

SHIRE OF SHARK BAY ORDINARY COUNCIL MINUTES

25 MAY 2011





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Minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Council Chamber Denham on 25 May 2011 commencing at 9.06am.

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1.0 DECLARATION OF OPENING

Meeting was declared open at 9.06am

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 J McLaughlin	
Cr B Wake	

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

APOLOGIES

Cr T Hargreaves	Suspended until 17 June 2011
Cr D Pepworth	Leave of Absence Applied for 25 May 2011

VISITORS

1 visitor in the gallery

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME

Public Question Time opened at 9.07am and closed at 9.07am with no questions from the gallery.

5.0 APPLICATIONS FOR LEAVE**5.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR PEPWORTH**

CO515

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved	Cr Ridgley
Seconded	Cr McLaughlin

Council Resolution

Councillor Pepworth be granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary meeting of Council schedule to be held on 25 May 2011.

5/0 CARRIED

Background

Councillor Pepworth has applied for leave of absence from the ordinary meeting of Council scheduled for 25 May 2011. The Council in accordance with Section 2.25 of the ***Local Government Act 1995*** as amended may by resolution grant leave of absence to a member.

Comment

Councillor Pepworth has advised the Chief Executive Officer due to personal commitments he will be unable to attend the Ordinary meeting of Council scheduled to be held on 25 May 2011 and has requested leave of absence be granted by Council for this meeting.

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

Legal Implications

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

- (1) A council may, by resolution grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the minister.
- (3) The granting of leave, or refusal to grant leave and reasons for that refusal, is to be recorded in the minutes for the meeting.
- (4) A member who is absent, without first obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –
 - a. If no meeting of the council at which a quorum is present is actually held on that day; or
 - b. If the non attendance occurs while –
 - (i) the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5)
 - (ii) while proceedings in connection with the disqualification of the member have been commenced or are pending; or
 - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

13 May 2011

6.0 PETITIONS

Nil

7.0 CONFIRMATION OF MINUTES**7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 20 APRIL 2011**

Moved Cr Ridgley
Seconded Cr McLaughlin

Council Resolution

That the minutes of the ordinary council meeting held on 20 April 2011, as circulated to all councillors, be confirmed with an alteration at Item 8.0 taking out “is now a member of the” and replacing with “is now attending” and adding “meetings” and the end of the sentence.

5/0 CARRIED**8.0 ANNOUNCEMENTS BY THE CHAIR**

Ms Carina Lauder, Regional Arts Development Manager from Country Arts WA will address Council at 12.00 noon and has been invited to the luncheon.

Haines Norton Consultants will attend Council meeting and present an update on the workshop that was attended yesterday.

9.0 PRESIDENT'S REPORT

Chief Executive Officer and I recently attended a meeting in Carnarvon of the Directors General Reference Group with heads of various State Government Departments. It was an opportunity to bring to their attention some of the issues affecting our Shire and also to showcase developments and progress occurring here, particularly projects currently being funded by the Royalties for Regions program.

Another successful Shark Bay Fishing Fiesta was held this month, the 17 May, so far, expanding from a fishing competition only, to a weeklong event with fun and activities for visitors and the whole community. I would like to congratulate everyone involved in providing their time and effort to organise the event as it encourages visitors and promotes our great part of the State, as well as benefiting many local community groups and businesses.

The Minister for Local Government, John Castrilli, was in town last week to meet with councillors and the Shire Chief Executive Officer. He was particularly interested to ensure the current Council is conducting its affairs in a transparent and accountable manner and that the recommendations from the inquiry into the previous Council's operations are being addressed. It was a very positive meeting and the Minister is satisfied that the current Shire administration and councillors have made significant progress towards achieving the recommendations from the inquiry.

It was also an opportunity to update the Minister on the progress taking place within the Shire, such as the multipurpose recreational centre, replacement of the Denham recreational jetty and Monkey Mia jetty and the erection of the Sydney II memorial.

I attended the inaugural meeting of the Dirk Hartog Commemoration Committee in Perth this month. This committee will lead the planning of key events in celebration of the 400th anniversary of Dirk Hartog's landing at Cape Inscription in October 1616 and then provide a draft report of recommendations to Cabinet and the Shire in February 2012. The committee comprises of representatives from the Shire, WA Museum, Gascoyne Development Commission and Department of Environment and Conservation, plus Vince Catania and is chaired by Ken Baston, MLC.

With the 300th anniversary of the Zuytdorp shipwreck occurring in June next year, activities will be organised in conjunction with this Shire, the WA Museum and the Shire of Northampton to commemorate this event also. So I will keep you posted as these are finalised!

Moved Cr Wake
Seconded Cr Hanscombe

Council Resolution

That the Presidents report for May 2011 be received.

