580	(500)	5,130
Equipment Bond	200	0	(200)	0
Hall Bond	825	1,435	0	2,260
Police Licensing	2,106	101,029	(102,290)	845
Election Deposit	0	480	(480)	0
Marquee Deposit	0	0	0	0
Building Licence Levy	0	13,742	(13,742)	0
Road Reserve - Hughes Street	2,298	0	0	2,298
Rates Unidentified Deposit	210	0	0	210
	18,833	373,220	(371,804)	20,249

KEY INFORMATION



MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 NOVEMBER 2021

NOTE 16 EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.

The material variance adopted by Council for the 2021-22 year is \$5,000 or 5.00% whichever is the greater.

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
Revenue from operating activities				
Governance	1,170	29.43%	Timing	No Reportable Variance
General purpose funding - rates	22,202	1.56%	Timing	No Reportable Variance
General purpose funding - other	9,623	1.86%	Timing	No Reportable Variance
Law, order and public safety	1,658	3.03%	Timing	No Reportable Variance
Health	1,072	115.89%	Timing	No Reportable Variance
Housing	(1,562)	(2.84%)	Timing	No Reportable Variance
Community amenities	8,110	2.88%	Timing	No Reportable Variance
Recreation and culture	82,382	54.83%	▲ Permanent	Increases in Gym Memberships, SBDC Sales and Commission, CDP Employer Incentive, Insurance Reimbursement and Hire of SBDC Gallery in excess of YTD Budget
Transport	(8,726)	(3.10%)	Timing	No Reportable Variance
Economic services	(108,377)	(29.74%)	▼ Timing	Private Works Income YTD Budget ahead of YTD Actual offset by increases in Building Permits causing variance
Other property and services	19,896	65.38%	▲ Permanent	CDP Employment Incentive Funding not included in Budget
Expenditure from operating activities				
Governance	119,606	58.05%	▲ Timing	Governance expenditure less than YTD Budget
General purpose funding	(8,583)	(20.76%)	▼ Timing	Governance Overheads in Advance of YTD Budget
Law, order and public safety	24,562	17.51%	▲ Timing	Variance due to Depreciation not run until Audit Completion
Health	5,155	19.39%	▲ Timing	No Reportable Variance
Housing	47,709	48.27%	▲ Timing	Variance due to Depreciation not run until Audit Completion
Community amenities	46,294	16.32%	▲ Timing	Refuse Operating Expenditure less than YTD Budget and Depreciation not run until Audit Completion
Recreation and culture	338,217	34.91%	▲ Timing	Variance due to Depreciation not run until Audit Completion and Road Maintenance YTD Actual in advance of YTD Budget
Transport	(37,784)	(7.79%)	▼ Timing	Private Works Expenditure YTD Budget ahead of YTD Actual causing variance.
Economic services	(42,536)	(15.73%)	▼ Timing	Variance due to Depreciation not run until Audit Completion
Other property and services	86,763	(808.30%)	Timing	
Investing activities				
Proceeds from non-operating grants, subsidies and contributions	13,339	4.78%	Timing	No Reportable Variance
Proceeds from disposal of assets	0	0.00%	Timing	No Reportable Variance
Payments for property, plant and equipment and infrastructure	(150,845)	(18.85%)	▼ Timing	SES Rear Verandah, Tamala Camp Fuel Tank and SBDC Gallery Upgrades not included in Budget. Carried over RRG Useless Loop 20-21 capital works finalised in August 2021 and Refuse Site Loader costing more which will be offset by increased sale proceeds of replaced items.
Financing activities				
Proceeds from new debentures	0	0.00%	Timing	No Reportable Variance
Transfer from reserves	0	0.00%	Timing	No Reportable Variance
Repayment of debentures	0	0.00%	Timing	No Reportable Variance
Transfer to reserves	(1,636)	0.00%	Timing	No Reportable Variance

15 DECEMBER 2021

15.2 COMMUNITY BUS
GS00001

AUTHOR

EXECUTIVE MANAGER COMMUNITY DEVELOPMENT

DISCLOSURE OF ANY INTEREST

Nil

Officer Recommendation

Council agrees to waiver the additional cost of the Shark Bay Community Bus hire fees for the Shark Bay Youth Group to attend a Team Building, Leadership and Belonging Camp in Geraldton.

