

# SHIRE OF SHARK BAY ORDINARY COUNCIL MINUTES

30 MARCH 2011





## DISCLAIMER

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Shark Bay during the course of any meeting is not intended to be an is not to be taken as notice of approval from the Shire of Shark Bay.

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.

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Minutes of the Ordinary meeting of the Shire of Shark Bay Council held in the Council Chamber Denham on 30 March 2011 commencing at 9.02am

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**1.0 DECLARATION OF OPENING**

Meeting was declared open at 9.02am

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

Cr C Cowell	Shire President
Cr G Ridgley	Deputy Shire President
Cr J Hanscombe	
Cr D Pepworth	
Cr B Wake	

Mr P Anderson	Chief Executive Officer
Mr R Towell	Acting Deputy Chief Executive Officer
Mr J McKechnie	Manager Regulatory Services
Mrs R Mettam	Minute Taker

**APOLOGIES**

Cr T Hargreaves	Suspended until 17 June 2011
Cr J McLaughlin	Leave of Absence granted 23/02/11

**VISITORS**

2 Visitors in the gallery

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

Nil

**4.0 PUBLIC QUESTION TIME**

Opened at 9.03am

Mr G Parker thanked the shire for the support shown after the death of his son Tristian Parker

The President thanked Mr Parker for his kind words and extended the Shires condolences on the passing of his son.

**5.0 APPLICATIONS FOR LEAVE**

Cr Wake will be applying for a leave of absence from the 20 April 2011 Council meeting. A report will be put to next council meeting.

**6.0 PETITIONS**

Nil

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**7.0 CONFIRMATION OF MINUTES****7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 FEBRUARY 2011**

Moved           Cr Ridgley  
Seconded       Cr Hanscombe

**Council Resolution**

**That the minutes of the ordinary council meeting held on 23 February 2011, as circulated to all councillors, be confirmed as a true and accurate record.**

**5/0 CARRIED**

**7.2 CONFIRMATION OF THE MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 15 DECEMBER 2010**

Moved           Cr Wake  
Seconded       Cr Ridgley

**Council Resolution**

**That the minutes of the audit committee meeting held on 15 December 2010, as circulated to all councillors, be confirmed as a true and accurate record.**

**5/0 CARRIED**

**7.3 CONFIRMATION OF THE MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 24 JUNE 2009**

Moved           Cr Cowell  
Seconded       Cr Wake

**Council Resolution**

**That the minutes of the audit committee meeting held on 24 June 2009, as circulated to all councillors, be confirmed as a true and accurate record.**

**5/0 CARRIED**

**8.0 ANNOUNCEMENTS BY THE CHAIR**

NIL

**9.0 PRESIDENT'S REPORT**

PR 101

The Chief Executive Officer and I attended a meeting in late February at the Geraldton Museum to exchange information about Dutch-Australian cultural heritage activities in the area.

We spoke with Alec Coles, Chief Executive Officer of the Western Australian Museum, who was also at the event, regarding council's desire to access historical artifacts for future display in the Discovery Centre and were assured that this will occur.

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We also took the opportunity to meet with Ken Baston, MLC Mining and Pastoral and Lyn Genoni from the Department of Premier and Cabinet regarding the planning of an event to celebrate 400 years since Dirk Hartog's landing at Cape Inscription in October 1616. The Premier has appointed Ken to chair the committee which will oversee the events.

Ken was in Denham last week and met with councilors to discuss various issues, including the planning for the Dirk Hartog celebrations, and also flew over the Cape Inscription area to gain an understanding of the logistics and complexities of organising a major event at such a remote site.

The first annual clubs conference was held in Carnarvon on 12/13 of this month and comprised of a two day conference and a dinner. The Community Development Officers from the four shires in the Gascoyne did a excellent job organising the event, which was a great success. The guest speaker was Jason Ackermanis who presented the Volunteer Awards. I encourage all clubs in Shark Bay to nominate a worthy volunteer for next year's awards to acknowledge their valuable contributions.

The Shark Bay Arts Council have once again organised the Art Exhibition on display in the Rose Freycinet Gallery at the Discovery Centre, which commenced on 20 March. I am continually amazed by the breadth of artistic talent which we have in the Bay and encourage you to go along to the Centre and see for yourself!

The Arts Council is in danger of folding if more members cannot be secured to form a committee. There are currently lots of opportunities and funding available to support arts in the Gascoyne Region which cannot be accessed as the Council is not constitutional. Therefore, please go along to the Annual General Meeting, which will be advertised shortly, and join this organisation which is trying to keep arts alive in Shark Bay. You don't have to be 'arty', whatever your skills and expertise they can be readily used.

Moved            Cr Ridgley  
Seconded       Cr Pepworth

### **Council Resolution**

**That the Presidents report for March 2011 be received.**

**5/0 CARRIED**

### **Councilor's Report (President)**

23 February	February Ordinary Council Meeting
24	Dutch-Australian Cultural Heritage forum – Geraldton Museum Meeting with Ken Baston, MLC re 2016 Dirk Hartog event
26	Interview on 6PR radio station re Shark Bay attributes
11 March	Works Committee – road inspections
12	Gascoyne Club Development Awards – Carnarvon
18	Meeting with Ken Baston, MLC to discuss issues, including airline carrier Flight over Cape Inscription with K Baston, Chief Executive Officer and several councilors
20	Official opening of annual Shark Bay Arts Exhibition
23	Gascoyne Regional Planning Committee meeting - Carnarvon
28	Draft Local Planning Strategy – Denham

Moved Cr Ridgley  
 Seconded Cr Pepworth

**Council Resolution**

**That the President's March 2011 report on her activities as a Council representative be received.**

**5/0 CARRIED**

**10.0 COUNCILLORS' REPORTS**

10.1 CR G RIDGLEY  
 CO 511

22 Feb 2011	Attended the Telecentre committee meeting
10 March 2011	Attended Australia Coral Coast meeting in Perth
18 March 2011	Attended luncheon with Hon. Ken Baston MLC Member for Mining and Pastoral Region re: 400 year anniversary of Dirk Hartog's landing - 2016 celebrations also flew to Dirk Hartog Island for inspection of site
20 March 2011	Attended the opening of the Arts Show at the Discovery Centre Lots of miscellaneous meetings, phone calls from residents

Moved Cr wake  
 Seconded Cr Pepworth

**Council Resolution**

**That Councillor Ridgley's March 2011 report on his activities as a Council representative be received.**

**5/0 CARRIED**

10.2 CR B WAKE  
 CO 51

9 March 2011	Attended Carnarvon Rangelands Bio-security Association Inc. – Day spent preparing for the RBG to become operational. Development of Strategic Plan/direction and an operational plan. Worked on the allocation of resources and the budget. Good attendance of Department of Environment and Conservation personnel. Department of Environment and Conservation is a major manager of Pastoral Lands.
18 March 2011	State Conference for Isolated Children's Parents Association. Mary attended as Past President of Southern Gascoyne Branch (help in Perth)  Committee meeting of Shark Bay Pastoral History Group with Sue Graham Taylor, while Mary was in Perth. Pastoral History Book is in the design stage being prepared for printing.

Attended luncheon with Hon. Ken Baston MLC Member for Mining and Pastoral Region re: 400 year anniversary of Dirk Hartog's landing - 2016 celebrations also flew to Dirk Hartog Island for inspection of site

Moved Cr Pepworth  
Seconded Cr Ridgley

**Council Resolution**

**That Councillor Wake's March 2011 report on his activities as a Council representative be received.**

**5/0 CARRIED**

10.3 CR J HANSCOMBE  
CO 514

18 March 2011 Attended the St John's Ambulance meeting which agreed to investigate the feasibility of co-location with VMR and SES.  
Attended luncheon with Hon. Ken Baston MLC Member for Mining and Pastoral Region re: 400 year anniversary of Dirk Hartog's Landing - 2016 celebrations

20 March 2011 Attended the opening of the Arts Show at the Discovery Centre

Moved Cr Ridgley  
Seconded Cr Pepworth

**Council Resolution**

**That Councillor Hanscombe's March 2011 report on his activities as a Council representative be received.**

**5/0 CARRIED**

10.4 CR J MCLAUGHLIN  
CO512  
Nil

10.5 CR D PEPWORTH  
CO 515

11 March 2011 Works Committee – Inspection on the Woodleigh Byro Road and inspected water damage on Carbla Road and Useless Loop Road

19 March 2011 Inspected the Butchers Track also fence line and met up with Cr Wake at Hamelin Station

Moved Cr Ridgley  
Seconded Cr Wake

**Council Resolution**

**That Councillor Pepworth's March 2011 report on his activities as a Council representative be received.**

**5/0 CARRIED**

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**11.0 ADMINISTRATION REPORT****11.1 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN****Author**

Chief Executive Officer

**Disclosure of Any Interest**

Nil

Moved            Cr Ridgley  
Seconded       Cr Pepworth

**Council Resolution**

**That Council adopt the Local Government Compliance Audit Return for the period 1 January 2010 to 31 December 2010 as completed and return it to the Department of Local Government as a true and correct record of the information contained therein.**

**5/0 CARRIED**

**Comments**

The Local Government Compliance Audit Return was presented to the Ordinary Council meeting on the 23 February 2011. Council asked for adjustments to be made to this report and for the report to be re-presented to the March 2011 meeting. These adjustments have now been made and are presented to Council for approval.

There are a few areas that the shire has not fully complied with the Local Government Act and Regulations. In the comments column these issues have been explained.

**Background**

The Statutory Compliance Audit Return for the period 1 January 2010 to 31 December 2010 is due. Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* require all local governments to complete the Statutory Compliance Audit Return.

The Compliance Audit Return is to be -

- 1       Presented to Council at a meeting of the Council.
- 2       Adopted by the Council.
- 3       The adoption recorded in the minutes of the meeting at which it is adopted.

After the Compliance Audit Return has been presented to the Council a certified copy of the Return along with the relevant section of the minutes and any additional information explaining or qualifying the Compliance Audit is to be submitted to the Director General, Department of Local Government by 31 March 2010.

The Compliance Audit Return has been completed and needs to be checked and adopted by Council.

A certified copy of the Return is to be submitted by 31 March 2010 to the Department of Local Government.

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The Compliance Return is an excellent internal control to assess the Shire of Shark Bay's statutory compliance.

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

### Shark Bay - Compliance Audit Return 2010

#### Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government together with a copy of section of relevant minutes.

Caravan Parks and Camping Grounds					
No	Reference	Question	Response	Comments	Respondent
1	s21(1) Caravan Parks and Camping Grounds Act 1995	Did the local government inspect each caravan park or camping ground in its district within the period 1 July 2009 to 30 June 2010.	Yes		Peter Tiggemann
2	s14(1) of the Caravans and Camping Grounds Act 1995	Did you keep a register of caravan park licences. (For the return period)	Yes		Peter Tiggemann

Cemeteries					
No	Reference	Question	Response	Comments	Respondent
1	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all burials in the cemetery, including details of the names and descriptions of the deceased persons and location of the burial. (For the return period)	Yes		Peter Tiggemann
2	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all grants of right of burial in the cemetery, including details of assignments or bequests of grants. (For the return period)	Yes		Peter Tiggemann
3	s40(2) Cemeteries Act 1986	Have plans been kept and maintained showing the location of all burials registered in as above.	Yes		Peter Tiggemann

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2010.	N/A	Sale of land to the State Government for \$900,000. Exempt under Sec 3.58 LG Act and Reg 30 of LG F & G Regulations.	Peter Tiggemann
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2010.	N/A		Peter Tiggemann
3	s3.59(2)(a)(b)(c) F&G Reg 7,11	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2010.	N/A		Peter Tiggemann
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2010.	N/A		Peter Tiggemann
5	s3.59(5)	Did the Council, during 2010, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	Yes		Peter Tiggemann

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A	There were no delegations made to committees.	Peter Tiggemann
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A		Peter Tiggemann
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A		Peter Tiggemann
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A		Peter Tiggemann
5	s5.18	Has Council reviewed delegations to its committees in the 2009/2010 financial year.	No		Peter Tiggemann
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Peter Tiggemann
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Peter Tiggemann
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Peter Tiggemann
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	No	There we no delegations to employees by the CEO recorded	Rhonda Mettam
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	N/A		Peter Tiggemann
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Peter Tiggemann
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2009/2010 financial year.	Yes		Peter Tiggemann
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	N/A		Peter Tiggemann

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes	With the exception of Impartiality Interests	Rhonda Mettam
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	Yes		Peter Tiggemann

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Peter Tiggemann
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	No	One Councillor did not put a return in until the 27 Jan 2010, 1 day late.	Peter Tiggemann
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes		Peter Tiggemann
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2010.	Yes		Peter Tiggemann
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2010.	Yes		Peter Tiggemann
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Peter Tiggemann
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	No	This was not being maintained at the time but since this reporting period this has been rectified.	Peter Tiggemann
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Peter Tiggemann
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Peter Tiggemann
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Peter Tiggemann
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Rhonda Mettam
14	s5.66(b)	Did the person presiding at a meeting, on all occasions, when given a member's written financial interest disclosure by the CEO, bring its contents to the attention of persons present immediately before any matters to which the disclosure relates were discussed.	Yes		Rhonda Mettam

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

No	Reference	Question	Response	Comments	Respondent
15	s5.71(a)	Did the CEO disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	Yes		Peter Tiggemann
16	5.71(b)	Did an employee disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	Yes		Peter Tiggemann
17	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	N/A		Peter Tiggemann
18	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes		Peter Tiggemann
19	s5.66(a)	Did the CEO, on all occasions, where a council member gave written notice of a disclosure of interest before a meeting, cause that notice to be given to the person who presided at the meeting.	Yes		Peter Tiggemann
20	s5.71	On all occasions were delegated powers and duties not exercised by employees that had an interest in the matter to which the delegated power or duty related.	Yes		Peter Tiggemann

Disposal of Property					
No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	N/A	The shire sold an allotment of land to the state government which was exempt from these sections. LG Act Sec 3.58 (5) Reg 30 F & A	Peter Tiggemann
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	N/A		Peter Tiggemann

#### Elections

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

No	Reference	Question	Response	Comments	Respondent
1	s4.17(3)	Was approval sought from the Electoral Commissioner where council allowed a vacancy to remain unfilled as a result of a councillor's position becoming vacant under s2.32 and in accordance with s4.17(3)(a) & (b).	N/A		Rhonda Mettam
2	s4.20(2)	Did the local government appoint a person other than the CEO to be the returning officer of the local government for an election or all other elections held while that appointment applied, after having written agreement of the person concerned and the Electoral Commissioner.	N/A		Peter Tiggemann
3	s4.20(4)	Did the local government declare the electoral commissioner to be responsible for the conduct of an election, after having first obtained the written agreement of the Electoral Commissioner.	N/A		Peter Tiggemann
4	s4.20(5)	Where a declaration has not already been made, was a declaration made under s4.20(4) prior to the 80th day before election day.	N/A		Peter Tiggemann
5	s4.32(4)	Did the CEO, within 14 days after receiving a claim for enrolment, decide whether the claimant was eligible or not eligible under s4.30(1)(a)&(b) and accept or reject the claim accordingly.	N/A		Peter Tiggemann
6	s4.32(6) Elect Reg 13	Did the CEO record on all occasions the decision in the owners and occupiers register in accordance with Regulation 13 of the Local Government (Elections) Regulations 1997 and give written notice of the decision to the claimant without delay, for eligibility to enrol.	N/A		Peter Tiggemann
7	s4.35(2)	Did the CEO give written notice to the person before making a decision under subsection (1)(c) and allow 28 days for the person to make submissions on the matter.	N/A		Peter Tiggemann
8	s4.35(3)	Did the CEO, after making a decision under subsection (1)(c), give written notice of it to the person.	N/A		Peter Tiggemann
9	s4.35(5)	Did the CEO, on receipt of advice of the Electoral Commissioner's decision on an appeal, take any action necessary to give effect to that decision.	N/A		Peter Tiggemann
10	s4.35(6)	Did the CEO give written notice on all occasions to the person, where after considering submissions made under subsection 2, the CEO decided that the person was still eligible under s4.30 to be enrolled to vote at elections for the district or ward.	N/A		Peter Tiggemann
11	s4.35(7)	Did the CEO, on all occasions, record any decision under subsection (1) or (6) in the register referred to in section 4.32(6).	N/A		Peter Tiggemann

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

No	Reference	Question	Response	Comments	Respondent
12	s4.39(2)	Did the CEO on or after the 70th day, but no later than the 56th day give statewide public notice of the time and date of the close of enrolments.	N/A		Peter Tiggemann
13	s4.41(1)	Did the CEO prepare an owners and occupiers roll for the election on or before the 36th day before election day.	N/A		Peter Tiggemann
14	s4.41(2)	Did the CEO certify that the owners and occupiers roll included the names of all persons who were electors of the district or ward under s4.30 at the close of enrolments.	N/A		Peter Tiggemann
15	s4.43(1)	Where the CEO was returning officer (RO) and the rolls were not consolidated, did the RO delete the names of any person from the owners and occupiers roll whose name also appeared on the residents roll, on or before the 22nd day before election day.	N/A		Peter Tiggemann
16	s4.47(1)	Where the CEO was returning officer (RO), did the RO give statewide public notice calling for nominations of candidates for the election on or after the 56th day but no later than the 45th day before election day.	N/A		Peter Tiggemann
17	s4.47(2)(a)	Did the notice referred to in s4.47(1) calling for nominations specify the kind of election to be held and the vacancy or vacancies to be filled.	N/A		Peter Tiggemann
18	s4.47(2)(b)	Did the notice referred to in s4.47(1) calling for nominations specify the place where nominations may be delivered or sent.	N/A		Peter Tiggemann
19	s4.47(2)(c)	Did the notice referred to in s4.47(1) calling for nominations specify the period within which nominations have to be delivered or sent.	N/A		Peter Tiggemann
20	s4.47(2)(d)	Did the notice referred to in s4.47(1) calling for nominations specify any other arrangements made for the receipt by the returning officer of nominations.	N/A		Peter Tiggemann
21	s4.61(2)	Did the Council of the local government, where it decided to conduct the election as a postal election, make that decision by absolute majority.	N/A		Peter Tiggemann
22	s4.61(3)	Where a decision was made under s4.61(2) and a relevant declaration had not already been made, was that decision made prior to the 80th day before election day.	N/A		Peter Tiggemann

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No	Reference	Question	Response	Comments	Respondent
23	s4.64	Where the CEO was returning officer (RO), did the RO give Statewide public notice (election notice) as soon as practicable after preparations for the election, but no later than on the 19th day before election day, in accordance with regulations that included details of how, when and where the election will be conducted and the names of the candidates.	N/A		Peter Tiggemann
24	Elect Reg 7	Did a person, before acting as an electoral officer, make the required declaration as stated in local government election regulation 7.	N/A		Peter Tiggemann
25	Elect Reg 8(2)	Where the CEO was returning officer (RO), did the RO prepare and adopt a Code of Conduct for the 2010 Extraordinary Elections.	N/A		Peter Tiggemann
26	Elect Reg 8(3)	Where the CEO was returning officer (RO), did the RO provide each electoral officer a copy or access to a copy of the electoral code of conduct for the 2010 Extraordinary Elections.	N/A		Peter Tiggemann
27	Elect Reg 13(1)	Has the relevant information as listed in Election Reg 13 been recorded in the owners and occupiers register.	N/A		Peter Tiggemann
28	Elect Reg 13(4)	Did the CEO amend the register from time to time to make sure that the information recorded in it is accurate.	N/A		Peter Tiggemann
29	Elect Reg 17	Did the local government keep an enrolment eligibility claim form, if accepted, a copy of a notice of acceptance for 2 years after the claim and notice expired, and a copy of a notice of rejection for 2 years after the claim was rejected.	Yes		Peter Tiggemann
30	Elect Reg 26(4)	Did the CEO or an employee of the local government appointed as Returning Officer keep the deposit referred to in s4.49(d) separate from other money and credited to a fund of the local government.	N/A		Peter Tiggemann
31	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	No	However, no disclosure of gifts was received.	Peter Tiggemann
32	Elect Reg 30G(3)	Did the CEO remove any "disclosure of gifts" forms completed by unsuccessful candidates from the electoral gift register in accordance with the period under regulation 30C and retain those forms separately for a period of at least 2 years.	N/A		Peter Tiggemann
33	Elect Reg 30H	Has the electoral gift register been kept at the appropriate local government offices.	No	However no disclosure of gifts was received.	Peter Tiggemann

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No	Reference	Question	Response	Comments	Respondent
34	Elect Reg 40	Has a postal voters register been kept of electors whose applications are under regulation 37(1)(b) and are accepted under regulation 38(1), which contains the enrolment details of each elector included on it and any ward in respect of which the elector is registered.	N/A	Shire conducted a full postal vote.	Peter Tiggemann
35	Elect Reg 81	Was the report relating to an election under s4.79 provided to the Minister within 14 days after the declaration of the result of the election.	N/A		Peter Tiggemann