OR

Council does not agree to waiver the additional cost of the Shark Bay Community Bus hire fees for the Shark Bay Youth Group to attend a Team Building, Leadership and Belonging Camp in Geraldton.

Moved Cr Fenny
Seconded Cr Smith

Council Resolution

Council agrees to waiver the additional cost of the Shark Bay Community Bus hire fees for the Shark Bay Youth Group to attend a Team Building, Leadership and Belonging Camp in Geraldton.

6/0 CARRIED

BACKGROUND

The Shark Bay community bus is available for Shark Bay community groups to be used for local and longer-distance travel.

At the September 2013 Ordinary Council Meeting, Council resolved:

- That fees and charges for the hire of Shire resources and facilities be waived when the resources and facilities are being used by not for profit community groups.
- That a maximum of up to \$1,000 per financial year in venue hire and a maximum of \$1,000 in bus use per financial year be introduced for community groups.
- That the Shark Bay School continue to receive the maximum of \$6,000 for bus use.
- That usage is monitored by the Shire administration and periodically reported to Council.

15 DECEMBER 2021

As per the 2021/2022 Fees and Charges, the Shark Bay community bus is charged at \$1.80 per kilometre and in the event of an accident during the period of hire the hirer is liable for the insurance excess of \$300.

COMMENT

To date in the 2021/2022 financial year, the Shark Bay Youth Group has had \$885.60 waived in Shark Bay community bus fees. Additional bookings of the bus for activities in February 2022 will bring the total waived bus fees for the Shark Bay Youth Group to an approximate \$957.60.

On 13 December 2021, the administration staff received a letter from the Shark Bay Youth Group requesting to hire the bus in March 2022, and for the Shire of Shark Bay to waive the additional bus fees, which is an estimated \$1,620.

The bus will be hired for a proposed five night excursion to Geraldton, to take part in a Team Building, Leadership and Belonging Camp. The nominated bus driver for the excursion is a committee member of the Shark Bay Youth Group.

The Shark Bay community bus holds a maximum of twenty passengers, plus one driver, and hiring the bus will allow maximum involvement in the excursion. Participation in the camp will contribute to the youth's mental and physical well-being, and the development of strong networks and support structures within the community.

Should the waiver of the additional Shark Bay community bus fees be approved, the Community Development Officer will encourage Shark Bay Youth Group to include the Shire's logo in any promotional materials (e.g. Inscription Post and Social Media) outlining "Proudly supported by the Shire of Shark Bay".

LEGAL IMPLICATIONS

Section 6.12 Local Government Act 1995

POLICY IMPLICATIONS

Council Policy 8.3 Use of Community Bus adopted by Council on 27 August 2014.

FINANCIAL IMPLICATIONS

Shark Bay Youth Group will be charged \$1.80 per kilometre to hire the Shark Bay Community Bus for any use of the bus over the \$1,000.00 maximum fee waiver. As the Shark Bay Youth Group will have already met the maximum fee waiver for the 2021/2022 financial year, their proposed travel to Geraldton (approximately 900kms) will total approximately \$1,620.00.

If the additional fee waiver of \$1,620.00 is approved, the Shark Bay Youth Group will not be charged this hiring fee.

STRATEGIC IMPLICATIONS

Social Objective: Strong sense of spirit and pride in an inclusive community.

RISK MANAGEMENT

The nominated bus driver of the Shark Bay community bus will be required to complete the application form and sign the declaration upon booking the vehicle.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

VOTING REQUIREMENTS

Absolute Majority Required

SIGNATURES

Executive Manager Community Development *D Wilkes*

Chief Executive Officer *D Chapman*

Date of Report 14 December 2021

15 DECEMBER 2021

Dale Chapman
Chief Executive Office
Shire of Shark Bay
Knight Terrace
DENHAM WA 6537



13th December 2021

Dear Dale,

I am writing to you to seek the continued support of the Shire of Shark Bay for Shark Bay Youth Group.

Shark Bay Youth Group provides a core service for youth and families living in Denham. This is essential to retaining youth and their families in our town.

Shark Bay Youth Group are planning a Team Building, Leadership and Belonging Camp to Geraldton in March 2022. The purpose of the event is to actively encourage the youth here in Shark Bay to take pride in belonging to their group and to build their leadership and team building skills.