#### Executive Functions

No	Reference	Question	Response	Comments	Respondent
1	s3.18(3)(a)	Has the local government satisfied itself that the services and facilities that it provides ensure integration and co-ordination of services and facilities between governments.	Yes	The shire cooperates with many government agencies in a range of services. Government departments include DEC, Fisheries, DOT, Regional development, Police and Sport & Recreation.	Peter Tiggemann
2	s3.32(1)	Was a notice of intended entry given to the owner or occupier of the land, premises or thing that had been entered.	N/A		Peter Tiggemann
3	s3.50	Did the local government close a thoroughfare wholly or partially for a period not exceeding 4 weeks under the guidelines of 3.50.	N/A		Rhonda Mettam
4	s3.18(3)(b)	Has the local government satisfied itself that the services and facilities that it provides avoid unnecessary duplication of services or competition particularly with the private sector.	Yes	The shire operates a Tourist Information Centre which sell ticket for various tourist activities and accommodation. There are other businesses that provide similar service but do not have the full range as the Tourist Information centre does.	Peter Tiggemann
5	s3.18(3)(c)	Has the local government satisfied itself that the services and facilities that it provides ensure services and facilities are properly managed.	Yes	The shire have experienced senior staff, through this experience they have the knowledge to determine the efficiency of services and facilities provided.	Peter Tiggemann
6	s3.40A(1)	Where in the opinion of the local government a vehicle was an abandoned vehicle wreck, was it removed and impounded by an employee authorised (for that purpose) by the local government.	N/A		Peter Tiggemann

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No	Reference	Question	Response	Comments	Respondent
7	s3.40A(2)	Where the owner of the vehicle was identified within 7 days after its removal under s3.40A(1), did the local government give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice.	N/A		Peter Tiggemann
8	s3.40A(3)	Where notice was given under s3.40A (2) did it include a short statement of the effect of subsection (4)(b) and the effect of the relevant provisions of sections 3.46 and 3.47.	N/A		Peter Tiggemann
9	s3.51(3)	Did the local government give notice of what is proposed to be done giving details fo the proposal and inviting submissions from any person who wishes to make a submission and allow a reasonable time for submissions to be made and consider any submissions made.	N/A		Peter Tiggemann
10	s3.52(4)	Has the local government kept plans for the levels and alignments of public thoroughfares that are under its control or mangement, and made those plans available for public inspection.	Yes		Peter Tiggemann
11	s3.32(2)	Did the notice of intended entry specify the purpose for which the entry was required.	N/A		Peter Tiggemann
12	s3.32(3)	Was the notice of intended entry given not less than 24 hours before the power of entry was exercised.	N/A		Peter Tiggemann

Finance					
No	Reference	Question	Response	Comments	Respondent
1	s5.53, Admin Reg 19B	Has the local government prepared an annual report for the financial year ended 30 June 2010 that contained the prescribed information under the Act and Regulations.	Yes		Peter Tiggemann
2	s5.54(1), (2)	Was the annual report accepted by absolute majority by the local government by 31 December 2010.	Yes	Council accepted report on the 24th November 2010 by Absolute Majority.	Peter Tiggemann
3	s5.54(1), (2)	Where the Auditor's report was not available in time for acceptance by 31 December, was it accepted no more than two months after the Auditor's report was made available.	N/A		Peter Tiggemann
4	s5.55	Did the CEO give local public notice of the availability of the annual report as soon as practicable after the local government accepted the report.	Yes		Peter Tiggemann
5	s5.56 Admin Reg 19C(2)	Has the local government made a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).	Yes		Peter Tiggemann

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No	Reference	Question	Response	Comments	Respondent
6	Admin Reg 19D	After a plan for the future, or modifications to a plan were adopted under regulation 19C, did the local government give public notice in accordance with subsection (2).	Yes		Peter Tiggemann
7	s5.94, s5.95	Did the local government allow any person attending the local government during office hours to inspect information, free of charge, listed in s5.94 of the Act and subject to s5.95 whether or not the information was current at the time of inspection.	Yes		Peter Tiggemann
8	s5.96	Where a person inspected information under Part 5, Division 7 of the Act and requested a copy of that information, did the local government ensure that copies were available at a price that did not exceed the cost of providing those copies.	Yes		Peter Tiggemann
9	s5.98 Admin Reg 30	Was the fee made available to elected members for attending meetings within the prescribed range.	Yes		Peter Tiggemann
10	s5.98 Admin Reg 31	Was the reimbursement of expenses to elected members within the prescribed ranges or as prescribed.	Yes		Peter Tiggemann
11	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it resolved by absolute majority.	N/A		Rhonda Mettam
12	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it up to (or below) the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98 (5).	N/A		Rhonda Mettam
13	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it resolved by absolute majority.	Yes		Peter Tiggemann
14	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it within the prescribed range.	Yes		Peter Tiggemann
15	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it resolved by absolute majority.	Yes		Peter Tiggemann
16	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it within the prescribed range.	Yes		Peter Tiggemann

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No	Reference	Question	Response	Comments	Respondent
17	s5.100 (1)	Did the local government pay a fee for attending committee meetings only to a committee member who was a council member.	N/A		Rhonda Mettam
18	s5.100 (2)	Where the local government decided to reimburse a committee member, who was not a council member or employee, for an expense incurred by the person in relation to a matter affecting the local government, was it within the prescribe range.	N/A	Council dose not pay a committe member who is not a member.	Rhonda Mettam
19	s6.8	Was expenditure that the local government incurred from its municipal fund, but not included in its annual budget, authorised in advance on all occasions by absolute majority resolution.	N/A		Peter Tiggemann
20	s6.8(1)(c)	Did the Mayor or President authorise expenditure from the municipal fund in an emergency. (Please Indicate circumstances in the "Comments" column)	No		Peter Tiggemann
21	s6.8	In relation to expenditure that the local government incurred from its municipal fund that was authorised in advance by the mayor or president in an emergency, was it reported on all occasions to the next ordinary meeting of council.	N/A		Peter Tiggemann
22	s6.12, 6.13, 6.16 (1),(3)	Did Council at the time of adopting its budget, determine the granting of a discount or other incentive for early payment by absolute majority.	Yes		Peter Tiggemann
23	s6.12, 6.13, 6.16 (1),(3)	Did Council determine the setting of an interest rate on money owing to Council by absolute majority.	Yes		Peter Tiggemann
24	s6.12, 6.13, 6.16 (1),(3)	Did Council determine to impose or amend a fee or charge for any goods or services provided by the local government by absolute majority. (Note: this applies to money other than rates and service charges).	Yes		Peter Tiggemann
25	s6.17(3)	Were the fees or charges imposed for receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate, limited to the cost of providing the service or goods.	Yes		Peter Tiggemann
26	s6.17(3)	Were the fees or charges imposed for any other service prescribed in section 6.16 (2)(f), limited to the cost of providing the service or goods.	Yes		Peter Tiggemann
27	s6.19	After the budget was adopted, did the local government give local public notice for all fees and charges stating its intention to introduce the proposed fees or charges and the date from which it proposed to introduce the fees or charges.	No	No public notice was given	Rhonda Mettam

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No	Reference	Question	Response	Comments	Respondent
28	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow, was the Council decision to exercise that power by absolute majority (Only required where the details of the proposal were not included in the annual budget for that financial year).	N/A		Peter Tiggemann
29	S6.76(6)	Was the outcome of an objection under section 6.76(1) promptly conveyed to the person who made the objection including a statement of the local government's decision on the objection and its reasons for that decision.	Yes		Peter Tiggemann
30	FM Reg 5	Has efficient systems and procedures been established by the CEO of a local government as listed in Finance Reg 5.	Yes		Peter Tiggemann
31	FM Reg 6	Has the local government ensured that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for conducting an internal audit or reviewing the discharge of duties by that employee.	Yes		Peter Tiggemann
32	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		Peter Tiggemann
33	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	Yes		Peter Tiggemann
34	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Peter Tiggemann
35	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes		Peter Tiggemann
36	s7.3	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		Peter Tiggemann

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No	Reference	Question	Response	Comments	Respondent
37	s7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	Yes	There were two matters raised by the auditor, (1) List of accounts for payment. This has now been rectified and reporting on the list of accounts paid is now being presented to Council. (2) Budget Review not submitted to the department within 30 days following adoption. This has been noted by staff and will be presented by staff on time in the future.	Peter Tiggemann
38	s7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	Yes	The two issues were reported to the Audit committee.	Peter Tiggemann
39	s7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	No	The matters from the 2008-09 were not reported to the minister however this will be rectified.	Peter Tiggemann
40	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Rhonda Mettam
41	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Peter Tiggemann
42	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Peter Tiggemann
43	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Peter Tiggemann
44	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Peter Tiggemann

Local Government Employees

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No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	Yes	Approved WALGA to conduct recruitment process.  Min 19.2, Ord. Meeting 26 May 2010.	Peter Tiggemann
2	s5.36(4) s5.37(3)	Were all vacancies for the position of CEO and for designated senior employees advertised.	Yes	Advertised in the Western Australia 5th June 2010	Peter Tiggemann
3	s5.36(4) s5.37(3) Admin Reg 18A(1)	Did the local government advertise for the position of CEO and for designated senior employees in a newspaper circulated generally throughout the State.	Yes	Advertised in the Western Australia 5th June 2010	Peter Tiggemann
4	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the remuneration and benefits offered.	Yes		Peter Tiggemann
5	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the place where applications for the position were to be submitted.	Yes		Peter Tiggemann
6	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees detail the date and time for closing of applications.	Yes		Peter Tiggemann
7	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees indicate the duration of the proposed contract.	Yes		Peter Tiggemann
8	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees provide contact details of a person to contact for further information.	Yes		Peter Tiggemann
9	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A		Peter Tiggemann
10	s5.38	Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment.	No	There were two senior employees that were not reviewed within the 12 month period, this has been rectified since the appointment a new CEO.	Peter Tiggemann
11	Admin Reg 18D	Where Council considered the CEO's performance review did it decide to accept the review with or without modification (if Council did not accept the review, the preferred answer is N/A & refer Q12).	Yes	No review, due to resignation of CEO in May 2010	Peter Tiggemann
12	Admin Reg 18D	Where the Council considered the CEO's performance review, but decided not to accept the review, did it decide to reject the review (if Council accepted the review, the preferred answer is N/A refer Q11).	N/A		Peter Tiggemann

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No	Reference	Question	Response	Comments	Respondent
13	s5.39	During the period covered by this Return, were written performance based contracts in place for the CEO and all designated senior employees who were employed since 1 July 1996.	Yes		Peter Tiggemann
14	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date. This amount is the lesser of the value of one year's remuneration under the contract.	Yes		Peter Tiggemann
15	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of the remuneration they would be entitled to had the contract not been terminated.	No	Contract for CEO complis. Contracts for Senior Officers does not meet this criteria	Rhonda Mettam
16	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract or award.	Yes		Peter Tiggemann
17	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the manner of assessment of an additional amount.	Yes		Peter Tiggemann
18	s5.50(2)	Did the local government give public notice on all occasions where council made a payment that was more than the additional amount set out in its policy.	N/A		Peter Tiggemann
19	s5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of employees of the local government entitled to an annual salary of \$100,000 or more.	Yes		Peter Tiggemann
20	s5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of those employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000.	Yes		Peter Tiggemann
21	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	Yes		Peter Tiggemann
22	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	Yes		Peter Tiggemann

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No	Reference	Question	Response	Comments	Respondent
23	Admin Reg 33	Was the allowance paid to the mayor or president for the purposes of s5.98 (5) within the prescribed range.	Yes		Peter Tiggemann

**Local Laws**

No	Reference	Question	Response	Comments	Respondent
1	s3.12(2) F&G Reg 3	On each occasion that Council resolved to make a local law, did the person presiding at the Council meeting give notice of the purpose and effect of each proposed local law in the manner prescribed in Functions and General Regulation 3.	N/A		Peter Tiggemann
2	s3.12(4)	Have all Council's resolutions to make local laws been by absolute majority.	N/A		Peter Tiggemann
3	s3.12(4)	Have all Council's resolutions to make local laws been recorded as such in the minutes of the meeting.	N/A		Peter Tiggemann
4	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice summarising the purpose and effect of the local law and the day on which it came into operation.	N/A		Peter Tiggemann
5	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice advising that copies of the local law may be inspected or obtained from its office.	N/A		Peter Tiggemann
6	s3.16(1)	Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years.	No	The review of Local Laws was not completed within the eight years. They are still currently being reviewed	Rhonda Mettam
7	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice stating that it intended to review the local law.	N/A		Peter Tiggemann
8	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice advising that a copy of the local law could be inspected or obtained at the place specified in the notice.	N/A		Peter Tiggemann
9	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice detailing the closing date for submissions about the local law.	N/A		Peter Tiggemann

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No	Reference	Question	Response	Comments	Respondent
10	s3.16(3)	Did the local government (after the last day for submissions) prepare a report of the review and have it submitted to Council.	N/A		Peter Tiggemann
11	s3.16(4)	Was the decision to repeal or amend a local law determined by absolute majority on all occasions.	N/A		Peter Tiggemann

**Meeting Process**

No	Reference	Question	Response	Comments	Respondent
1	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council was it by Council resolution.	Yes		Peter Tiggemann
2	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council, was it recorded in the minutes of the meeting at which the leave was granted.	Yes		Peter Tiggemann
3	s2.25(3)	Where Council refused to grant leave to a member from attending 6 or less consecutive ordinary meetings of Council, was the reason for refusal recorded in the minutes of the meeting.	N/A		Peter Tiggemann
4	s2.25(2)	Was Ministerial approval sought (on all occasions) before leave of absence was granted to an elected member in respect of more than 6 consecutive ordinary meetings of council.	N/A		Peter Tiggemann
5	s5.4	On all occasions when the mayor or president called an ordinary or special meeting of Council, was it done by notice to the CEO setting out the date and purpose of the proposed meeting;	Yes		Peter Tiggemann
6	s5.5	On all occasions when councillors called an ordinary or special meeting of Council was it called by at least 1/3 (one third) of the councillors, by notice to the CEO setting out the date and purpose of the proposed meeting.	N/A		Peter Tiggemann
7	s5.5(1)	Did the CEO give each council member at least 72 hours notice of the date, time, place and an agenda for each ordinary meeting of Council.	Yes		Peter Tiggemann
8	s5.5(2)	Did the CEO give each council member notice before the meeting, of the date, time, place and purpose of each special meeting of Council.	Yes		Peter Tiggemann
9	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member needed for a quorum at a Council meeting	N/A		Peter Tiggemann

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No	Reference	Question	Response	Comments	Respondent
10	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member required for absolute majorities.	N/A		Peter Tiggemann
11	s5.8	Did the local government ensure all Council committees (during the review period) were established by an absolute majority.	Yes		Peter Tiggemann
12	s5.10(1)(a)	Did the local government ensure all members of Council committees, during the review period, were appointed by an absolute majority (other than those persons appointed in accordance with section 5.10 (1)(b)).	Yes		Peter Tiggemann
13	s5.10(2)	Was each Council member given their entitlement during the review period, to be appointed as a committee member of at least one committee, as referred to in section 5.9(2)(a) & (b) of the Act.	Yes		Peter Tiggemann
14	s5.12(1)	Were Presiding members of committees elected by the members of the committees (from amongst themselves) in accordance with Schedule 2.3, Division 1 of the Act.	Yes		Peter Tiggemann
15	s5.12(2)	Were Deputy presiding members of committees elected by the members of the committee (from amongst themselves) in accordance with Schedule 2.3 Division 2 of the Act.	Yes		Peter Tiggemann
16	s5.15	Where the local government reduced a quorum of a committee meeting, was the decision made by absolute majority on each occasion.	Yes		Peter Tiggemann
17	s5.21 (4)	When requested by a member of Council or committee, did the person presiding at a meeting ensure an individual vote or the vote of all members present, were recorded in the minutes.	Yes		Peter Tiggemann
18	s5.22(1)	Did the person presiding at a meeting of a Council or a committee ensure minutes were kept of the meeting's proceedings.	Yes		Peter Tiggemann
19	s5.22(2)(3)	Were the minutes of all Council and committee meetings submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation.	Yes		Peter Tiggemann
20	s5.22(2)(3)	Were the minutes of all Council and committee meetings signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed.	Yes		Peter Tiggemann
21	s5.23 (1)	Were all council meetings open to members of the public (subject to section 5.23(2) of the Act).	Yes		Peter Tiggemann

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No	Reference	Question	Response	Comments	Respondent
22	s5.23 (1)	Were all meetings of committees to which a power or duty had been delegated open to members of the public (subject to section 5.23(2) of the Act).	Yes		Peter Tiggemann
23	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public, in accordance with the Act.	Yes		Peter Tiggemann
24	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public recorded in the minutes of that meeting.	Yes		Peter Tiggemann
25	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every ordinary meeting of Council.	Yes		Peter Tiggemann
26	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every special meeting of Council.	Yes		Peter Tiggemann
27	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every meeting of a committee to which the local government has delegated a power or duty.	Yes		Peter Tiggemann
28	Admin Reg 8	Was a period of 30 minutes allowed from the advertised commencement time before any Council or committee was adjourned due to the lack of a quorum.	N/A		Peter Tiggemann
29	Admin Reg 9	Was voting at Council or committee meetings conducted so that no vote was secret.	Yes		Peter Tiggemann
30	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in the case where an attempt to revoke or change the decision had been made within the previous 3 months but failed, by an absolute majority.	Yes		Peter Tiggemann
31	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in any other case, by at least one third of the number of officers of member (whether vacant or not) of the Council or committee.	Yes		Peter Tiggemann
32	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made (in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority), by that kind of majority.	Yes		Peter Tiggemann

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

No	Reference	Question	Response	Comments	Respondent
33	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made in any other case, by an absolute majority.	Yes		Peter Tiggemann
34	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include the names of members present at the meeting.	Yes		Peter Tiggemann
35	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include where a member entered or left the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting.	Yes		Peter Tiggemann
36	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each motion moved at the meeting, including details of the mover and outcome of the motion.	Yes		Peter Tiggemann
37	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each decision made at the meeting.	Yes		Peter Tiggemann
38	Admin Reg 11	Did the contents of the minutes of all Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision.	No	Min. 19.2, 24 Feb 2010 (Planning Decision) Min. 16.1, 28 Apl 2010 (Barnard Street) Min 17.2, 28 Apl 2010 (Jetty Fenders) Min 11.2, 30 June 2010 (Relocate Telecentre) Min. 12.6, 30 June 2010 (President Allowance) Min. 12.7, 30 June 2010 (Dep. Pres Allowance) Min. 12.8, June 2010 (Reimb Crs. Expenses) Min. 16.1 June 2010 (Refuse Centre Contract) Reasons not recorded for changes to Officers decisionfor items listed above	Rhonda Mettam
39	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include a summary of each question raised by members of the public and a summary of the response given.	Yes		Peter Tiggemann
40	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include in relation to each disclosure made under sections 5.65 or 5.70, where the extent of the Interest has been disclosed, the extent of the interest.	Yes		Peter Tiggemann
41	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of ordinary Council meetings.	Yes		Peter Tiggemann

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No	Reference	Question	Response	Comments	Respondent
42	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public.	Yes		Peter Tiggemann
43	Admin Reg 12(2)	Did the local government give local public notice of any changes to the dates, time or places referred to in the question above.	N/A		Peter Tiggemann
44	Admin Reg 12(3) (4)	In the CEO's opinion, where it was practicable, were all special meetings of Council (that were open to members of the public) advertised via local public notice.	Yes		Peter Tiggemann
45	Admin Reg 12(3) (4)	Did the notice referred to in the question above include details of the date, time, place and purpose of the special meeting.	Yes		Peter Tiggemann
46	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all Council meetings within 10 business days after the Council meetings.	Yes		Peter Tiggemann
47	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings.	Yes		Peter Tiggemann
48	Admin Reg 14(1) (2)	Were notice papers, agenda and other documents relating to any Council or committee meeting, (other than those referred to in Admin Reg 14(2)) made available for public inspection.	Yes		Peter Tiggemann
49	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (by means of audio, telephone or other instantaneous contact) as provided for in Administration Regulation 14A, did the Council approve of the arrangement by absolute majority.	Yes		Peter Tiggemann
50	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (as provided for in Administration Regulation 14A) was the person in a suitable place as defined in Administration Regulation 14A(4)	Yes		Peter Tiggemann
51	s5.27(2)	Was the annual general meeting of electors held within 56 days of the local government's acceptance of the annual report for the previous financial year.	Yes		Peter Tiggemann

Department of Local Government - Compliance Audit Return



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No	Reference	Question	Response	Comments	Respondent
52	s5.29	Did the CEO convene all electors' meetings by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time, place and purpose of the meeting.	Yes		Peter Tiggemann
53	s5.32	Did the CEO ensure the minutes of all electors' meetings were kept and made available for public inspection before the Council meeting at which decisions made at the electors' meeting were first considered.	Yes		Peter Tiggemann
54	s5.33(1)	Were all decisions made at all electors' meetings considered at the next ordinary Council meeting, or, if not practicable, at the first ordinary Council meeting after that, or at a special meeting called for that purpose.	Yes		Peter Tiggemann
55	s5.33(2)	Were the reasons for Council decisions in response to decisions made at all electors' meetings recorded in the minutes of the appropriate Council meeting.	Yes		Peter Tiggemann
56	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Peter Tiggemann

#### Miscellaneous Provisions

No	Reference	Question	Response	Comments	Respondent
1	s9.4	Has each person who received an unfavourable decision from Council, or from an employee of the local government exercising delegated authority, (that is appealable under Part 9 of the Act) been informed of his or her right to object and appeal against the decision.	N/A		Peter Tiggemann
2	s9.29(2)(b)	On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO.	N/A		Peter Tiggemann
3	s9.6(5)	Did the local government ensure that the person who made the objection was given notice in writing of how it has been decided to dispose of the objection and the reasons why.	N/A		Peter Tiggemann

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Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	N/A		Peter Tiggemann
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	No	Currently being Upgraded	Peter Tiggemann
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	No	Currently being Upgraded	Peter Tiggemann
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	No	Currently being Upgraded	Peter Tiggemann
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	No	Currently being Upgraded	Peter Tiggemann
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) (c).	No	Currently being Upgraded	Peter Tiggemann
Swimming Pools					
No	Reference	Question	Response	Comments	Respondent
1	s245A(5)(aa) LG (MiscProv) Act 1960	Have inspections of known private swimming pools, either been, or are proposed to be, carried out as required by section 245A(5)(aa) of the Local Government (Miscellaneous Provisions) Act 1960.	Yes		Peter Tiggemann
Tenders for Providing Goods and Services					

Department of Local Government - Compliance Audit Return



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Department of Local Government

No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	No	The refuse reserve maintenance contract became due after the five year contract expired. Council decided to re-appoint the contractor for a twelve month period at a value in excess of \$100,000.  A project funded by royalties for region exceeded the tender quotation.  Both of these incidents were mentioned in the Shire audit report.	Rhonda Mettam
2	F&G Reg 12	Has the local government, as far as it is aware, only entered into a single contract rather than multiple contracts so as to avoid the requirements to call tenders in accordance with F&G Reg 11 (1).	No		Peter Tiggemann
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Peter Tiggemann
4	F&G Reg 14(3)	Did all the local government's Invitations to tender include a brief description of the goods and services required and contact details for a person from whom more detailed information could be obtained about the tender.	Yes		Peter Tiggemann
5	F&G Reg 14(3)	Did all the local government's invitations to tender include information as to where and how tenders could be submitted.	Yes		Peter Tiggemann
6	F&G Reg 14(3)	Did all the local government's invitations to tender include the date and time after which tenders would not be accepted.	Yes		Peter Tiggemann
7	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers concerning detailed specifications of the goods or services required.	Yes		Peter Tiggemann
8	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers of the criteria for deciding which tender would be accepted.	Yes		Peter Tiggemann
9	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers about whether or not the local government had decided to submit a tender.	Yes		Peter Tiggemann

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No	Reference	Question	Response	Comments	Respondent
10	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers on whether or not tenders were allowed to be submitted by facsimile or other electronic means and if so, how tenders were to be submitted.	Yes		Peter Tiggemann
11	F&G Reg 14(3)(4)	Did the local government ensure all prospective tenderers had any other information that should be disclosed to those interested in submitting a tender.	Yes		Peter Tiggemann
12	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	N/A		Peter Tiggemann
13	F&G Reg 15	Following the publication of the notice inviting tenders, did the local government allow a minimum of 14 days for tenders to be submitted.	Yes		Peter Tiggemann
14	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) were held in safe custody.	Yes		Peter Tiggemann
15	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) remained confidential.	Yes		Peter Tiggemann
16	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were not opened, examined or assessed until after the time nominated for closure of tenders.	Yes		Peter Tiggemann
17	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were opened by one or more employees of the local government or a person authorised by the CEO.	Yes		Peter Tiggemann
18	F&G Reg 16 (3)(b)	Did the local government ensure members of the public were not excluded when tenders were opened.	Yes		Peter Tiggemann
19	F&G Reg 16 (3)(c)	Did the local government record all details of the tender (except the consideration sought) in the tender register immediately after opening.	Yes		Peter Tiggemann
20	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes		Peter Tiggemann
21	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Peter Tiggemann

Department of Local Government - Compliance Audit Return



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No	Reference	Question	Response	Comments	Respondent
22	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a brief description of the goods or services required.	Yes		Peter Tiggemann
23	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of the decision made to invite tenders and if applicable the decision to seek expressions of interest under Regulation 21(1).	Yes		Peter Tiggemann
24	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of any notice by which expressions of interest from prospective tenderers were sought and any person who submitted an expression of interest.	Yes		Peter Tiggemann
25	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) any list of acceptable tenderers that was prepared under regulation 23(4)	Yes		Peter Tiggemann
26	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a copy of the notice of invitation to tender.	Yes		Peter Tiggemann
27	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of each tenderer whose tender was opened.	Yes		Peter Tiggemann
28	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of the successful tenderer.	Yes		Peter Tiggemann
29	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the amount of consideration or the summary of the amount of the consideration sought in the accepted tender.	Yes		Peter Tiggemann
30	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Peter Tiggemann
31	F&G Reg 21(3)	On each occasion that the local government decided to invite prospective tenderers to submit an expression of interest for the supply of goods or services, did the local government issue a Statewide public notice.	Yes		Peter Tiggemann
32	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include a brief description of the goods and services required.	Yes		Peter Tiggemann

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No	Reference	Question	Response	Comments	Respondent
33	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include particulars of a person from whom more detailed information could be obtained.	Yes		Peter Tiggemann
34	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include information as to where and how expressions of interest could be submitted.	Yes		Peter Tiggemann
35	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include the date and time after which expressions of interest would not be accepted.	Yes		Peter Tiggemann
36	F&G Reg 22	Following the publication of the notice inviting expressions of interest, did the local government allow a minimum of 14 days for the submission of expressions of interest.	Yes		Peter Tiggemann
37	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	Yes		Peter Tiggemann
38	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	Yes		Peter Tiggemann
39	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	Yes		Peter Tiggemann
40	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government prepare a proposed regional price preference policy (only if a policy had not been previously adopted by Council).	Yes		Peter Tiggemann
41	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government give Statewide public notice of its intention to have a regional price preference policy and include in that notice the region to which the policy is to relate (only if a policy had not been previously adopted by Council).	N/A	Policy not reviewed in reporting period.	Peter Tiggemann
42	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice details of where a complete copy of the proposed policy may be obtained (only if a policy had not been previously adopted by Council).	No		Peter Tiggemann

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Government of Western Australia  
Department of Local Government

No	Reference	Question	Response	Comments	Respondent
43	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions (only if a policy had not been previously adopted by Council).	No		Peter Tiggemann
44	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice (only if a policy had not been previously adopted by Council).	No		Peter Tiggemann
45	F&G Reg 11A(1)	Has the local government prepared and adopted a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less or worth \$100,000 or less.	Yes		Peter Tiggemann
46	F&G Reg 11A(3)(a)	Did the purchasing policy that was prepared and adopted make provision in respect of the form of quotations acceptable.	Yes		Peter Tiggemann
47	F&G Reg 11A (3) (b)	Did the purchasing policy that was prepared and adopted make provision in respect of the recording and retention of written information, or documents for all quotations received and all purchases made.	Yes		Peter Tiggemann

I certify this Compliance Audit return has been adopted by Council at its meeting on \_\_\_\_\_

\_\_\_\_\_  
Signed Mayor / President, Shark Bay

\_\_\_\_\_  
Signed CEO, Shark Bay

Legal Implications

Section 7.13 (1)(i) of the *Local Government Act 1995*.

Regulation 14 – Compliance audit return to be prepared – *Local Government (Audit) Regulations 1996*

Regulation 15 – Completion of compliance audit return – *Local Government (Audit) Regulations 1996*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Absolute Majority Required

Date of Report

22 March 2011

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## 11.2 CONSTITUTIONAL RECOGNITION

WA512

### Author

Chief Executive Officer

### Disclosure of Any Interest

Nil

Moved            Cr Hanscombe  
Seconded       Cr Pepworth

### **Council Resolution**

#### **That *Council*;**

- 1. support the Australian Local Government Association campaign for the Constitutional recognition of Local Government;**
- 2. call on the Federal Government to conduct a referendum to achieve the Constitutional recognition of Local Government at the 2013 Federal Election;**
- 3. develop a local level campaign, in support of the national campaign, to inform the local community and garner its support;**
- 4. acknowledge that funding implications need to be considered as part of the ongoing financial planning process.**

**5/0 CARRIED**

### Background

There is a long history of debate on Constitutional recognition for Local Government in Australia, with referendums having previously been put before the voters in 1974 and 1988, with both being defeated.

During 2008 the Australian Local Government Association actioned a strategic approach aimed at securing a referendum which involved:

- some initial resource materials to assist Local Governments to conduct a conversation at the local level on the need for Constitutional recognition
- Zone or region level discussions, where appropriate, based on Western Australian Local Government Association agenda items
- Statewide forum to determine a state Local Government position (resolved at Local Government Convention)
- A national experts forum a National Constitution Summit (Melbourne December 2008)

In 2009/10 Australian Local Government Association focused advocacy around national political forums, political parties and key influential academics, while State Associations built up state profiling campaigns to improve the image and perception of their local government jurisdictions.

The Australian Local Government Association Board further refined the national position in 2010 to focus specifically on financial recognition and the WALGA position was also aligned to this focus.

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- The Federal Government has committed to a referendum on Constitutional recognition for Local Government, likely to be held in conjunction with the 2013 election.
- A national position was developed at the Local Government Constitutional Summit to be held in Melbourne in December 2008, and has been refined by the Australian Local Government Association Board to focus the referendum on financial recognition.
- Australian Local Government Association has requested that all Local Governments formally resolve to support the conduct of the referendum.

#### Comment

Whilst the Federal Government has said that it will run a referendum, their willingness to do so in any sort of reasonable time frame will be heavily influenced by their perceptions of its likely success. A major factor in their perceptions will be the degree to which the conversation reflects broad community engagement.

It is important that local community support is marshalled to ensure that community ownership is injected into the campaign. If the campaign is seen purely as one being run by and for the local government system, then success will be difficult to achieve.

#### Legal Implications

Nil

#### Policy Implications

The national policy position is consistent with the Western Australian Local Government Association position. Adoption of the recommendation will formalise council's policy position and align it with the national campaign.

#### Financial Implications

**Local level campaign:** the costs associated with any local level campaign will be contingent on its extent and complexity. Expenditures could involve expenses such as venue hire and minor catering and administrative charges including telephone calls, printing, etc. These are likely to be minimal and manageable within the constraints of budgeted operational expenditure.

**National Campaign:** these are not defined at this stage and will depend largely on the willingness of the Federal Government to fund "YES" and "NO" campaigns. A full range of funding options needs to be developed by Australian Local Government Association and Western Australian Local Government Association before the specific implications for council can be explored.

#### Strategic Implications

Nil

#### Voting Requirements

Simple Majority Required

Date of Report

23 March 2011

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**12.0 FINANCE REPORT****12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED**Author

Finance Officer / Accounts Payable

Disclosure of any interest

Nil

Moved            Cr Wake  
Seconded       Cr Pepworth

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$161,928.15 be accepted.**

**5/0 CARRIED**Comment

The schedules of accounts for payment covering -

Municipal fund account cheque numbers 25526 to 25554 totalling \$13,340.87

Municipal fund account electronic payment numbers EFT9708-9709, EFT9718-9770 and EFT9784-9820 totalling \$26,719.88

Municipal fund account for payroll periods ending 13/02/11 to 27/02/11 totalling \$81,007.00

Trust fund Police Licensing from February 2011 totalling \$17,985.75

Trust fund account cheque number 754 to 775 totalling \$6,786.10;            and

Trust Fund account electronic payment numbers EFT9771-9783 and EFT9821-9826 totalling \$16,088.55

The schedule of accounts submitted to each member of council on 23 April 2010 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.

Date of Report

21 March 2011

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SHIRE OF SHARK BAY ORDINARY COUNCIL MEETING 30 MARCH 2011  
MUNI CHEQUES 25526-25554

Chq	Date	Name	Description	Amount
25526	18/02/2011	SILVER CHAIN NURSING ASSOCIATION	SENIOR'S OUTINGS	-156.00
25527	24/02/2011	SHIRE OF SHARK BAY	MONEY COLLECTED IN MUNI TO BE TSF TO TRUST	-460.00
25528	24/02/2011	JASON SIGNMAKERS	900x600 SIGN WITH UNI-STRUT BRACING ON THE REAR	-174.90
25529	25/02/2011	TELSTRA CORPORATION LIMITED	ANTENNA - TRANSMITTER	-2462.73
25530	02/03/2011	SHIRE OF SHARK BAY	TSF TRUST BCITF L 26,27,28 TERRY DESCHAMPS WY MCGRATH HOMES	-1879.71
25531	02/03/2011	THE INDUSTRY SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-94.67
25532	02/03/2011	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-328.88
25533	02/03/2011	AGEST PTY LTD	SUPERANNUATION CONTRIBUTIONS	-125.18
25534	02/03/2011	AMP CORPORATE SUPER	SUPERANNUATION CONTRIBUTIONS	-269.87
25535	02/03/2011	BT BUSINESS SUPER	SUPERANNUATION CONTRIBUTIONS	-319.14
25536	02/03/2011	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1149.00
25537	02/03/2011	HESTA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-431.44
25538	02/03/2011	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	-270.78
25539	02/03/2011	REST	SUPERANNUATION CONTRIBUTIONS	-737.32
25540	02/03/2011	SHIRE OF SHARK BAY	PAYROLL DEDUCTIONS	-380.00
25541	02/03/2011	SMA SUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-213.98

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<b>Chq</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
25542	02/03/2011	WESTSCHEME PTY LTD	SUPERANNUATION CONTRIBUTIONS	-978.06
25543	03/03/2011	SHIRE OF SHARK BAY	SENIORS BUS HIRE HACC	-691.50
25546	03/03/2011	SILVER CHAIN NURSING ASS	SENIOR'S OUTING	-54.00
25547	03/03/2011	TELSTRA CORPORATION LTD	DCEO INTERNET	-59.95
25548	09/03/2011	SHARK BAY FUEL & SERVICE CENTRE	ULP	-77.26
25549	09/03/2011	LANDGATE (WA LAND INFORMATION AUTHORITY)	GRV VALUATION	-32.30
25550	09/03/2011	SHIRE OF SHARK BAY0	MCGRATH HOMES - KERB & COMPLETION BONDS TO TRUST ACC	-1500.00
25551	09/03/2011	DEB DYMOND	REFUND - GYM	-30.00
25552	14/03/2011	SHARK BAY NEWSAGENCY	NEWSPAPERS	-136.00
25553	14/03/2011	TELSTRA CORPORATION LTD	1300 PHONE #	-28.20
25554	16/03/2011	SCRIPTURE UNION OF WA INC	SUPA CLUB FEES FOR ANGLICAN CHURCH SHARK BAY	-300.00
			<b>TOTAL</b>	<b>\$13,340.87</b>

SHIRE OF SHARK BAY - ORDINARY COUNCIL MEETING 30 MARCH 2011  
MUNI EFTS 9708-9709, 9718-9770, 9784-9820

<b>EFT</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT9708	10/02/2011	SHARK BAY CLEANING SERVICE	TO CLEAN UNIT 1 AND SHAMPOO LOUNGE	-192.50
EFT9709	10/02/2011	TOTALLY WORKWEAR	STAFF UNIFORMS	-539.32
EFT9718	15/02/2011	SHARK BAY ROOFING	ERECT SHED	-3200.00
EFT9719	15/02/2011	INNOVA GROUP PTY LTD	SWIFTSET FOLDING CHAIR SILVER FRAME (BLUE)	-4090.68
EFT9720	15/02/2011	CUMMINS SOUTH PACIFIC P/L	FILTER	-74.35
EFT9721	15/02/2011	THINK WATER GERALDTON	BUTTERFLY VALVES	-410.20
EFT9722	15/02/2011	GRAY & LEWIS	SCHEME AMEN TO VARY STORM SURGE LEVELS FOR O/BUILDINGS NOT ATT TO RES DWELLINGS KNIGHT TCE	-1716.00
EFT9723	15/02/2011	LOGO APPOINTMENTS	APPOINTMENT OF DEBORAH LLOYD AS CASUAL RATES OFFICER	-2077.53
EFT9724	15/02/2011	OAKLEY EARTHWORKS	PLANT HIRE	-1232.00
EFT9725	15/02/2011	PROFESSIONAL PC SUPPORT	ACER X490G I5 4GB RAM 320GB HHD WITH 23" MONITOR	-2947.00
EFT9726	18/02/2011	ANSTEY'S COMMERCIAL WINDOWS	SBIC WINDOW	-30360.00
EFT9727	18/02/2011	AUSTRALIA'S CORAL COAST	ADVERTISING WITH THE CORAL COAST RTO	-55.00
EFT9728	18/02/2011	BAJA DATA & ELECTRICAL SERVICES	TO REPLACE LIGHT AT COMMUNITY CENTRE WITH A SENSOR LIGHT	-304.26
EFT9729	18/02/2011	BLUE OFFICE PRODUCTIONS	DVD DOCUMENTARY "SHARK BAY" - GUTHARRAGUDU	-1320.00
EFT9730	18/02/2011	CHAMBERLAIN RUSSELL	RENT - 39 DURLACHER STREET	-1011.90
EFT9731	18/02/2011	DEPT OF ENVIRONMENT & CONSERVATION	500 ADULT DAY MONKEY MIA PASSES NOS 3501-4000	-3600.00
EFT9732	18/02/2011	NEVERFAIL SPRINGWATER	WATER	-11.70
EFT9733	18/02/2011	SHARK BAY CLEANING SERVICE	FISH CLEANING FACILITIES X 2	-4871.25

<b>EFT</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT9734	18/02/2011	SUPREME PRINTERS	3 CUSTOM MADE VISITORS LOG BOOKS FOR FRONT COUNTER	-1349.70
EFT9735	18/02/2011	UNIVERSAL PUBLISHERS PTY LTD	ADVERTISING IN THE UBD WA	-495.00
EFT9736	18/02/2011	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSO	DESK CALENDAR PADS 2011	-41.75
EFT9737	24/02/2011	CHAMBERLAIN RUSSELL	RENT - 39 DURLACHER STREET	-1011.90
EFT9738	24/02/2011	LOGO APPOINTMENTS	APPOINTMENT OF DEBORAH LLOYD AS CASUAL RATES OFFICER	-2264.22
EFT9739	24/02/2011	MINTER ELLISON	60-1448206 LEGAL EXPENSES	-7922.20
EFT9740	24/02/2011	VORTEX PLASTICS	POLYCARBONATE FRAME FOR PLAQUE	-1944.80
EFT9741	24/02/2011	BUBBLEMANIA	BUBBLE MEDIA AT WINTER MARKETS 17/7/2011	-1350.80
EFT9742	24/02/2011	AMELUP SERVICE STATION	CART CLAY	-21212.40
EFT9743	24/02/2011	BAILEYS FERTILISERS	FERTLIZER FOR LAWN	-1087.90
EFT9744	24/02/2011	HORIZON POWER-SBIC	SBIC ELECTRICITY - MONTHLY ACCOUNT	-7510.98
EFT9745	24/02/2011	TOLL IPEC PTY LTD	FREIGHT- BOOKS	-50.77
EFT9746	24/02/2011	JJ HAWKINS	FREIGHT FOR SHED	-396.00
EFT9747	24/02/2011	JOJUNICA PTY LTD	STATIONERY	-209.32
EFT9748	24/02/2011	PRESTIGE INSTALLATIONS (WA) PTY LTD	SUPPLY AND INSTALL 4 X FUJITSU SPLIT SYSTEM AIR CONDITIONERS	-8107.00
EFT9749	24/02/2011	PROFESSIONAL PC SUPPORT	LABOUR M GREEN REMOTE SUPPORT TO INSTALL PRINTERS	-65.00
EFT9750	24/02/2011	SHARK BAY SKIPS	SUPPLY AND LIFT OF SKIP BINS	-428.00
EFT9751	24/02/2011	TRADEWINDS SEAFRONT APARTMENTS	ACC DURING PERIOD 16.01.11-13.02.20 28 NIGHTS FOR MR D CAUDWELL	-3520.00
EFT9752	25/02/2011	AZURE BISTRO	LUNCH FOR 15, SALAD-WITH CHICKEN PIECES, FINGER FOOD, FRUIT PLATTER	-165.00
EFT9753	25/02/2011	CENTAMAN SYSTEMS PTY LTD	CENTAMAN ANNUAL CHARGE GST LEFT OFF ORIGINAL PAYMENT	-286.80
EFT9754	25/02/2011	DAVID GRAY & CO PTY LTD	SESHIN FOGGER SS150	-2715.24
EFT9755	25/02/2011	Kwik Kopy-OSBORNE PARK	BOX (500) BUSINESS CARDS FOR P ANDERSON AS PER PROOF	-183.70