Shark Bay Youth Group will have used most of our 2021/2022 free bus usage allocation by March 2022.

We are asking for free bus usage for the Geraldton camp. The bus will be picked up on Thursday 3rd March 2022 and returned on Tuesday 8th March 2022.

If successful, we will include the Shire of Shark Bay's logo and acknowledge your support in our camp documentation.

Looking forward to your reply,

Regards,

R. Moroney

Rebecca Moroney
Chairperson
Shark Bay Youth Group Association Incorporated

15 DECEMBER 2021

Council's Works Manager, Mr Brian Galvin left the Council Chamber at 5.07 pm.

16.0 MATTERS BEHIND CLOSED DOORS

Moved Cr Stubberfield
Seconded Cr Fenny

Council Resolution

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

6/0 CARRIED

16.1 CITIZEN OF THE YEAR AWARDS 2022
CR00001

AUTHOR

Community Development Officer

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Ridgley
Seconded Cr Cowell

Council Resolution

- 1. Council endorse the following individuals or groups for each category of the Shark Bay Citizen of the Year Awards 2022:**
 - a) Shark Bay Citizen of the Year is presented to Mrs Claire Harrower**
 - b) Shark Bay Citizen of the Year (Youth) is presented to Miss Jennifer Moroney**
 - c) Shark Bay Citizen of the Year (Senior) is presented to Mr Chris Rewi**
 - d) Shark Bay Active Citizen Award (for a community group and/or event) is presented to Shark Bay Youth Group**

Council resolution be EMBARGOED until the 26 January 2022.

6/0 CARRIED

16.2 INFORMATION REPORT ON TRADING ON PRIVATE PROPERTY AND THE SHIRE OF SHARK BAY 'ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW
LP00028

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 Vankova

Nature of Interest: Financial Interest as co-owner of Coffee Van.

MINUTES OF THE ORDINARY COUNCIL MEETING

15 DECEMBER 2021

Cr Vankova left the Council Chamber at 5.20 pm.

Moved Cr Stubberfield
Seconded Cr Cowell

Council Resolution

That the recommendation submitted in the confidential report be considered.
5/0 CARRIED

Moved Cr Stubberfield
Seconded Cr Fenny

Council Resolution

That Council note the written advice provided by the Shire's Solicitor on the Shire of Shark Bay 'Activities in thoroughfares and public places and trading Local Laws' in Attachment 3.

5/0 CARRIED

Cr Vankova returned to the Council Chamber at 5.38 pm.

16.3 TERMINATION PAY ENQUIRY RE: LONG SERVICE LEAVE ALLOWANCE ENTITLEMENT
PE00007 LS000502

AUTHOR
Shire President

DISCLOSURE OF ANY INTEREST
Nil

Moved Cr Fenny
Seconded Cr Ridgley

Council Resolution

That the recommendation submitted in the confidential report be considered.
6/0 CARRIED

Moved Cr Ridgley
Seconded Cr Cowell

Author Recommendation

That the Shire does not pay to the previous Chief Executive Officer the Regional/Isolation Allowance as part of the entitlement to pro rata long service leave.

The vote was cast and resulted in a tied vote **3/3 TIED**
The President exercised a casting vote and the item was recorded as **4/3 LOST**
due to ABSOLUTE MAJORITY being required for the final vote.

15 DECEMBER 2021

Moved Cr Stubberfield
Seconded Cr Fenny

Council Resolution

That Council request the administration to seek further clarification on the report and bring back to a Council meeting.

6/0 CARRIED

Moved Cr Fenny
Seconded Cr Smith

Council Resolution

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

6/0 CARRIED

At 6.07 pm the President read aloud the Council decision that had been taken during the time the meeting was closed to the public in accordance with Council's Local Laws relating to Standing Orders clause 12.7(3)(a)(b)(c)(d)(e).

17.0 DATE AND TIME OF NEXT MEETING

The next Ordinary meeting of the Shark Bay Shire Council will be held on 23 February 2022, commencing at 3.00 pm.

18.0 CLOSURE OF MEETING

As there was no further business, the President closed the December 2021 Ordinary Council meeting at 6.08 pm.