<b>EFT</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT9756	25/02/2011	OAKLEY EARTHWORKS	STREET SWEEPING RAIN DAMAGE	-2849.00
EFT9757	25/02/2011	RIDER LEVETT BUCKNELL WA PTY LTD	MULTI FUNCTIONAL CENTRE - PROVIDE QUANTITY SURVEYING SERVICES	-5610.00
EFT9758	25/02/2011	RICHARD CLAUDE MORONEY	CLEAN UP AND REMOVE RUBBISH AROUND SBIC	-37.50
EFT9759	28/02/2011	AUSTRALIAN TAXATION OFFICE	PAYROLL DEDUCTIONS	-10896.03
EFT9760	28/02/2011	MINTER ELLISON TRUST ACCOUNT	LEGAL EXPENSES	-18870.00
EFT9761	02/03/2011	HODGE + COLLARD ARCHITECTS	BALANCE OF PAYMENT FOR TENDER STAGE	-1980.00
EFT9762	02/03/2011	TOLL IPEC PTY LTD	FREIGHT- BOOKS	-68.44
EFT9763	02/03/2011	LOGO APPOINTMENTS	APPOINTMENT FO DEBORAH LLOYD AS CASUAL RATES OFFICER	-2406.26
EFT9764	02/03/2011	JAMES MCKECHNIE	PROJECT MANAGEMENT CONSULTANCY	-10700.15
EFT9765	02/03/2011	NEVERFAIL SPRINGWATER	WATER	-11.70
EFT9766	02/03/2011	PROFESSIONAL PC SUPPORT	NEW 23" FLAT SCREEN MONITOR & POSTAGE	-249.00
EFT9767	02/03/2011	RALPH DODSON	REMOVE 3 X AIRCON AND PATCH WALLS IN COMMUNITY CENTRE	-450.00
EFT9768	02/03/2011	SHARK BAY CLEANING SERVICE	ANNUAL CLEANING CONTRACT FOR SBIC 2010-11	-8310.95
EFT9769	02/03/2011	SHARK BAY CAR HIRE	CAR HIRE TO TRANS DOCTOR AIRPORT TO SILVER CHAIN AND RETURN	-440.00
EFT9770	02/03/2011	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-7827.02
EFT9784	02/03/2011	HAMELIN POOL CARAVAN PARK	MEALS AND ACCOMMODATION 01.02.2011-04.02.2011	-680.00
EFT9785	03/03/2011	ABROLHOS MARINE	AIR FILTER FOR YANMAR ENGINE	-69.83
EFT9786	03/03/2011	BAJA DATA & ELECTRICAL SERVICES	INSTALLATION OF 4 X AIR CONDITIONINGCIRCUITS FITTED WITH 4 X AMP ISOLATORS.	-1430.00
EFT9787	03/03/2011	GASCOYNE OFFICE EQUIPMENT	REPAIR TO PHOTOCOPIER - YELLOW BANDING APPEARING ON BOTTOM OF	-1000.00

EFT	Date	Name	Description	Amount
EFT9788	03/03/2011	J & T FREIGHT	PAPER WHEN PRINTING / PHOTOCOPIER FREIGHT	-79.25
EFT9789	03/03/2011	PROFESSIONAL PC SUPPORT	1 HOUR LABOUR (MATT)	-195.00
EFT9790	03/03/2011	SHARK BAY TAXI SERVICE	SHIRE/OVERLANDER RUN	-843.70
EFT9791	03/03/2011	SHARKBAY EARTHMOVING	FOR FEBRUARY (444X8)	-8078.22
EFT9792	03/03/2011	SHIRE OF CARNARVON	CONTRIBUTION TO THE FIRST ANNUAL CLUB DEVELOPMENT CONFERENCE AND AWARD NIGHT	-1200.00
EFT9793	09/03/2011	BOOKEASY AUSTRALIA PTY LTD	BOOKEASY	-198.00
EFT9794	09/03/2011	BRIGHTHOUSE	PROVIDE BUSINESS CASE STUDY	-17974.00
EFT9795	09/03/2011	SHARK BAY SUPERMARKET	COUNCIL MEETING - GDC	-197.00
EFT9796	09/03/2011	HORIZON POWER-STREET LIGHTS	201 LIGHTS	-2094.88
EFT9797	09/03/2011	TOLL IPEC PTY LTD	FREIGHT- COMPUTER SCREEN	-30.18
EFT9798	09/03/2011	IT VISION	ATTENDANCE FOR RICHARD TOWELL TO MANAGING FINANCIALS COURSE 15 AND 16 FEB 2010	-968.00
EFT9799	09/03/2011	J & T FREIGHT	FREIGHT	-125.40
EFT9800	09/03/2011	OAKLEY EARTHWORKS	DIG TRENCH AND BACK FILL	-264.00
EFT9801	09/03/2011	PEMCO DIESEL	NEW KEY AND BARREL	-292.05
EFT9802	09/03/2011	PAPER PLUS	YS DESIGN SATIN EXEXECUTIVE LEATHER HIGH BACK CHAIR BK	-2889.11
EFT9803	09/03/2011	MITRE 10 SHARK BAY MARINE & HARDWARE - SES	MATERIALS FOR CYCLONE SAFETY- BLACK PLASTICE	-133.42
EFT9804	14/03/2011	PAUL JAMES MILLARD	POLICE CLEARANCE	-53.70
EFT9805	14/03/2011	P.G & S. J WOOD	INSTALL NEW TELEPHONE SERVICES (O8 9948 3352) IN COUNCIL CHAMBERS	-1423.80
EFT9806	14/03/2011	AUSTRALIA POST	LOCAL POST	-213.74
EFT9807	14/03/2011	BARRY CLINCE	ENTERTAINMENT AND EQUIPMENT USE APPROX 2 HOURS	-250.00
EFT9808	14/03/2011	GOLDEN WEST NETWORK	ADVERTISING ON GWN	-440.00
EFT9809	14/03/2011	MINTER ELLISON	MATTER # 60-1448206 BS	-7542.70
EFT9810	14/03/2011	MITRE 10 SHARK BAY MARINE &	STAR PICKETS	-1361.84

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<b>EFT</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT9811	14/03/2011	HARDWARE PAPER PLUS	FULLVUE SHELF LATERAL FILE - FULL GLOSS WITH ORANGE TAB	-555.04
EFT9812	16/03/2011	BOC LIMITED	CONTAINER RENTAL	-72.52
EFT9813	16/03/2011	DENHAM IGA X-PRESS	DEPOT	-103.25
EFT9814	16/03/2011	GERALDTON FUEL COMPANY	FUEL FOR DEPOT BOWSER	-17049.43
EFT9815	16/03/2011	MITRE 10 SHARK BAY MARINE & HARDWARE	BROOMS	-75.10
EFT9816	16/03/2011	PRECEDENT COMMUNICATIONS	FEBRUARY ACCOUNT	-1760.00
EFT9817	16/03/2011	PEST-A-KILL	MICE MONITORING & BAITING	-242.00
EFT9818	16/03/2011	PAULS TYRES	REPAIRS TO TYRE	-35.00
EFT9819	16/03/2011	SHARK BAY MECHANICAL	4 NEW TYRES FOR COUNTRY SUP WORK UTE	-1042.50
EFT9820	16/03/2011	SHARK BAY SKIPS	SUPPLY AND LIFT OF SKIP BINS	-719.00
			<b>TOTAL</b>	<b>\$26,719.88</b>

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SHIRE OF SHARK BAY - ORDINARY COUNCIL MEETING 30 MARCH 2011  
TRUST CHEQUES 754 -775

Chq	Date	Name	Description	Amount
754	16/02/2011	BRIAN LANGFORD	GYM KEY REFUND	-10.00
755	16/02/2011	KELLY ODQUIN	GYM KEY REFUND	-10.00
756	23/02/2011	JUNE LYSLE	GYM KEY REFUND	-10.00
757	23/02/2011	SUE HAYWARD	GYM KEY REFUND	-10.00
758	24/02/2011	BEVERLEY ANNE BACKHOUSE	GYM KEY REFUND	-10.00
759	01/03/2011	ALISON LILLIAN BEALES	GYM KEY REFUND X 2	-20.00
760	01/03/2011	SHIRE OF SHARK BAY	APP FEE FOR R FENNY PUT INTO TRUST SHOULD BE MUNI	-100.00
761	01/03/2011	BUILDING & CONSRUCTION IND TRAINING FUND	BCITF 2020 PTY LTD (G VIEWEG)	-2212.80
762	01/03/2011	SHIRE OF SHARK BAY	COMMISSION - R ANDERSON	-46.20
763	02/03/2011	JOANNE OAKLEY	GYM KEY REFUND	-10.00
764	02/03/2011	SHIRE OF SHARK BAY	COMM BOOKEASY BEB11	-1617.45
765	03/03/2011	SHIRLEY MAY GERATY	GYM KEY REFUND	-10.00
766	03/03/2011	BUILDERS REGISTRATION BOARD	BUILDING LICENCE LEVY	-690.00
767	03/03/2011	SHIRE OF SHARK BAY	COMMISSION BUILDING LICENCE LEVY	-110.00
768	09/03/2011	RICHMOND LORD	GYM KEY REFUND	-10.00
769	16/03/2011	KELLY OAKLEY	GYM KEY REFUND	-10.00

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<b>Chq</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
770	16/03/2011	JEFF OSBORNE	GYM KEY REFUND	-10.00
771	16/03/2011	BUILDING & CONSRUCTION IND TRAINING FUND	26 TERRY DESCHAMPS WAY DENHAM WA 6537	-1738.41
772	16/03/2011	SHIRE OF SHARK BAY	COMM 26 TERRY DESCHAMPS WAY	-19.80
773	16/03/2011	BUILDERS REGISTRATION BOARD	26 TERRY DESCHAMPS WAY DENHAM WA 6537	-105.00
774	16/03/2011	SHIRE OF SHARK BAY	COMM 26 TERRY DESCHAMPS WAY	-16.50
775	18/03/2011	ALIESHA HEWITT	GYM KEY REFUND	-10.00
			<b>TOTAL</b>	<b>\$6,786.10</b>

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SHIRE OF SHARK BAY - ORDINARY COUNCIL MEETING 24 FEBRUARY 2011  
TRUST EFTS 9771-9783, 9821-9826

EFT	Date	Name	Description	Amount
EFT9771	02/03/2011	BLUE DOLPHIN CARAVAN PARK	BOOKEASY FEB 11	-956.00
EFT9772	02/03/2011	BAY LODGE	BOOKEASY FEB 11	-340.00
EFT9773	02/03/2011	DENHAM SEASIDE TOURIST VILLAGE	BOOKEASY FEB 11	-384.20
EFT9774	02/03/2011	DENHAM VILLAS	BOOKEASY FEB 11	-157.25
EFT9775	02/03/2011	HARTOG HAVEN HOLIDAY HOUSE	BOOKEASY FEB 11	-690.75
EFT9776	02/03/2011	HAMELIN STATION STAY	BOOKEASY FEB 11	-204.00
EFT9777	02/03/2011	INTOWN APARTMENTS	BOOKEASY FEB 11	-221.00
EFT9778	02/03/2011	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	BOOKEASY FEB 11	-127.50
EFT9779	02/03/2011	ASPEN MONKEY MIA PTY LTD	BOOKEASY FEB 11	-707.20
EFT9780	02/03/2011	MONKEYMIA WILDSIGHTS	BOOKEASY FEB 11	-519.85
EFT9781	02/03/2011	OCEAN CENTRE HOTEL	BOOKEASY FEB 11	-136.00
EFT9782	02/03/2011	OCEANSIDE VILLAGE	BOOKEASY FEB 11	-2879.80
EFT9783	02/03/2011	TRADEWINDS SEAFRONT APARTMENTS	BOOKEASY FEB 11	-697.00
EFT9821	16/03/2011	BLUE LAGOON PEARLS	TOURS FEB 2011	-104.40
EFT9822	16/03/2011	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	TOURS FEB 2011	-2427.30
EFT9823	16/03/2011	MONKEYMIA WILDSIGHTS	TOURS FEB 2011	-4169.91
EFT9824	16/03/2011	PAULS GALLERY	ART SALES FEB 2011	-112.00
EFT9825	16/03/2011	SHARKBAY COACHES	TOURS FEB 2011	-195.75
EFT9826	16/03/2011	SHIRE OF SHARK BAY	COMMISSION TOURS FEB 2011	-1058.64
			<b>TOTAL</b>	<b>\$16,088.55</b>

12.2 FINANCIAL REPORTS TO 28 FEBRUARY 2011Author

Accountant

Disclosure of Any Interest

Declaration of Interest:

Nature of Interest:

Moved            Cr Pepworth  
 Seconded       Cr Hanscombe

**Council Resolution**

**That the monthly financial reports to 28 February 2011 as attached be received.**

**5/0 CARRIED**Comment

As per the requirements of Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government Accounting (Financial Management) Regulations 1996*, the following monthly financial reports to **28 February 2011** are attached.

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Program Progress Report	Attachment
Material Variance Report	Attachment

Voting Requirements

Absolute Majority Required

Date of Report            22 March 2011

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**13.0 TOWN PLANNING REPORT****13.1 SHIRE OF SHARK BAY TOWN PLANNING SCHEME NO. 3 AMENDMENT NO. 3**

**ITEM 13.1 WAS DEFERRED TO AFTER ITEM 15.1 AWAITING CLARIFICATION ON A REQUEST FOR COUNCILLORS TO PARTICIPATE AFTER DECLARING AND INTEREST INFORMATION FROM THE MINISTER FOR LOCAL GOVERNMENT.**

**13.2 OUTLINE DEVELOPMENT PLAN AZURE WATERS SOUTH RESIDENTIAL ESTATE DENHAM LOT 9502**

P4254

**Author**

Manager Regulatory Services

**Disclosure of Any Interest**

Nil

Moved           Cr Pepworth  
Seconded       Cr Hanscombe

**Council Resolution**

**That Council adopt the Outline Development Plan for Lot 9502 Azure Waters South Residential Estate Denham, inclusive of the Western Australian Planning Commission modifications listed hereunder:**

**Map Annotations**

- i) Tourist Development lots are to have access from the internal road network only;**

***Compliance with Main Roads WA policy requirements.***

- ii) Main Roads WA is to be consulted in regard to interfaces and traffic control measures at subdivision stage;**

***Altered traffic speeds, splinter islands and controlled turning lanes among other measures are proposed that Main Roads Department of Western Australia advises will require further assessment.***

- iii) Public Open Space is to address access/parking and suitability for combined drainage/recreation use;**

***Western Australian Planning Commission requires that public open space also used for drainage must be suitable for recreation.***

- iv) A Dust Management Plan, Urban Water Management Plan and Geotechnical Report will be required at the subdivision stage;**

***These have been recommended by the Department of Environment and Conservation and the proponent.***

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- v) Development on the dune ridge may require building envelopes and Notifications on Title at the subdivision stage;

*This measure is to ensure that development is consistent with the provisions of Schedule 4 of the Scheme.*

- vi) In The document text, amend references to LPS2 to read LPS 3 and amend reference to sections 4.8.1 and 4.8.2 to read 4.7.1 and 4.7.2

*For accuracy.*

2. That Council advise the Western Australian Planning Commission that it has adopted the Outline Development Plan for Lot 9502 Azure Waters South Residential Estate Denham inclusive of the Western Australian Planning Commissions modifications.

5/0 CARRIED

### Précis

The Shark Bay Shire Council at its ordinary meeting held on the 25 August 2010 considered an Outline Development Plan for Azure Waters South Residential Estate Denham, Lot 9502 and recommended:

- A) ***That Council advise the proponent Sigma Syon Pty Ltd that it is prepared to approve the Outline Development Plan for Azure Waters, South Residential Estate Denham Lot 9502 with the following modifications;***
- 1) ***That both Tourist Development Lots only have access from internal road networks.***
  - 2) ***That Main Roads WA be given opportunity to re-assess road interfaces and traffic control measures as a condition of subdivision.***
  - 3) ***That the provision of Public Open Space be re-assessed prior to subdivision to address its function ability in relation to all aspects of usage and ongoing management.***
- B) ***That the Outline Development Plan along with comments from the relevant agencies be referred to the Department for Planning, for endorsement and final approval.***

This report now details the Western Australian Planning Commission assessment and endorsement of the Outline Development Plan subject to modifications and recommends that it be adopted by Council.

### Background

The Shark Bay Shire Council at its ordinary meeting held on the 27 January 2010 considered an outline development plan, Azure Waters Residential Estate Denham Lot 9502 and resolved to recommend:

***That Council advise the proponent Sigma Syon Pty Ltd that it is prepared to approve the Outline Development Plan for Azure Waters South Residential Estate Denham Lot 9502 for the purpose of referral to other government agencies and public advertising.***

From that process the Council at its ordinary meeting held on the 25 August 2010 considered all the submissions received relative to the process of advertising and

recommended that the Outline Development Plan be approved with the following modifications and referred to the Department for Planning;

- 1) ***That both Tourist Development Lots only have access from internal road networks.***
- 2) ***That Main Roads WA be given opportunity to re-assess road interfaces and traffic control measures as a condition of subdivision.***
- 3) ***That the provision of Public Open Space be re-assessed prior to subdivision to address its function ability in relation to all aspects of usage and ongoing management.***

The Western Australian Planning Commission has now assessed the Outline Development Plan for Azure Waters South Residential Estate Denham – Denham Lot 9502 and resolved to;

1. Endorse the Outline Development Plan for Lot 9502 Denham Road adopted by the Shire of Shark Bay on 25 August 2010, subject to the following modifications:

#### **Map Annotations**

- vii) Tourist Development lots are to have access from the internal road network only;

*Compliance with Main Roads WA policy requirements.*

- viii) Main Roads WA is to be consulted in regard to interfaces and traffic control measures at subdivision stage;

*Altered traffic speeds, splinter islands and controlled turning lanes among other measures are proposed that Main Roads Department of Western Australia advises will require further assessment.*

- ix) Public Open Space is to address access/parking and suitability for combined drainage/recreation use;

*Western Australian Planning Commission requires that public open space also used for drainage must be suitable for recreation.*

- x) A Dust Management Plan, Urban Water Management Plan and Geotechnical Report will be required at the subdivision stage;

*These have been recommended by the Department of Environment and Conservation and the proponent.*

- xi) Development on the dune ridge may require building envelopes and Notifications on Title at the subdivision stage;

*This measure is to ensure that development is consistent with the provisions of Schedule 4 of the Scheme.*

- xii) In The document text, amend references to LPS2 to read LPS 3 and amend reference to sections 4.8.1 and 4.8.2 to read 4.7.1 and 4.7.2

*For accuracy.*

Comment

The Western Australian Planning Commissions modifications to the Outline Development Plan are consistent with Councils and therefore I believe a good outcome has been achieved.

Legal Implications

The *Planning and Development Act 2005*.

The Shire of Shark Bay Town Planning Scheme No. 3 as amended.

Policy Implications

All relevant policies pursuant to the Town Planning Scheme No. 3.

Financial Implications

The subdivision of high quality land will be of future economic benefit for the Shire as it will attract potential residential and tourist development.

Strategic Implications

The development of residential land parcels in difficult economic times is a great indicator of confidence in the area as to its future potential

Voting Requirements

Simple Majority Required

Date of Report

18 March 2011

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13.3 DEVELOPMENT APPLICATION 1/2011 – THREE (3) TRANSPORTABLE DWELLINGS – TERRY DESCHAMPS WAY  
P4208, P4209 & P4210

Author

Manager Regulatory Services

Disclosure of Any Interest

Nil

Moved            Cr Hanscombe  
Seconded       Cr Pepworth

**Officer Recommendation**

**That Council advise the proponent National Rental Affordability Scheme Australia Pty Ltd on behalf of the State Government that it is prepared to grant conditional approval to development application 1/2011 subject to the following conditions;**

- A) The submission and approval of building plans and specifications for the three (3) transportable dwellings to be located on Lots 26, 27 and 28 Terry Deschamps Way, Denham.**

**Amendment**

**Reason:**

**That Council wanted to maintain the design integrity of the estate and a different visual aspect to the buildings.**

**Council Resolution**

**That Council advise the proponent National Rental Affordability Scheme Australia Pty Ltd on behalf of the State Government that it is prepared to grant conditional approval to development application 1/2011 subject to the following conditions;**

- A. The submission and approval of building plans and specifications for the three (3) transportable dwellings to be located on Lots 26, 27 and 28 Terry Deschamps Way, Denham.**
- B. That Council request that a change be made to the streetscape elevation designs to reflect a variable frontal elevation to Terry Deschamps Way.**

**5/0 CARRIED**

**Précis**

National Rental Affordability Scheme Australia Pty Ltd on behalf of the State Government has submitted development application 1/2011 for the development of three (3) transportable dwellings to be constructed on Denham town Lots 26, 27 and 28 Terry Deschamps Way. This report details the application and recommends conditional approval.

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### Background

The Shire of Shark Bay Town Planning Scheme No. 3 at Part 8 Development of Land section 8.2 Permitted Development section (b) states;

That the erection on a lot of a single house including any extension, ancillary outbuildings with areas less than 60m<sup>2</sup> and swimming pools do not require planning approval except where;

- i) The proposal requires the exercise of a discretion by the Local Government.
- ii) The development will be located in a heritage area designated under the Scheme;
- iii) The proposal is for a transportable or transported dwelling.

As this proposal is for the development of three (3) transportable dwellings on three (3) adjoining lots in Terry Deschamps Way it requires planning approval. The reason transportable dwellings require planning approval is to allow council to assess the proposed development in accordance with part 10 of its Town Planning Scheme which relates to the procedure for dealing with application and in particular section 10:2 which relates to matters to be considered by Local Government when assessing applications.

In particular reference at section 10:2 of the Town Planning Scheme are the following assessment considerations;

- a) The aims and provisions of the scheme.
  - i) The compatibility of a use of development with its setting.
  - n) The preservation of the amenity of the locality.
  - o) The relationship of the proposal to development on adjoining land on other land in the locality including but not limited to; the likely effect of the height, bulk, scale, orientation and appearance of the proposal.
- aa) Any other planning considerations the Local Government considers relevant.

### Comment

The development proposes quality transportables, however their designs are all the same with the only variables being the external wall cladding colour schemes and variable landscaping to each locations. Whether grouped residential designed dwellings of one style impact on the overall amenity of the area is debatable.

### Legal Implications

The Shire of Shark Bay Town Planning Scheme No. 3

### Policy Implications

All relevant policies pursuant to the Town Planning Scheme No. 3.

### Financial Implications

Three (3) new residential dwellings will have significant economic benefits to the community.

### Strategic Implications

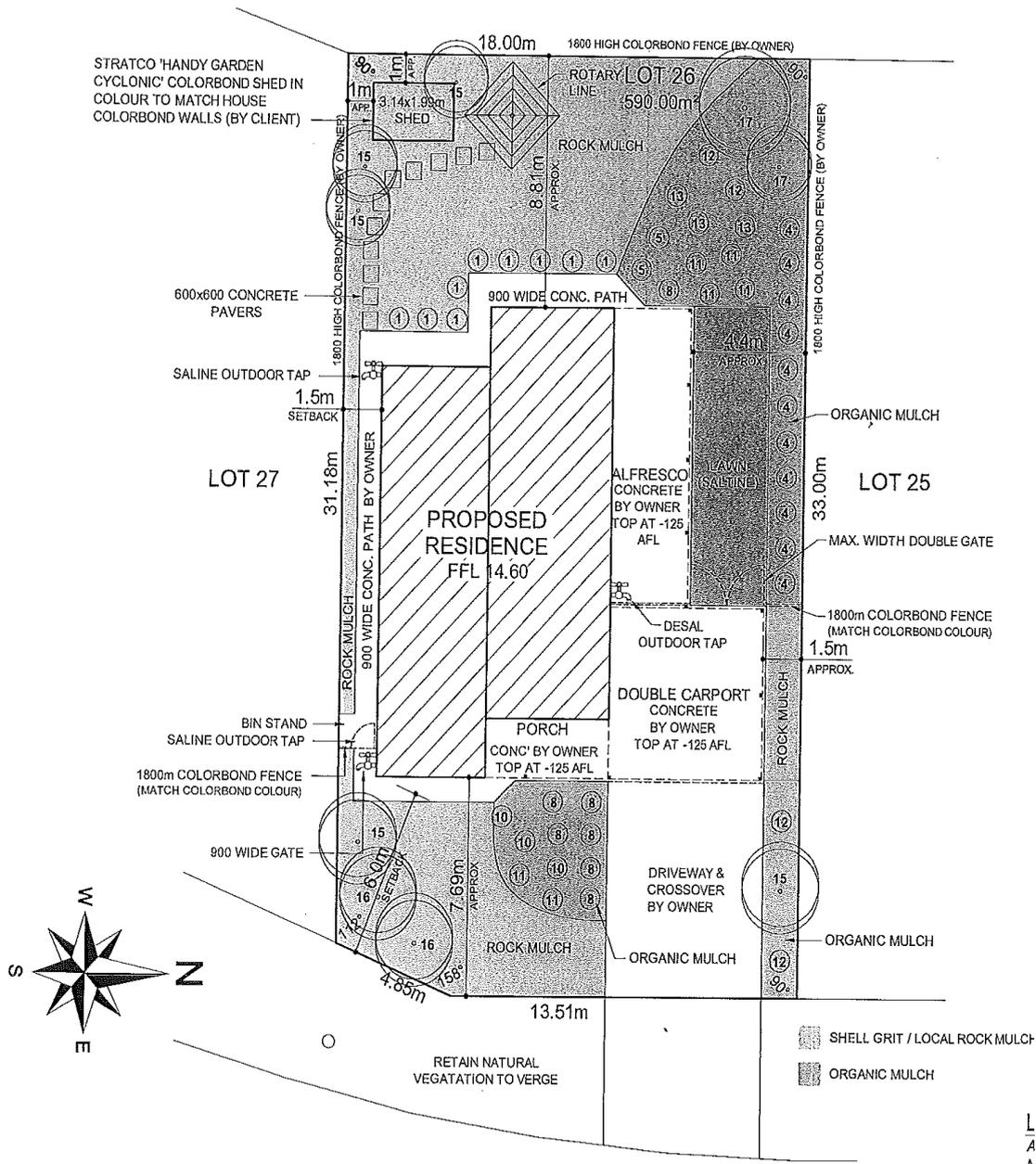
Regional Government Housing Schemes provide quality housing for government agencies and therefore better retention of employees in the region.

### Voting Requirements

Simple Majority Required

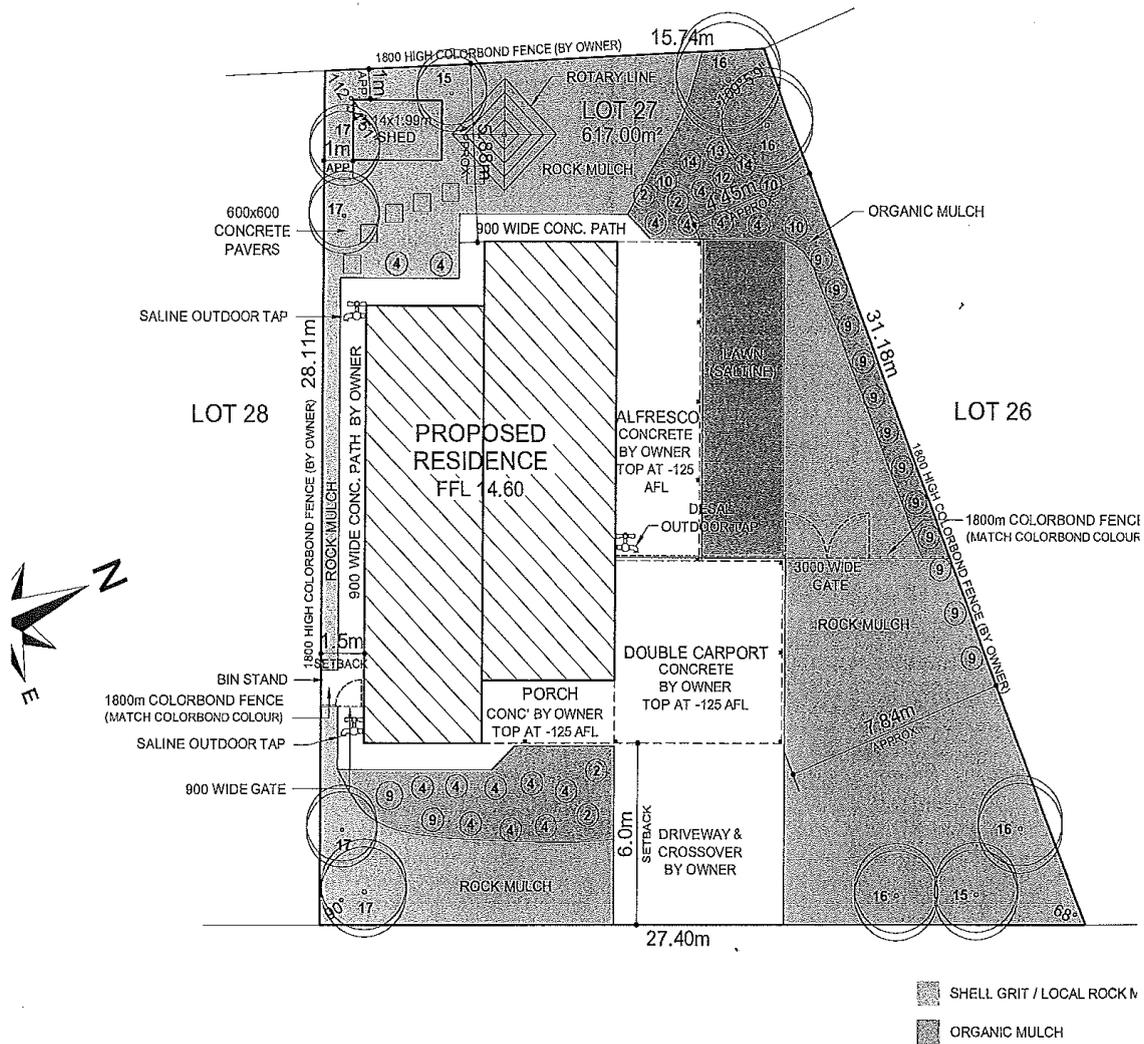
Date of Report            18 March 2011

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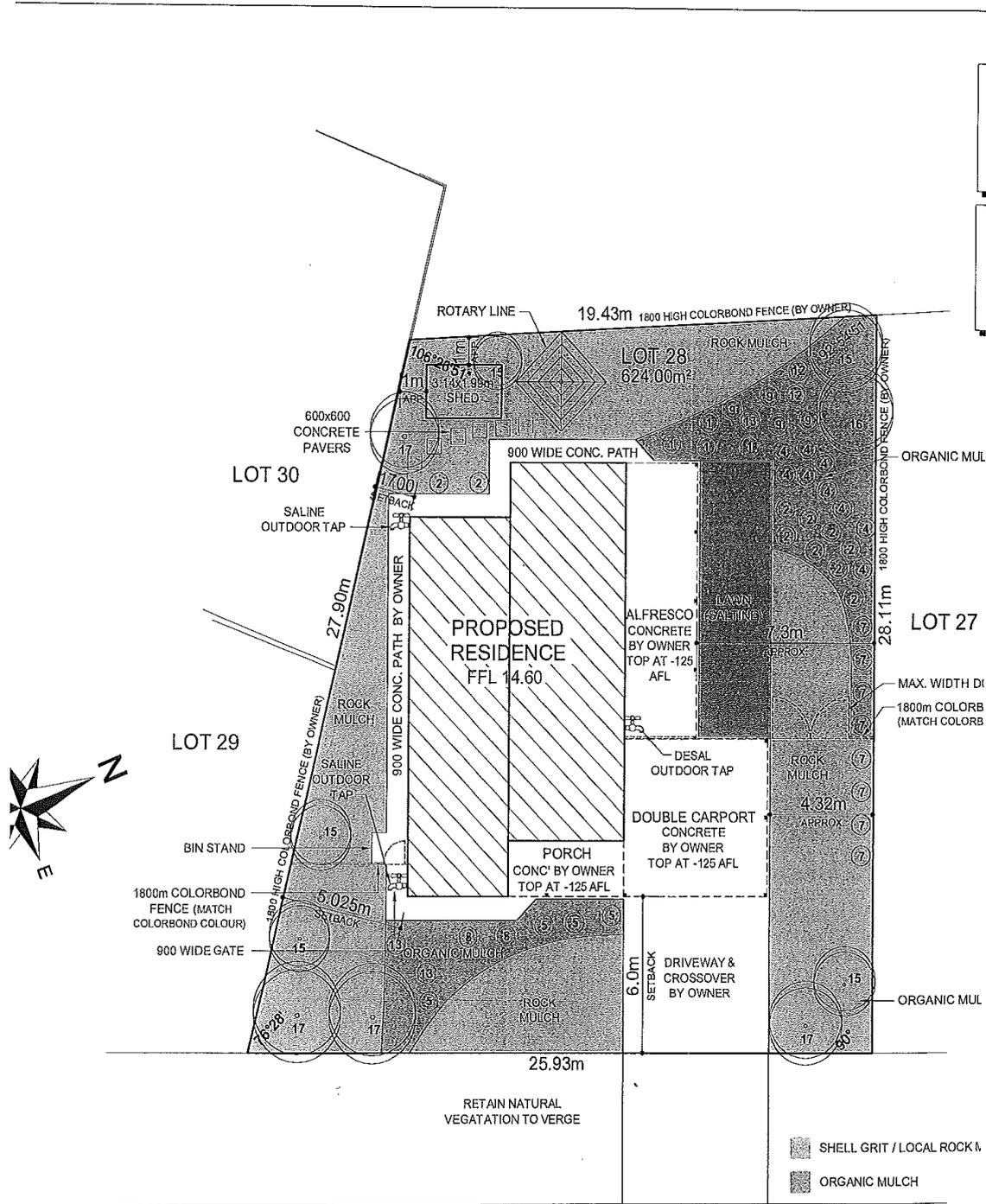


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**14.0 WORKS REPORT****14.1 RUBBISH TIP HOURS**

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Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved            Cr Ridgley  
 Seconded       Cr Pepworth

**Council Resolution**

**That the Denham Waste Disposal facility opening days and hours to the public be amended as from 01 June 2011 to the following:**

<b>Friday</b>	<b>8.00am -12.00noon</b>	<b>1.00pm – 3.00pm</b>
<b>Saturday</b>	<b>8.00am -12.00 noon</b>	<b>1.00pm – 3.00pm</b>
<b>Sunday</b>	<b>8.00am -12.00 noon</b>	<b>1.00pm – 3.00pm</b>
<b>Monday</b>	<b>8.00am -12.00 noon</b>	<b>1.00pm – 3.00pm</b>
<b>Tuesday</b>	<b>8.00am -12.00 noon</b>	<b>1.00pm – 3.00pm</b>
<b>Wednesday</b>	<b>Closed</b>	
<b>Thursday</b>	<b>Closed</b>	

**The amended opening days and hours be advertised in the Inscription Post and on the Town notice boards.**

**5/0 CARRIED**

Background

The following information was presented to the Council in March 2010 in consideration options for the management of the Denham Waste Disposal Facility.

*The Denham Waste Disposal Facility was managed under contract from August 2004 – until August 2009 with the only variable offered to the contractor for price variation within the contract was based on annual C.P.I. increases so therefore, it could be reasonably assumed that a new six year contract could expect a significant increase in the annual management costs for the waste facility.*

*If this is the scenario that we can expect we will need to review our income options relative to waste management for the future.*

*The current way that the Shire structures its fees and charges for waste management does not provide an equitable or sustainable method to enable increased fees and charges to be raised.*

*The only way to achieve a true user pay philosophy to raise fees and charges for waste management to ensure that it is not subsidised from the Shire's rate base is to change our mode of operations and management style to one that embraces all users and therefore spreads the cost burden in a fair and equitable manner. The*

*only way to achieve this is to introduce a “gate house” at the waste site and charge waste disposal fees upon entry to utilise the facility.*

*The Shire has already identified funds within its 2009/10 budget to initiate changes to the site to accommodate a “gate house” that will allow tip fees to be recovered based on a user pay philosophy.*

*Tender documentation has already been prepared to enable the invitation of tenders for the site management which would only be relative to maintenance. The management of the site and the collection of gate fees would be the responsibility of the shire. The operation of these two roles will give the shire a better opportunity to be more cost effective and responsive to change.*

*To effect the proposed changes it will be necessary to have a new management structure in place by 1 July 2010 to implement the gate fees. Prior to this the shire will need to consider and adopt for advertising a schedule of fees and charges that will be recovered from the gate house.*

While the schedule of fees and charges may appear high they have to reflect the cost that the Shire needs to expend to maintain the waste disposal site in accordance with its licence. The Shire does not have the ability within its current method of cost recovery for waste management to increase its fees and charges to accommodate future potential cost increases that will inevitably occur. The first year of change will progressively determine whether or not our adopted fees are reflective of costs, or can be reduced.

There may be other ways our costs could be reduced for example, if the tip opening hours were changed to reflect minimum daily times. This however, would be determined by community’s response to change. I do not believe the Shire has any choice relative to this matter other than to progress the change of operations to introduce an effective user pay philosophy.

A gatehouse and manner If the Shire does not adopt a user pay philosophy it may be left to fund budget shortfalls for its waste management operations from its rate base while at the same time allowing free use of the waste disposal site by many users that are unable to be captured within the Shires current method of cost recovery.

The proposal to introduce a user pays system for the Denham Waste Disposal was agreed upon and commenced on the 1 July 2010. This proposal included the introduction of gate house being manned by a Council employee to collect the fees.

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The operating hours and times introduced with the proposal were over seven days a week as follows

Monday – Friday 8.00am – 11.00am 14.00pm - 17.00pm

Saturday 10.00am – 16.00pm

Sunday 10.00am – 16.00pm

A review of the usage by the public of the disposal site has revealed that there are significant gaps in attendance times and days where there is minimal usage overall.

This may vary in peak tourist times, however a large amount of the waste that is generated at these times will be collected by the Council waste disposal contractor.

### Comment

The waste disposal site has been operating under the new conditions since 1 July 2010 including the current opening hours.

It has become apparent that the current method of operation in relation to the opening hours is a significant cost to the Council that should be reviewed.

The current opening hours are as follows

Monday – Friday 8.00am – 11.00am 14.00pm - 17.00pm

Saturday – Sunday 10.00am – 16.00pm

By opening seven days per week the Council is incurring labour costs that are far in excess of the revenue stream realised and usage patterns by the public indicate that there is not at this point in time a requirement for the disposal facility to be open for this period.

The continuation of opening seven days per week based on the Shire of Shark Bays peak population statistics in my opinion is not an efficient and effective practise.

While it is recognised that the Council has many functions that do not generate sufficient or any funds to support their operations there always should be a test placed upon the delivery of these services to ensure that they are operating in the most effective manner.

It could also be argued to have an unmanned tip site however this practise poses far too many risks to the Council to give consideration to this method of operation.

These include but are not limited to health and safety legislation, illegal and unsafe dumping and the inherent dangers of residents accessing an uncontrolled Council facility of this nature.

There is also a risk associated with allowing contractors of the Council to access the disposal site when the site is unmanned, however this can be addressed by an induction process and applying conditions on their operations and access.

Whilst the opening of a tip site seven days a week is providing a service to the community this practise is very inefficient and the utilisation of the disposal site by the community does not warrant a seven day a week operation.

The current opening times also only allow for three hour shifts which appear to be quite tight time frames. The spread of hours also does not allow sufficient time without overtime penalties to conduct any remedial works at the tip. The one

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person operation makes it difficult to leave the gate house to deal with maintenance issues.

It is proposed to open the disposal site over five days as follows

Friday	8.00am- 12.00 noon	1.00pm – 3.00pm
Saturday	8.00am -12.00 noon	1.00pm – 3.00pm
Sunday	8.00am -12.00 noon	1.00pm – 3.00pm
Monday	8.00am -12.00 noon	1.00pm – 3.00pm
Tuesday	8.00am -12.00 noon	1.00pm – 3.00pm
Wednesday	Closed	
Thursday	Closed	

The employee at the disposal site will then work the following hours 7.00am-12.00noon 1.00pm-4.00pm, these are the normal hours worked by the works crew on a Monday to Friday roster.

The Saturday and Sunday opening days will still attract a penalty rate which is payable to the employee in line with the current applicable award.

The reduction in opening days will attract negative comment from business operators and individuals who have experienced a reduction in their access to the disposal site.

However there are alternative options available to them in regard to the storage of their waste on the days the tip is closed including the utilisation of additional bins or a skip bin.

The contractors that are undertaking tasks for the Council will have access to the site if required, however the indiscriminate dumping of rubbish should be discouraged. The rubbish truck operator does undertake pickups from Monkey Mia on a regular basis and may require access, however this can be accommodated.

The payment of fees in regard to this collection is currently difficult as the Council has no method of determining the amount of waste being tipped. This honesty system has been working well and will have to continue until a more transparent system is devised.

#### Legal Implications

Nil

#### Policy Implications

Nil

#### Financial Implications

The Council has included in the 2010/2011 budget the sum of \$98,000 for the refuse site gate attendance. On current expenditure patterns it appears as though this expenditure will be realised.

The reduction of two days (16 hours) in manned hours will reduce the costs associated with the operations of the tip site, these savings will be in direct relations to the savings in employee costs as follows:

Staff costs      16 hours @ \$23.34 per hour = \$373.44

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Overheads 16 hours @ \$17.41 per hour = \$278.56  
Total = \$ 652.00

This equates to \$33,904 per annum in direct savings to operate the disposal site.

There are also additional costs incurred such as fuel and materials and additional costs in regard to the overall operations.

The reduced hours and costs in relation to the disposal site will see increases in other areas of Councils operations which will be offset by increased levels of service. There will be no overall saving in employee costs as the current system was to utilise another member of staff on two days.

This practise effectively reduced the overall capacity and productivity of the town maintenance staff.

#### Strategic Implications

The reduction in opening days and amended hours will provide for a more effective and efficient operations of the waste disposal site and the Council operations which should be an important strategic objective of the Council.

#### Voting Requirements

Simple Majority Required

Date of Report 21 March 2011

Council meeting adjourned at 10.43am

Council reconvened at 11. 05am with all previously present in attendance.

PRESIDENT ADVISED THAT ITEM 17.1 WILL BE TABLED NEXT

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

ITEM 17.1 APPROVED BY THE PRESIDENT

#### **17.1 DEVELOPMENT APPLICATION 2/2011**

##### Author

Manager Regulatory Services

##### Disclosure of Any Interest

Nil

Moved Cr Ridgley  
Seconded Cr Pepworth

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**Officer Recommendation**

That Development Application 2/2011 for the erection of Pylon Sign upon Town Centre Lot 4 (111) corner of Knight Terrace and Denham Hamelin Road be advised that Council is prepared to grant conditional approval subject to:

- a) The proposed Pylon Sign to be erected on Town Lot 4 (111) corner of Knight Terrace and Denham Hamelin Road is in accordance with the approved plans and specifications submitted with Development Application 2/2011.

Cr Hanscombe left the meeting at 11.16am and returned at 11.19am

**Amendment**

Reason: That Council felt that as discretion was being used that the maximum size of the sign should be recorded in the amendment.

**Council Resolution**

That Development Application 2/2011 for the erection of Pylon Sign upon Town Centre Lot 4 (111) corner of Knight Terrace and Denham Hamelin Road be advised that Council is prepared to grant conditional approval subject to:

The proposed Pylon Sign to be erected on Town Lot 4 (111) corner of Knight Terrace and Denham Hamelin Road is in accordance with the approved plans and specifications submitted with Development Application 2/2011 up to 1.5 metre square.

**5/0 CARRIED**

**Précis**

Ms Margaret Prior has submitted development application 2/2011 for approval to erect a Pylon Sign on the North East corner of Knight Terrace and Denham Hamelin Road.

This report details the application and recommends conditional approval.

**Background**

The proponent operates an air charter business from a premises located on Lot 4 (111) Corner of Knight Terrace and Denham Hamelin Road. To better advertise the business it is proposed to erect a pylon sign at the front of the premises. A copy of the sign will be tabled at the meeting for Councils assessment.

The Shire's Advertising Devices Policy adopted pursuant to its Town Planning Scheme identifies the following provisions for assessment of a Pylon Advertising Sign.

Provisions –

- The area of a Pylon Sign is to be a maximum of 10 square metres per side, for a maximum of two sides.
  - The maximum height of a Pylon Sign above the ground is to be the greater of 6.5 metres or the height of a building in close proximity, but is not to exceed
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10 metres. (The height of a building is defined as the height of the uppermost part of the building above ground level.)

- A Pylon Sign is to be mounted as a free-standing structure.
- A Pylon Sign is not to project beyond the front alignment of a property.
- No Pylon Sign is to face an adjoining property unless it is a minimum of 3 metres from the boundary of that site, unless the owner of the adjoining property consents to the Sign being a lesser distance from the boundary.
- No Pylon Sign is to be erected to expose an unsightly back view of the Sign to a road or other public place.
- A Pylon Sign is not to be located on a street frontage of a property, along which is located another Pylon Sign or a Billboard, Large Pylon, or Large Billboard Sign, unless the street frontage exceeds 100 metres and such Signs are not located closer than 60 metres to each other.
- Where Pylon Signs are to be erected on a property on which a factory tenement building or small shops are erected or are to be erected, Council may require all the pylon signs to be incorporated into one sign.

This particular sign does not comply with the Shire's Advertising Devices Policy in that it adjoins another pylon sign on the same property and should effectively be incorporated into the existing sign.

#### Comment

While the sign does not comply totally with the Shire's policy provisions relative to a pylon sign, from an impact assessment relative to the location I believe it to be minimal and therefore could be approved.

#### Legal Implications

The Shire of Shark Bay Town Planning Scheme No. 3

#### Policy Implications

Advertising Devices Policy pursuant to the Town Planning Scheme

#### Financial Implications

NIL

#### Strategic Implications

Minimal impact on the streetscape in the proposed location

#### Voting Requirements

Simple Majority Required

Date of Report

29 March 2011

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**15.0 TOURISM, RECREATION AND CULTURE REPORT****15.1 TENDER 2010-11-02 – MULTIFUNCTION SPORTS / COMMUNITY CENTRE FRANCIS STREET, DENHAM****Author**

Manager Regulatory Services

**Disclosure of Any Interest**

Nil

Moved            Cr Ridgley  
Seconded       Cr Pepworth**Council Resolution**

**That Council consider the recommendation submitted by its architectural consultants Hodge Collard and Preston in the confidential evaluation report for Tender 2010/11/02 for the construction of a Multifunctional Sports/Community Centre at Francis Street, Denham.**

**5/0 CARRIED**Moved            Cr Ridgley  
Seconded       Cr Pepworth**Council Resolution**

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

**5/0 CARRIED**

Visitors in the Gallery exited the meeting at 11.25am

Moved            Cr Pepworth  
Seconded       Cr Ridgley**Council Resolution**

**That Council advise Briklay Pty Ltd that it is its preferred supplier, based on their submitted tender, for the provision and construction of a new Multifunctional Sports/Community Centre, at Francis Street Denham and will be prepared to consider awarding Tender No. 2010/11/02 when the outcome from the State Government funding allocations for the project are known.**

**5/0 CARRIED**

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Précis

The Shire of Shark Bay engaged its Architectural Consultants Hodge Collard and Preston to invite Tender 2010/11/02 for the construction of a multifunctional sports / community centre, Francis Road Denham. It also requested that the architect provide for the shire's consideration an assessment of tenders based upon 'Compliance Criteria' and 'Qualitative Criteria' with the tender documentation and provide a recommendation report. This report now details all tender submissions and recommends a preferred tenderer. A confidential evaluation and recommendation report will be tabled.

Background

Tenders were received from the following building companies;

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CONTRACTOR	CONTACT NAME	TEL:	EMAIL:	ADDRESS:
BLS Construction	Shay Barlow - Admin Officer	08 9921 8887	<a href="mailto:blsconstructions@bigpond.com">blsconstructions@bigpond.com</a>	PO Box 2593, Geraldton WA 6530
<b>WABG - Western Australian Building Group</b>	Paul Maddern - Building Manager	08 9493 4934	<a href="mailto:paul@wabg.com.au">paul@wabg.com.au</a>	15 Hanson Street Maddington WA 6109
West Steel Sheds	Chris Astill	08 99239 521	<a href="mailto:chris.astill@weststeelsheds.com.au">chris.astill@weststeelsheds.com.au</a>	6 Bradford St, Geraldton WA 6530
Highline	Christine Dapson		<a href="mailto:Christine.Dapson@highline.com.au">Christine.Dapson@highline.com.au</a>	Locked Bag 25, Welshpool DC WA 6986
DC Constructions (WA) Pty Ltd	Tyson Cook - Operations Manager	0409 881 607	<a href="mailto:tcCook@dcconstructions.com.au">tcCook@dcconstructions.com.au</a>	PO Box 2092, Geraldton WA 6531
<b>Pindan Contracting Pty Ltd</b>	Ian Downs - Estimating Manager	0402 298 403	<a href="mailto:Ian.Downs@Pindan.com.au">Ian.Downs@Pindan.com.au</a>	PO Box 93, Belmont WA 6984
WA Country Builders	Matt Poynton - Housing & Design Consultant	0423 198 449	<a href="mailto:matt.poynton@wacountrybuilders.com.au">matt.poynton@wacountrybuilders.com.au</a>	PO Box 567, Geraldton WA 6530
Programmed Facility Management	Peter Edmonds - Construction Manager	0417 162 506	<a href="mailto:pedmonds@programmed.com.au">pedmonds@programmed.com.au</a>	18 Miles Rd, Kewdale WA 6105
<b>FIRM Construction</b>	Simon Linklater - Project Manager	08 9388 6004	<a href="mailto:simon@firmconstruction.com.au">simon@firmconstruction.com.au</a>	PO Box 8231, Subiaco East WA 6008
<b>J.L. Farrell Construction</b>	John Farrell	0418 913 770	<a href="mailto:feralfarrells@bigpond.com">feralfarrells@bigpond.com</a>	1263 Caves Road, Quindalup WA 6281
Midland Constructions	Elaine Hopwood - Estimating Assistant		<a href="mailto:ehopwood@midcon.net.au">ehopwood@midcon.net.au</a>	PO Box 443, Bayswater WA 6933
<b>Briklay Pty Ltd</b>	Jarad Weppner - Estimator	9250 7666	<a href="mailto:jarad.briklay@bigpond.com">jarad.briklay@bigpond.com</a>	16-18 Elgee Road, Bellevue WA 6056
<b>Crothers Constructions Pty Ltd</b>	Greg Trevasakis - Estimating and Tech Support Manager	9964 2700	<a href="mailto:gregt@crothers.com.au">gregt@crothers.com.au</a>	PO Box 11 Geraldton WA 6531
Cooper & Oxley Builders Pty Ltd	Steve Ireland - Senior Estimator	9387 9000	<a href="mailto:stevei@cooperoxley.com.au">stevei@cooperoxley.com.au</a>	9 Bishop Street Jolimont WA 6014
<b>KMC Group</b>	John Dunn - Business Development Manager	0418 940 797	<a href="mailto:jon@kmcgroup.com.au">jon@kmcgroup.com.au</a>	21 Yampi Way Willetton WA 6155
<b>Gavin Construction</b>	Byron Down	9330 8000	<a href="mailto:byron.down@gavinconstruction.com.au">byron.down@gavinconstruction.com.au</a>	PO Box 3175 Myaree WA 6154
GBSC	Peter Fleay	9923 4000	<a href="mailto:peterf@gbsc.net.au">peterf@gbsc.net.au</a>	PO Box 2074 Geraldton WA 6531
<b>Dalcon Constructions</b>	Ms Mika Thompson	9472 1766	<a href="mailto:reception@dalcon.net.au">reception@dalcon.net.au</a>	U3/33 Archer St, Carlisle WA 6101
Rapley Wilkinson	David Palmer	9204 8700	<a href="mailto:rapley@rapley.com.au">rapley@rapley.com.au</a>	33 Walters Drive Osborne Park WA 6017
WS Rolston Engineering	Paul Polston	9964 4079	<a href="mailto:paul@wsrolston.com.au">paul@wsrolston.com.au</a>	36 Sunnybanks Drive Strathalbyn WA 6530
<b>Stirling Constructions</b>	Leigh Burgess	0419 549 188	<a href="mailto:leigh.burgess@bigpond.com">leigh.burgess@bigpond.com</a> <a href="mailto:leighburgess@stirlingconstructions.com">leighburgess@stirlingconstructions.com</a>	PO Box 1223 GPO Hobart TAS 7001
Freo Constructions	Leo Grida	9439 8000	<a href="mailto:leo.grida@freogroup.com.au">leo.grida@freogroup.com.au</a>	Unit 2/23 Mandurah Road Kwinana WA 6167
<b>Duwal Constructions</b>	Anthony Trent Mark Barbaro	9478 1234	<a href="mailto:anthony@duwal.com.au">anthony@duwal.com.au</a> <a href="mailto:mark.barbaro@duwal.com.au">mark.barbaro@duwal.com.au</a>	PO Box 276 BELMONT WA 6983
Robinson Buildtech	Andrew Bond	9223 6100 0437 943 033	<a href="mailto:tenders@rbt.iinet.net.au">tenders@rbt.iinet.net.au</a> <a href="mailto:andrew.bond@rbt.iinet.net.au">andrew.bond@rbt.iinet.net.au</a>	24 Murphy Street O'Connor WA 6163
<b>Stillcon</b>	Kal Pfeiffer	9240 8792	<a href="mailto:kalen.pfeiffer@stillcon.com.au">kalen.pfeiffer@stillcon.com.au</a>	PO Box 577 BALCATTA 6914



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**13.0 TOWN PLANNING REPORT - CONTINUED****13.1 SHIRE OF SHARK BAY TOWN PLANNING SCHEME NO. 3 AMENDMENT NO. 3**

TO 106.03.03

Author

Manager Regulatory Services

Disclosure of Any Interest

Declaration of Interest: Cr Ridgley

Nature of Interest: Proximity Interest – Lease of Property – Lease shop at 91-93 Knight Terrace (Tradewinds)

Declaration of Interest: Cr Hanscombe

Nature of Interest: Proximity Interest – Lease of Property – part of 51 Knight Terrace and owner of 19A Knight Terrace

**MINISTERIAL APPROVAL**

The Department for Local Government advised that in accordance with authority delegated by the Minister for Local Government, the Director General has approved under Section 5.69(3)(a) of the **Local Government Act 1995** to allow disclosing members Councillors Hanscombe and Ridgley to participate in discussion and decision making procedures in relation to the amendment of the Town Planning Scheme, specifically an amendment to the Shire of Shark Bay Town Planning Scheme number 2, subject to the following conditions;

1. The approval is valid for the ordinary Council meeting of 30 March 2011;
2. The disclosing members are to declare the nature and extent of their interest at the Council meetings when this matter is considered together with the approval provided;
3. The CEO is to provide a copy of the Department's letter advising of the approval to the declaring members; and
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meetings when this matter is discussed.

Moved Cr Wake

Seconded Cr Ridgley

**Council Resolution**

**That Council advise the Western Australian Planning Commission that the Shark Bay Shire Council under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* adopts the following amendment to the Shire of Shark Bay Town Planning Scheme No. 3 (as amended) without modification by;**

1. **Modifying existing 'Clause 5.8 LAND SUBJECT TO INUNDATION' which currently states:**
    - 5.8.1 **A building, except with the approval of the local government, shall not be constructed upon any land within an area considered by the local government as being liable to flooding.**
    - 5.8.2 **Notwithstanding any other clause in this Scheme, no building shall be erected on any lot unless the floor level is not less than RL 3.2 metres AHD.**
-

5.8.3 In considering applications for development in areas subject to inundation, the local government shall have regard to the Shark Bay – Denham Foreshore Topography and Storm Surge levels maps.

To state:

5.8.1 No building or building extensions shall be constructed upon any land within an area considered by the local government as being liable to flooding or inundation unless granted specific planning approval by the local government.

5.8.2 No building or building extension shall be erected on any lot considered by the local government as being liable to flooding or inundation unless the floor level is not less than RL 3.2 metres AHD.

5.8.3 Notwithstanding Clause 5.8.2, Council has discretion to consider a floor level less than RL 3.2 metres AHD for non-habitable outbuildings that are detached from any single house or dwelling unit on the same lot.

5.8.4 In considering applications for development in areas subject to inundation, the local government shall have regard to the Shark Bay – Denham Foreshore Topography and Storm Surge levels map and any relevant adopted Local Planning Policy.

2. Modifying existing Clause '5.13.5 Outbuildings' which currently states;

No outbuilding exceeding 60 m<sup>2</sup> in area shall be erected on any lot without the consent of the local government in accordance with Part 9 of the Scheme and:

- a) no part of any outbuilding shall be within 0.5 metres of any side or rear boundary;
  - b) as required under the Residential Design Codes;
  - c) any additional setback as required by a servicing authority; and d)
- as otherwise stated in other part of the Scheme.

To state:

No outbuildings that collectively exceed 60m<sup>2</sup> in area shall be erected on any lot without the consent of the local government in accordance with Part 8 and Part 9 of the Scheme and:

- a) no part of any outbuilding shall be within 0.5 metres of any side or rear boundary;
- b) may be required to meet additional setbacks as necessary for protection of any easement, drainage, stormwater flow, services or any infrastructure as determined by the local government having regard for advice of any relevant service provider or authority;

c) as otherwise stated in other part of the scheme.

3. Modify existing Clause 8.2 b) which currently states;

The erection on a lot of a single house including any extension, ancillary outbuildings with areas less than 60m<sup>2</sup> and swimming pools, except where:

- i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes;
- ii) the development will be located in a heritage area designated under the Scheme;
- iii) the building will have a floor level less than RL3.2 metres AHD; or
- iv) the proposal is for a transportable or transported dwelling;

To state:

The erection on a lot of a single house including any extension, ancillary outbuildings with an aggregate area not exceeding 60m<sup>2</sup> and swimming pools, except where:

- i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes; or
- ii) the development will be located in a heritage area designated under the Scheme; or
- iii) the building will have a floor level less than RL3.2 metres AHD; or
- iv) the proposal is for a transportable or transported dwelling; or
- v) the proposal is on land within an area considered by the local government as being liable to flooding or inundation; or
- vi) the single house is listed as a 'D' use in Table 1 : Zoning Table as applicable to the relevant zone.'

5/0 CARRIED

#### Précis

The Shark Bay Shire Council at its ordinary meeting held on the 24 November 2010 considered at item 13.2 of its Town Planning Agenda development application 17/2010 Residential Outbuilding Size, Height and Floor Level variations for a proposed dwelling on Knight Terrace and resolved to recommend:

- A) That the proponent of development application 17/2010 be advised that it is not prepared to consider the application until notice of the proposed use or development is served on nearby owners and occupiers in accordance with Part 9: Applications for Planning Approval Clause 9.4.3(a) of the Shire of Shark Bay Town Planning Scheme No. 3.**
- B) That Council initiate an amendment to its Town Planning Scheme No. 3 to allow it to vary the height provisions of outbuildings on land subject to inundation.**

In accordance with recommendation "B" the Shire initiated amendment No. 3 to the provisions of its Town Planning Scheme No. 3.

This report details the proposed Scheme Amendment and recommends that it be adopted without modification.

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Background**Proposal to Amend Local Zoning Scheme**

- |    |                                       |  |
|----|---------------------------------------|--|
| 1. | Local Authority:                      | Shire of Shark Bay   |
| 2. | Description of Local Planning Scheme: | Local Planning Scheme No. 3  |
| 3. | Type of Scheme:                       | District Zoning Scheme   |
| 4. | Amendment No:                         | Amendment No. 3  |
| 5. | Proposal:                             | <p>(i). Modifying Clause '5.8 LAND SUBJECT TO INUNDATION' to clarify Buildings and building extensions require planning approval, provide greater flexibility over minimum floor levels applied to detached outbuildings and provide clear scheme provisions.</p> <p>(ii). Modifying Clause '5.13.5 Outbuildings' to clarify that outbuildings with an aggregate area exceeding 60m<sup>2</sup> require planning approval, and provide clearer controls over outbuildings.</p> <p>(iii). Modifying Clause '8.2 b)' to clarify planning approval requirements for single houses and outbuildings.</p> |

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**PLANNING REPORT****1.0 INTRODUCTION**

Areas of the Denham Townsite are liable to flooding, particularly near the ocean and along the main street being Knight Terrace.

Under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'), all buildings in areas liable to flooding are required to have a minimum floor level not less than RL 3.2 metres AHD. The Scheme applies 'blanket' minimum floor levels to all 'buildings'.

The Shire recently processed an application for an oversized outbuilding for a property in Knight Terrace. It was noted that the visual impact of the proposed outbuilding would be increased if a minimum floor level was applied.

As a result, Council determined to pursue a scheme amendment that would allow increased flexibility for similar types of outbuilding applications.

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This amendment proposes to provide greater flexibility over floor levels for detached non habitable outbuildings in areas subject to inundation. The amendment recognises that detached outbuildings do not require as high a level of protection as dwellings, buildings for habitation / accommodation or public buildings.

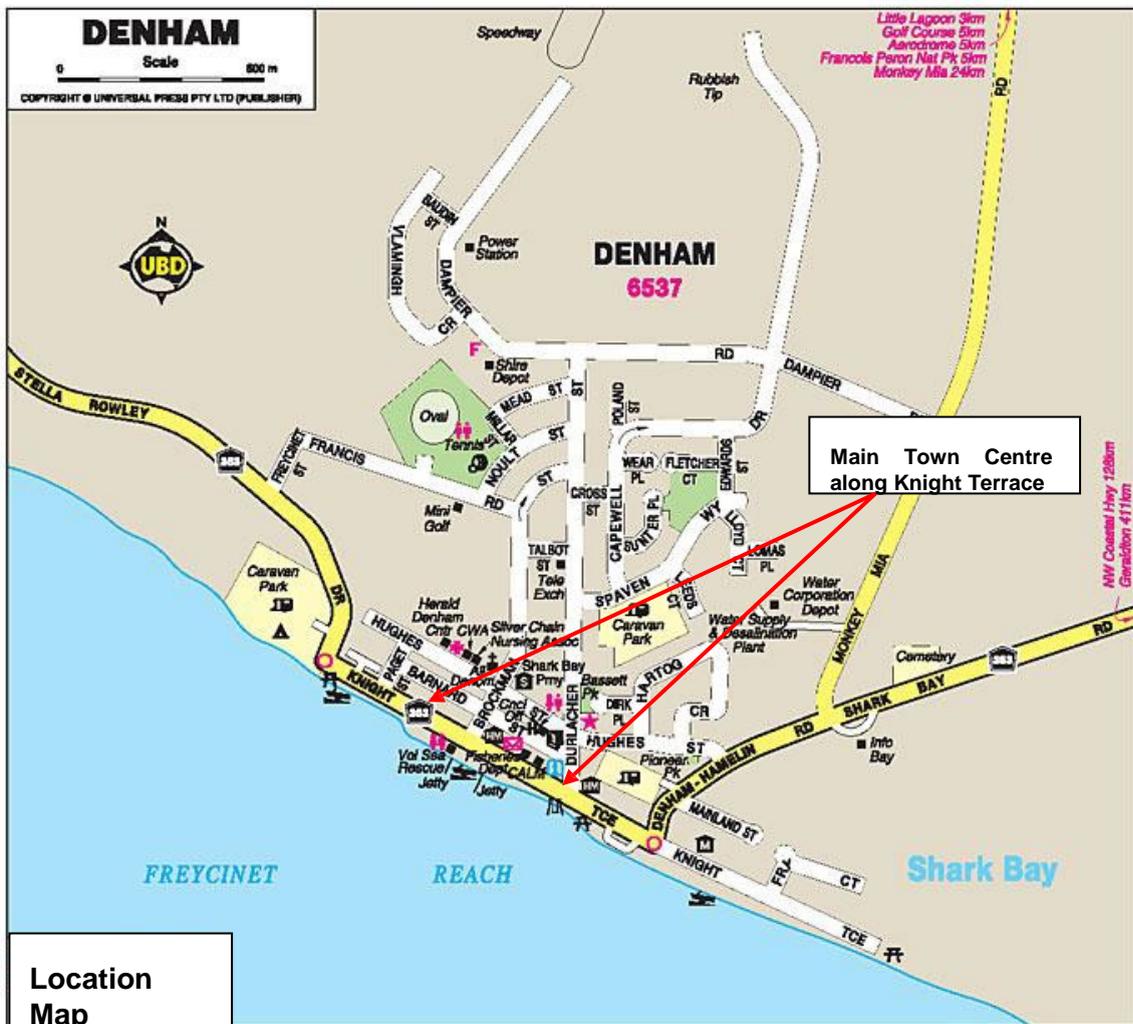
This amendment will provide more concise Scheme requirements for outbuildings, and reduce potential amenity problems associated with filling of properties to accommodate minimum floor levels for outbuildings.

**2.0 LOCATION & DESCRIPTION**

Denham is approximately 833 kilometres north of Perth on the Peron Peninsular and is the main settlement in the Shark Bay World Heritage area. Denham is an attractive coastal town with safe swimming beaches, self contained villas, backpackers, restaurants, local shops, restaurants and a high level of tourism.

The main tourist and commercial strip in the Shire of Shark Bay is located along Knight Terrace, and includes residential components with minimal coastal setbacks. Knight Terrace is subject to inundation associated with natural stormwater drainage from topography, and tidal inundation from the sea.

A location plan is included below for ease of reference.



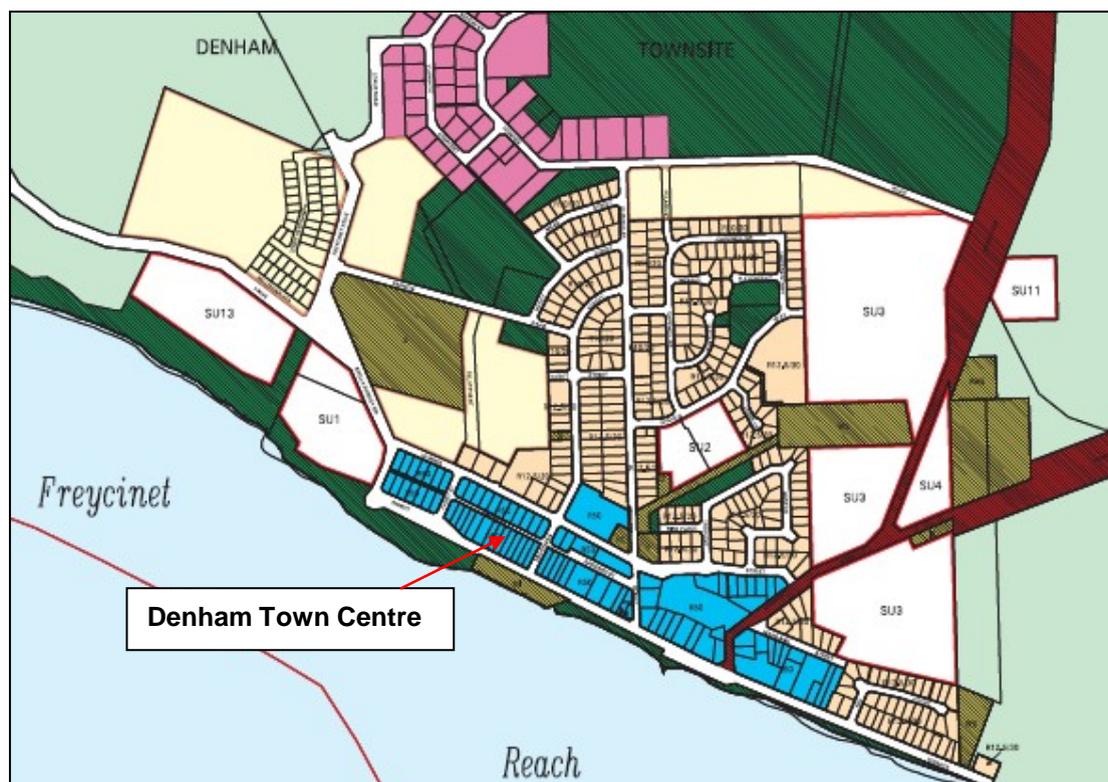
Location Map

### 3.0 RELEVANT PLANNING DOCUMENTS

#### 3.1 *Shire of Shark Bay Local Planning Scheme No 3*

Areas of land subject to flooding and liable to tidal inundation are in close proximity to the ocean predominantly within the 'Town Centre' zone of the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

An extract of the Scheme map is included below;



Council has discretion to consider and approve a wide range of landuses within the 'Town Centre' zone. For residential development, a maximum density of 'R50' applies.

A 'single house' is a 'D' use in the Town Centre zone, which means the use is not permitted unless the local government has exercised its discretion by granting planning approval.

Clause 5.8 of the Scheme has requirements for land subject to inundation, requires planning approval for buildings on land liable to flooding, imposes minimum floor levels on all buildings, and requires the local government to have regard to the Shark Bay – Denham Foreshore Topography and Storm Surge maps.

Clause 5.13.5 of the Scheme has specific controls requiring planning approval for an outbuilding exceeding 60m<sup>2</sup>. It also includes a 0.5 side and rear setback requirement which is proposed to be retained.

Clause 8.2 (b) outlines the circumstances where a single house (and ancillary outbuilding) requires planning approval.

This amendment seeks to modify existing Clauses 5.8, 5.13.5 and 8.2 (b) to expand and clarify the Scheme requirements, as well as afford greater flexibility for the construction of outbuildings.

### **3.2 Denham Town Centre Strategy (November 2006)**

The Denham Town Centre Strategy provides direction for future landuse development for land zoned 'Town Centre' under the Shires Scheme.

The Town Centre Strategy recognises that there is a significant amount of land adjacent to the Denham foreshore zoned 'Town Centre' and its primary role is to provide for retail, commerce, community and tourist centre needs.

The Strategy identifies that there is sufficient land zoned for 'Town Centre' in the foreseeable future and aims to consolidate activities to contribute to a '*sense of vibrancy for the centre*'.

The Strategy also recognises that growth in the Town Centre will be closely linked to growth of residential and tourist facilities. The Strategy divides the Town Centre into a number of recognisable precincts and provides recommendations for priority landuses within each precinct.

Relevant to this amendment, the Strategy prioritises Precinct 3 (west end of Hughes Street) as a residential area, and Precinct 4 (between Durlacher Street and Denham/Hamelin Road) as a residential buffer to the Town Centre.

There are residential lots scattered throughout the Town Centre, with dwellings located along Mainland Street in Precinct 5, and along Knight Terrace in Precincts 2a and 2b.

### **3.3 Draft Local Planning Strategy**

A Draft Local Planning Strategy has been prepared for the Shire of Shark Bay, concentrating on the Denham townsite. The Draft Strategy is in preliminary stages and will likely be subject to ongoing consultation and modifications.

Relevant to this amendment the Draft Strategy recognises drainage problems, tidal flooding and areas subject to inundation as a constraint. The Draft Strategy includes general background information on stormwater drainage.

### **3.4 Shire of Shark Bay Policy Manual**

The Shire of Shark Bay has a Policy Manual which includes '3.10 Outbuilding Policy – Residential zoned blocks'.

Policy 3.10 is listed as a 'building' policy and it is noted that the Shire would still have to assess any application in accordance with the Scheme and Residential Design Codes.

The Policy discusses maximum wall heights no greater than 3.5 metres, materials, and allows zincalume roof materials (with colorbond preferred).

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Although the Scheme requires planning approval for outbuildings exceeding 60m<sup>2</sup>, the Policy provides guidelines on the aggregate size of outbuildings that Council will support based on lot size as summarised below;

	Zoning	Maximum Floor Area of Shed
A	R10 - minimum lot area of block 1,000 square metres	84 square metres
B	R20 - minimum lot area of block 500 square metres	60 square metres
C	R30 - minimum lot area of block 300 square metres	60 square metres

**4.0 PROPOSED AMENDMENT AND JUSTIFICATION**

**4.1 Introduction / Summary of Amendment**

The purpose of this amendment is to provide the Shire with greater flexibility and discretion to approve lesser minimum floor heights for non habitable detached outbuildings in areas liable to flooding (than currently imposed by the Scheme for all buildings).

Imposition of the minimum floor level of 3.2 AHD is important for dwellings or any buildings that are for habitation or public use for safety and protection of occupants (and building contents) in the event of a flood.

Minimum floor levels are commonly applied to new development in flood prone areas, such as the Moora townsite in the Shire of Moora. It is considered that there is a lesser need to impose minimum floor areas on non habitable detached outbuildings.

**4.2 Justification**

**4.2.1 Stormwater Management**

The Shire has examined improved stormwater management options in recent years and gained advice from Greenfield Technical Services to resolve drainage issues in the townsite. Ground levels increase dramatically in the townsite from south to north.

The difference of levels and topography throughout the Denham townsite makes stormwater management difficult as during storm events water runoff naturally occurs towards the ocean and ponding can occur. The photographs below illustrate local topography.



Above: Views of Denham Hamelin Road looking south towards the ocean



Above: Stella Rowley Road towards ocean



Above: Barnard Street into back of lots in Knight Terrace



Above: Tourist accommodation in Knights Terrace shows higher levels north towards Mainland Street



Above: Knight Terrace with minimal coastal setbacks

Dealing with drainage for some areas of the townsite has been problematic as:

- a. The total catchment area that drains down into Knight Terrace (between Brockman Street and Durlacher Street) is significant at approximately 95 hectares.
- b. The ocean is located to the immediate south of Knights Terrace and tide levels can vary up to 1.5 metres. At peak tides the sea water can overflow into the grassed and foreshore areas located between Knight Terrace and the beach. There are high tide occurrences where sea water can flow into the Knights Terrace road reserve.
- c. There isn't suitable undeveloped land for construction of retention structures such as a sump or detention basin near the foreshore.
- d. These are areas with shallow water table which limit underground sumps as a solution.

The Shire has continued to undertake drainage improvement works particularly in Hughes Street. It is important that stormwater be closely examined as part of any new development as any alterations of levels on a lot may have impacts due to natural runoff.

The amendment seeks to emphasize this by expanding existing Clause '5.13.5 Outbuildings' to clarify that additional setbacks may be required not only for service protection (as outlined in existing provisions) but for protection of any easement, stormwater flow, or infrastructure.

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#### **4.2.2 Flooding and Minimum floor levels**

Areas of the townsite are subject to inundation, particularly those located adjacent to the coast along Knights Terrace. The land along Knights Terrace is low lying and subject to storm surge as it is only two to three metres above the sea level.

As part of a review of the Shire's previous Town Planning Scheme No 2 engineering consultants were engaged to examine the Denham Foreshore Reserve and appropriate foreshore setbacks. The report mainly concentrated on the western end.

The Shire's Scheme requires minimum floor levels not less than RL 3.2 metres AHD for any buildings on land subject to inundation. A number of historical buildings are built with lower floor levels, however the minimum levels are applied to all new buildings.

The amendment seeks to retain the requirement for minimum floor levels to apply to most buildings such as dwellings, building extensions, carports, garages and the like. The amendment only seeks to allow flexibility for non habitable detached outbuildings.

#### **4.2.3 Impact on amenity**

The requirement to fill lots to accommodate outbuildings can result in different levels on the lot, streetscape impact, overlooking, and can raise amenity issues by increasing the overall height as measured from natural ground level. It also entails increased constructions costs and in some cases the need for retaining walls.

In some cases older dwellings are built at natural ground level, however new ancillary outbuildings are required to meet minimum floor levels.

The amendment only seeks to increase flexibility over minimum floor levels for limited development and will assist to mitigate visual impact associated with built up outbuildings.

#### **4.2.4 Improved statutory provisions**

The proposed modifications to the Scheme (mainly applicable to outbuildings) will provide increased clarification as refers to an aggregate outbuilding area of 60m<sup>2</sup>. This will avoid any misunderstanding that the existing provisions only apply to any new outbuilding over 60m<sup>2</sup>, as the size of existing outbuildings need to be considered.

The amendment also seeks minor modifications to Clause 8.2 b) which outlines circumstances in which a single house and outbuilding does not require planning approval. As a 'single house' is discretionary in some zones, such as the Town Centre, the modified clause makes reference to the zoning table.

Currently the Scheme imposes a side and rear setback of 0.5 metres to outbuildings, and this is proposed to be retained. Assessing setbacks based on the Residential Design Codes is problematic due to the variation of ground levels and topography, the minimum floor levels, and limited Shire resources.

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Retention of the existing 0.5 metre side and rear setback allows simpler assessments and areas between buildings to accommodate over ground water flow. Assessments of setbacks under the Codes would create an increased administrative burden on the Shire.

## **5.0 Conclusion**

This amendment gives Council greater flexibility and discretion in considering appropriate minimum floor levels for non habitable outbuildings. Minimum floor levels are still intended to be applied to dwellings, habitable buildings, carports, garages, building extensions and the like.

The Shire has achieved good outcomes in the Denham Townsite and is strategically planning for the towns continuing growth and success.

It is not considered that this amendment will undermine the objectives of the Town Centre, and may alleviate some amenity issues associated with increasing levels for outbuilding structures.

The amendment will decrease the visual impact of outbuildings on streetscape and neighbours, by allowing them to be constructed at natural ground level, with specific Council approval.

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**PLANNING AND DEVELOPMENT ACT 2005****SHIRE OF SHARK BAY LOCAL  
PLANNING SCHEME NO. 3  
DISTRICT ZONING SCHEME****AMENDMENT NO. 3**

The Shire of Shark Bay Council under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Local Planning Scheme by;

1. Modifying existing 'Clause 5.8 LAND SUBJECT TO INUNDATION' which currently states:

5.8.1 A building, except with the approval of the local government, shall not be constructed upon any land within an area considered by the local government as being liable to flooding.

5.8.2 Notwithstanding any other clause in this Scheme, no building shall be erected on any lot unless the floor level is not less than RL 3.2 metres AHD.

5.8.3 In considering applications for development in areas subject to inundation, the local government shall have regard to the Shark Bay – Denham Foreshore Topography and Storm Surge levels maps. '

To state:

5.8.1 No building or building extensions shall be constructed upon any land within an area considered by the local government as being liable to flooding or inundation unless granted specific planning approval by the local government.

5.8.2 No building or building extension shall be erected on any lot considered by the local government as being liable to flooding or inundation unless the floor level is not less than RL 3.2 metres AHD.

5.8.3 Notwithstanding Clause 5.8.2, Council has discretion to consider a floor level less than RL 3.2 metres AHD for non-habitable outbuildings that are detached from any single house or dwelling unit on the same lot.

5.8.4 In considering applications for development in areas subject to inundation, the local government shall have regard to the Shark Bay – Denham Foreshore Topography and Storm Surge levels map and any relevant adopted Local Planning Policy. '

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2. Modifying existing Clause '5.13.5 Outbuildings' which currently states;

No outbuilding exceeding 60 m<sup>2</sup> in area shall be erected on any lot without the consent of the local government in accordance with Part 9 of the Scheme and:

- a) no part of any outbuilding shall be within 0.5 metres of any side or rear boundary;
- b) as required under the Residential Design Codes;
- c) any additional setback as required by a servicing authority; and
- d) as otherwise stated in other part of the Scheme. '

To state:

No outbuildings that collectively exceed 60m<sup>2</sup> in area shall be erected on any lot without the consent of the local government in accordance with Part 8 and Part 9 of the Scheme and:

- a) no part of any outbuilding shall be within 0.5 metres of any side or rear boundary;
- b) may be required to meet additional setbacks as necessary for protection of any easement, drainage, stormwater flow, services or any infrastructure as determined by the local government having regard for advice of any relevant service provider or authority;
- c) as otherwise stated in other part of the Scheme. '

3. Modify existing Clause 8.2 b) which currently states;

The erection on a lot of a single house including any extension, ancillary outbuildings with areas less than 60m<sup>2</sup> and swimming pools, except where:

- i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes;
- ii) the development will be located in a heritage area designated under the Scheme;
- iii) the building will have a floor level less than RL3.2 metres AHD; or
- iv) the proposal is for a transportable or transported dwelling;

To state:

The erection on a lot of a single house including any extension, ancillary outbuildings with an aggregate area not exceeding 60m<sup>2</sup> and swimming pools, except where:

- i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes; or
  - ii) the development will be located in a heritage area designated under the Scheme; or
  - iii) the building will have a floor level less than RL3.2 metres AHD; or
-

- iv) the proposal is for a transportable or transported dwelling; or
- v) the proposal is on land within an area considered by the local government as being liable to flooding or inundation; or
- vi) the single house is listed as a 'D' use in Table 1 : Zoning Table as applicable to the relevant zone.'

#### Comment

The proposed scheme amendment will allow development flexibility to developments proposed for land subject to inundation. It will also have cost and aesthetic design variables which may be reflected in streetscape diversity.

#### Legal Implications

The Shire of Shark Bay Town Planning Scheme No. 3  
The Planning and Development Act 2005

#### Policy Implications

All relevant Policies pursuant to the Town Planning Scheme.

#### Financial Implications

The scheme amendment has the potential to significantly reduce development costs associated with building construction.

#### Strategic Implications

It is important for the Shire to constantly review its Town Planning Scheme provisions to ensure the best and most viable outcomes for its strategic directions.

#### Voting Requirements

Simple Majority Required

Date of Report

3 March 2011

COUNCIL ADJOURNED FOR LUNCH AT 12.28PM AND RECONVENED AT 1.08PM WITH ALL PREVIOUSLY MENTIONED IN ATTENDANCE.

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

NIL

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

Moved            Cr Pepworth  
Seconded       Cr Hanscombe

**Officer Recommendation**

**That Council accept the tabling of the urgent business items 17.2.**

**5/0 CARRIED**

**17.2 EMERGENCY SERVICES FACILITY****Author**

Chief Executive Officer

**Disclosure of Any Interest**

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Secretary & Volunteer St John's Ambulance Shark Bay

Declaration of Interest: Cr Ridgley

Nature of Interest Impartiality Interest as President of VMR sea rescue

Declaration of Interest: Cr Hanscombe

Nature of Interest: Impartiality Interest as member of St John's Ambulance Shark Bay

Moved            Cr Pepworth  
Seconded       Cr Ridgley

**Council Resolution**

**That the application for capital works funding for a collocated Emergency Services Facility on the corner of Durlacher Street, Dampier Road and Poland Street be supported.**

**Provision for the Council's contribution towards the establishment of the collocated facility including, but not limited to, site works, car parking landscaping and boundary fencing be included in the 2011/2012 draft budget deliberations.**

**5/0 CARRIED**

**Background**

The Fire and Emergency Services Authority through the emergency services levy provide funding for emergency services branches throughout the state for a number of operational and capital works.

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The capital and operating grants application process commences in January of each year and the closing date this year for applications is 8 April 2011.

The operating grant allocations will then be advised to Local Governments in May 2011 and the notification of capital submissions will be advised in August 2011.

Following an inspection by representatives from the Fire and Emergency Service Authority of the Shark Bay State Emergency Service (SES) building has been unfit for purpose by the Fire and Emergency Service.

The Fire and Emergency Service Authority (FESA) have advised the local State Emergency Service and the Shire to pursue funding to construct new premises.

Discussions have also been held with the local Volunteer Marine Rescue and the St John's Shark Bay Sub Branch as to the possibility of their involvement in the project.

#### Comment

The requirement for a purpose built facility for emergency services is evident given the current accommodation for the State Emergency Service facilities and the lack of facilities for the Volunteer Marine Rescue to adequately store equipment.

The St John's Ambulance Shark Bay Sub Centre has been discussing the prospect of establishing new premises and has indicated their support of the concept of collocating future premises with other emergency services.

The concept of having a majority of emergency services collocated in one building has a number of advantages and should be pursued.

There are a number of examples in rural areas and the emergency authorities are viewing the opportunities to fund collocation most favourably.

The Council at the meeting held on 15 December 2010 resolved that Council pursue the acquisition of unallocated crown land P32762 Lot 377 corner of Durlacher Street, Dampier Road and Poland Street with the Department of Planning (state land services and assets management division) for the purposes of locating emergency service organisations on land that is Shire vested for community purposes or by freehold title of the collective emergency organisations.

These actions to undertake this resolution have been put in place and favourable advice has been received in regard to the concept.

The Fire and Emergency Services have standard design configurations for premises for collocated facilities, however dependant upon the level of contribution from additional agencies and the funding received from the Emergency Services Levies

The configurations presented by FESA as standard installations indicate an administration building with training, operation and other areas with large storage sheds situated alongside. (Example attached)

There may be some redesign of the configuration to accommodate other emergency service groups which would be dependent upon the level of contribution from the individual groups to the proposal.

This configuration would provide for expansion in the event that all the emergency services agencies agreed on the conditions of tenancy that would be proposed in the event that the Emergency Services Levy grant application is successful.

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**ST JOHN AMBULANCE  
SHARK BAY SUB CENTRE**



Mr Paul Anderson  
Chief Executive Officer  
Shire of Shark Bay  
Knight Terrace  
DENHAM WA 6537

Dear Paul

**PROPOSED EMERGENCY SERVICES PRECINCT - DENHAM**

At the committee meeting of the Shark Bay Sub Centre of the Saint John Ambulance service which was held on 2<sup>nd</sup> March 2011, members discussed a proposal to construct new facilities in conjunction with other emergency services in the district (i.e. State Emergency Service and Volunteer Marine Rescue Service).

It is understood that the Shire is currently awaiting advice from the State Government in relation to the allocation of suitable land for this purpose and that the result of a grant submission to fund the construction of facilities from the State Emergency Services Levy will not be known until approximately July.

However, in the interim, the committee's decision is to support the concept of co-locating future premises with other emergency services, on the provision that the Shire of Shark Bay has vested management of the land on which the proposed facilities are to be constructed.

Therefore, can you please ensure that the Sub Centre committee is informed of future developments in regard to this proposed development?

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cheryl Cowell'.

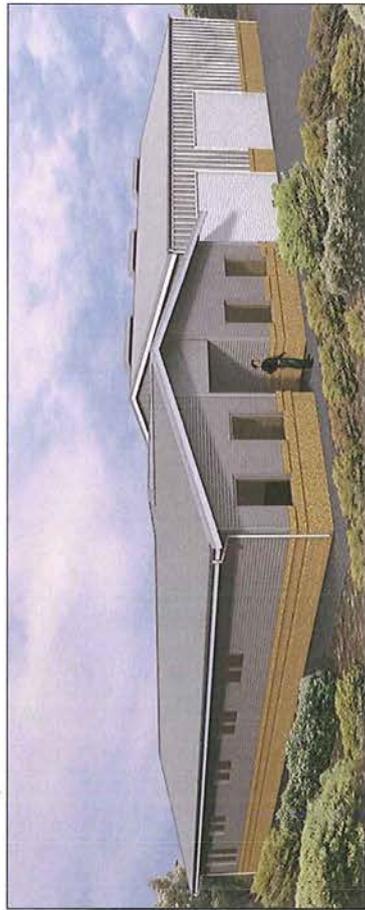
Cheryl Cowell (Secretary)

for Fay Castling (Chair)  
Shark Bay Sub Centre

10 March 2011



INDICATIVE MASONRY & METAL CLAD OPTION 1



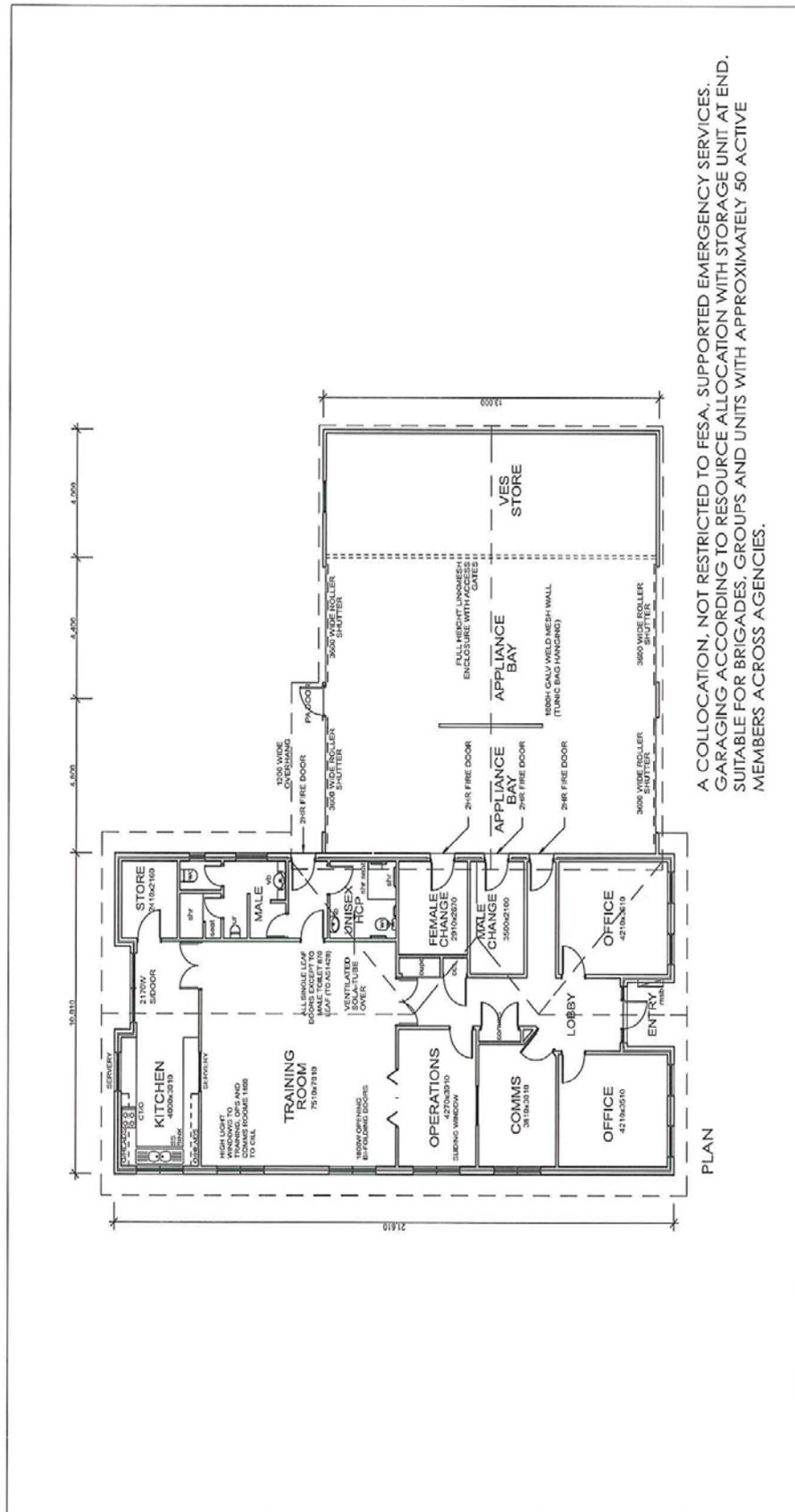
INDICATIVE MASONRY & METAL CLAD OPTION 2



FIRE & EMERGENCY SERVICES AUTHORITY OF WESTERN AUSTRALIA  
STANDARD COUNTRY FACILITY



**VOLUNTEER EMERGENCY SERVICE-2 Bay+Store**  
(LARGE VEHICLE VERSION)  
SHEET 1 of 2



FIRE & EMERGENCY SERVICES AUTHORITY OF WESTERN AUSTRALIA  
 STANDARD COUNTRY FACILITY

**FESA**

**VOLUNTEER EMERGENCY SERVICE-2 Bay+Store**  
 (LARGE VEHICLE VERSION)

SHEET 1 of 2



VOLUNTEER  
MARINE RESCUE  
SHARK BAY inc.

PO Box 35 Denham WA 6537  
President: Greg Ridgley 0429 481 4460

Email [vmrsharkbay@westnet.com.au](mailto:vmrsharkbay@westnet.com.au)  
Acting Secretary: Judy Britza 0429 672063

**TO WHOM IT MAY CONCERN:**

RE: EMERGENCY SERVICES CO-LOCATION

At our General Meeting held on 21<sup>st</sup> September 2010 the members of Shark Bay volunteer Marine Rescue Inc voted in principal support to co-locate with other emergency services in Denham in the proposed emergency services precinct.

The needs of our group would be met by the provision of storage facilities for our secondary rescue boat, tow vehicle and an area that allows maintenance to be carried out on boats and vehicles. The group's participation in the proposed co-location will be dependent upon funding being available for our group to contribute to the building cost.

If further information about our participation is required, please contact me on 0429 481446.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Greg Ridgley', written in a cursive style.

Greg Ridgley  
President Shark Bay VMR Inc  
PO Box 35  
DENHAM 6537

3<sup>rd</sup> March 2011

CC CEO Shire of Shark Bay  
Shark Bay SES Unit  
St. Johns Ambulance Sub Branch Shark Bay

Unit Manager  
Shark Bay SES unit  
C/o PO Box 13  
Denham 6537  
3<sup>rd</sup> March 2011

To whom it may Concern.

**RE: SHARK BAY STATE EMERGENCY SERVICE HEADQUARTERS**

The Shark Bay State Emergency Services unit based in Denham is one of two SES units in the shire of Shark Bay. The other unit is at Useless Loop, which is a mining community in the shire 200 km by road from Denham.

The Shark Bay SES unit is submitting an application for funding for a new building for the 2011- 12 funding period. The unit is in desperate need of a new building. The current premises are inadequate and are unsuited for any unit to have to use as their headquarters. The building is an unlined shed that is suitable for vehicle storage only. There is no water supply, no toilets or ablution facilities, no suitable administration area or training facilities. In one corner there is a section partitioned off to serve as a radio section and some shelving for storage.

The building gets extremely hot, as there is no ventilation or air conditioning. The section where the radios are situated is especially unbearable; the temperature in there for around half the year is usually well in excess of 45 degrees. FESA staff assessed the building in 2010 and was found to be "not fit for purpose."

The unit is endeavouring to recruit members after a period of decline that saw the entire membership of the Shark Bay unit leave over a period of a few years. When the current managers took on the responsibility, there were no members, including themselves, with any SES experience left in the unit. It has been very difficult trying to recruit members when there are no basic facilities available for members or prospective members.

Shark Bay SES members have participated in deployments to regional towns and have acquitted themselves well. We believe that with better training facilities, the unit will grow and our members will improve their skills to continue to provide assistance when needed. We believe that it is not appropriate that SES training, briefings or debriefs should be done at members homes in lieu of a suitable unit headquarters in an effort to make meetings and training bearable for members.

The lack of suitable local headquarters is severely hampering the rebuilding of this unit.

The Shark Bay shire has recently identified a block of land to be the site of a future emergency services precinct. It is in an excellent location, with in excess of 10,000 sq metres available; it has three-road access, including a main access road into the town. It is situated in a high part of the town site with gently sloping profile with no flooding problems.

There are agreements in principal from both the Shark Bay Volunteer Marine Rescue group and the Saint John's Ambulance sub-centre to co-locate in the emergency services precinct. The VMR group is applying for funding to cover the building of boat storage facility adjacent to any future SES headquarters. The St John's ambulance sub-centre is doing likewise.

We have approached the FRS unit in Denham to ascertain their attitude towards future co-location. The response from them has been that their facility has recently had additions and has been recently assessed as fit for purpose. However, if at some stage in the future a need arises for them to relocate, there is ample area available within the planned emergency services precinct to cater for their future needs.

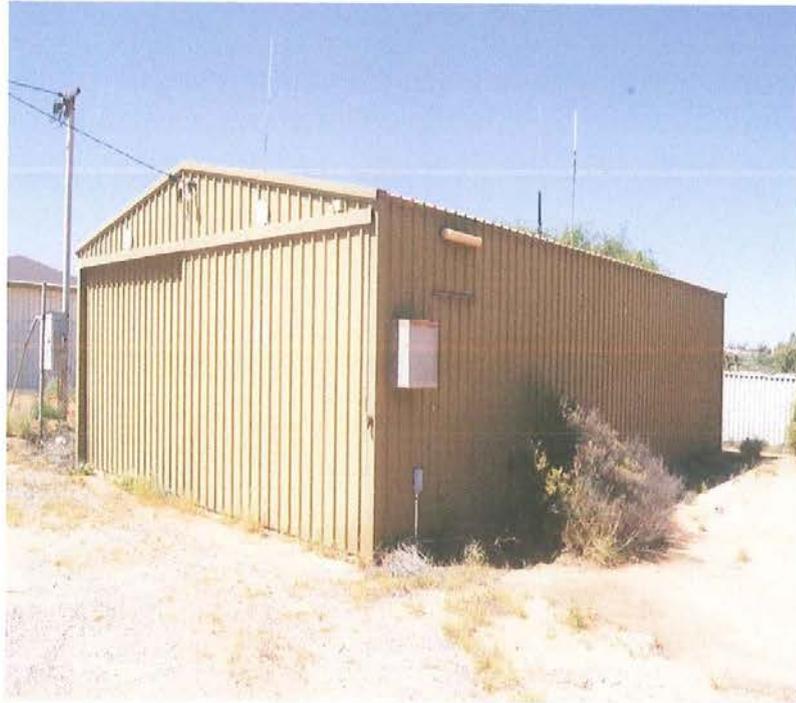
As unit manager, I have reviewed the budget offer for the 2011-12 year and after consultations with members have decided to appeal the budget allocation and seek a revised offer. We have carefully considered and costed our planned activities and revitalisation for the coming year. Additionally, I have made provision in the capital purchases section of the budget for improvements to be made to the current building should approval not be granted for a new building. These purchases include a transportable building that will provide administration and ablution facilities, as well as the provisioning of air conditioning for the building.

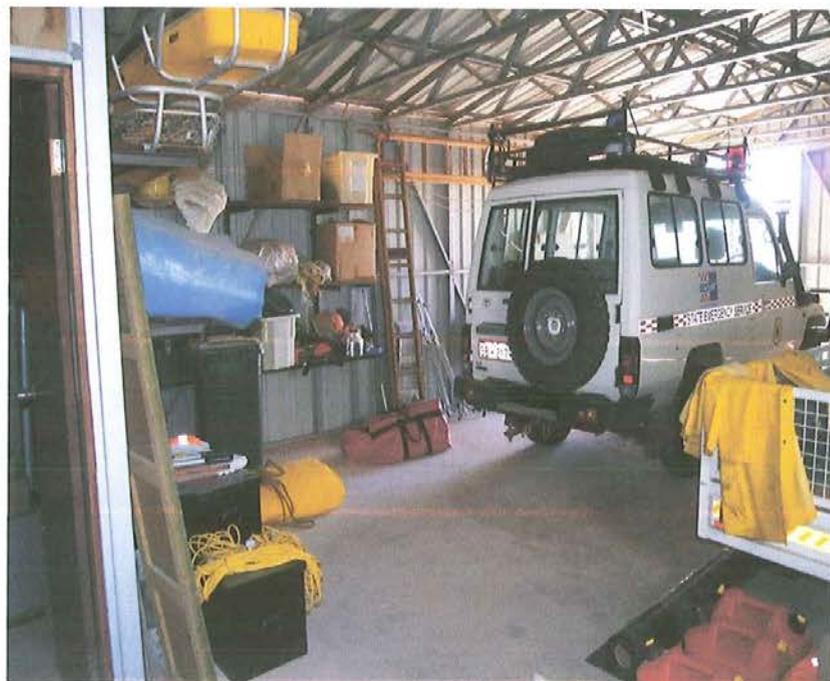
Attached are photos of the current facilities that highlight the need for improved unit housing in Denham.

Regards

Joe McLaughlin  
Unit manager Shark Bay SES  
3rd March 2011

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### Legal Implications

In accordance with the grant conditions the ownership of the asset remains with the owner, in this proposal this will be the Shire of Shark Bay.

The Council then becomes responsible for the ongoing maintenance of the facility which can be delegated to the tenants.

In regards to the issue of collocation with other emergency services there would have to be a Memorandum of Understanding developed that clearly defined the obligations and responsibilities of all parties involved with the proposal. This would include their contribution in regard to the maintenance, utility and rights to utilise the common areas of the facility.

### Policy Implications

Nil

### Financial Implications

Funding for the building is provided by the Emergency Services Levy. The Council obligations in regard to this proposal would be the provision of the land and site works for the building and car parking, landscaping and boundary fencing.

The standard of the car parking is not defined but could be limited to loose material and not at this point be asphalt or bitumen, the same applies to the landscaping and boundary fencing. The standard of the finish would be dependant upon a number of factors including the sum Council allocates to the project budget and the desired final appearance required by the Council.

However it would be advisable to ensure that if the grant application and collocation concept is successful the project produces a result that is both functional for all participants and aesthetically pleasing to the community.

There will be additional ongoing financial implication in regards to maintenance of the premises, however a majority of these costs should be attributable to the tenants of the facility.

This will have to be detailed in a Memorandum of Understanding between all parties involved, however there is usually an expectation in the provision of facilities of this nature that the Council has inherent obligations.

The Council will have to ensure that its level of contribution to the ongoing maintenance is clearly documented.

In the event that the submission is unsuccessful the Council can reallocate any funds budgeted at the 6 monthly budget review or place the budgeted amounts in a reserve fund for future expenditure.

The land is currently unallocated crown land and as such doesn't attract any rate income.

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Strategic Implications

The establishment of a collocated emergency facility that provides for the community in the long term should be an important strategic objective of the Council.

Voting Requirements

Simple Majority Required

Date of Report

14 March 2011

**18.0 MATTERS BEHIND CLOSED DOORS**

Moved           Cr Ridgley  
Seconded       Cr Pepworth

**Council Resolution**

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

**5/0 CARRIED**

**18.1 PROPOSED RE-DEVELOPMENT OF THE SECONDARY ISOLATED DISTANCE EDUCATION CENTRE BUILDING – DENHAM / HAMELIN ROAD**

BU104.03

Author

Manager Regulatory Services

Disclosure of Any Interest

Declaration of Interest: Cr Ridgley

Nature of Interest: Impartiality Interest as member of the Shark Bay Resource Centre Committee

Moved           Cr Pepworth  
Seconded       Cr Wake

**Council Resolution**

**That council advise the Chairman of the Shark Bay Community Resource Centre committee that it has a cost analysis that identifies total project costs to progress the re-development of the Secondary Isolated Distance Education Centre building on a sub-contractual basis subject to confirmation of sufficient funds being held or can be identified to cover the total development inclusive of site works and landscaping.**

**5/0 CARRIED**

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Council staff members Mr R Towell, Mr J McKechnie, Mr B Galvin and Mrs R Mettam left the Council Chamber at 2.16pm

18.2 ORGANISATIONAL REVIEW

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved           Cr Ridgley  
Seconded       Cr Pepworth

**Council Resolution**

**That the item lay on the table for further consideration at the April 2011 Council meeting.**

**5/0 CARRIED**

Moved           Cr Hanscombe  
Seconded       Cr Pepworth

**Council Resolution**

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

**5/0 CARRIED**

19.0 **DATE AND TIME OF NEXT MEETING**

NEXT COUNCIL MEETING IS SCHEDULED TO BE HELD ON 20 APRIL 2011 IN COUNCIL CHAMBERS COMMENCING AT 9.00AM SHARP.

20.0 **CLOSURE OF MEETING**

The President declared the meeting closed at 4.04pm.

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