5/0 CARRIED

Councilor's Report (President)

19 April	Met with Director Generals of various State Government Departments in Carnarvon
20 April	April Council meeting
7 May	Opened the Shark Bay Fishing Fiesta

10 May Met with Minister for Local Government, John Castrilli and Director General of Department of Local Government, Jennifer Mathews
 12 May Attended Local Government Forum in Perth
 16 May Attended inaugural meeting of the Dirk Hartog Commemoration Committee in Perth.

Moved Cr Ridgley
 Seconded Cr Wake

Council Resolution

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

5/0 CARRIED

10.0 COUNCILLORS' REPORTS

10.1 CR B WAKE
 CO 513

2 May 2011 Attended Murchison Land Conservation District Committee meeting – delivered report on total grazing pressure conference held in Adelaide on 16 February 2011
 6 May 2011 Assisted with application for funding from Australian Wool Growers Levy for Carnarvon Bio Security Group for wild dog control in Shark Bay and Murchison areas.

Moved Cr Ridgley
 Seconded Cr McLaughlin

Council Resolution

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

5/0 CARRIED

10.2 CR G RIDGLEY
 CO 511

25 APRIL Attended Anzac day and gave Council speech, attended the luncheon
 10 May Attended a meeting with Minister Castrilli and Vince Catania in Council Chambers
 12 May Attended the Coral Coast meeting in Perth
 19 May Attended the Shark Bay Marine Working Group meeting

Moved Cr McLaughlin
 Seconded Cr Hanscombe

Council Resolution

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

5/0 CARRIED

10.3 CR J HANSCOMBE
CO 514

3 May Attended St John's Ambulance meeting
10 May Attended a meeting with Minister Castrilli and Vince Catania in
 Council Chambers

Moved Cr Ridgley
Seconded Cr Wake

Council Resolution

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

5/0 CARRIED

10.4 CR J McLAUGHLIN
CO512

19 May Attended Shark Bay Marine Working Group
19 May Attended Shark Bay Marine Facilities Meeting

Moved Cr Ridgley
Seconded Cr Hanscombe

Council Resolution

That Councillor McLaughlin's May 2011 report on his activities as a Council representative be received.

5/0 CARRIED

10.5 CR D PEPWORTH
CO 515

Nil

11.0 ADMINISTRATION REPORT**11.1 LOCAL GOVERNMENT INQUIRY REPORT AUDIT****Author**

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved Cr Ridgley
Seconded Cr McLaughlin**Council Resolution**

That the Chief Executive Officer be authorised to obtain a legal opinion in regard to the implications of any course of action that the Council may consider undertaking in response to the findings of the audit report prepared in response to recommendation three of the Inquiry into the Shire of Shark Bay by the Department of Local Government.

5/0 CARRIED**Background**

The Department of Local Government Inquiry into the Shire of Shark Bay that was finalised in October 2010 contained the following recommendation:

Recommendation three

An external auditor(s) be appointed, approved by the Department to conduct a full financial and compliance audit with parameters for the audit set by the Department.

This audit as a matter of priority identifies all costs associated with the Shires provision of legal funding to Mr Moss.

The outcome of this audit is to be reported directly to the Department and Council

Mr R J Back was commissioned to undertake the audit with the approval of the Department of Local Government. The audit has been undertaken and the final report was received on 2 May 2011, a copy has been sent to the Department in accordance with the recommendation.

R J Back

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Chief Executive Officer,
Shire of Shark Bay
PO Box 126
DENHAM WA 6537

Dear Paul,

27 April 2011

Ref: 597

Report into the Shire of Shark Bay

Further to your instructions I provide my report on the issues pertaining to the requirements of the Department of Local Government in respect to recommendation 3 (page 70) of the Report of the Inquiry into the Shire of Shark Bay (October 2010).

“Recommendation 3

An external auditor(s) be appointed, approved by the Department, to conduct a full financial and compliance audit with parameters for the audit set by the Department.

This audit, as a matter of priority, identify all costs associated with the Shire’s provision of legal funding to Mr Moss.

The outcome of this audit is to be reported directly to the Department and Council.”

Report of the Inquiry into the Shire of Shark Bay October 2010. Department of Local Government - page 70.

The Department of Local Government’s correspondence of 21 January 2011 to the Shire the parameters were defined those parameters.

“In setting the parameters for this audit the Department is mindful of the current circumstances at the Shire, and in particular that a number of the persons directly involved with the matter of legal funding for Mr Moss and associated matters are either no longer elected members or employees of the Shire.

In this regard it is the Department view that the Audit examine and report on

1. All costs paid by the Shire relating to the provision of legal funding for Les Moss including but not limited to

- Legal advice.
- Legal representation.
- Associated expenses.

2. All costs relating to the travel, accommodation and expenses of witnesses relating to the above, whether reimbursed by any party or not.
3. All reimbursements received by the Shire in regard to 1 and 2 above.
4. All expenditure by the Shire on legal advice obtained between 01 May 2009 and 1 January 2011 including the basis for the request and acquittal of funding thereof.
5. All expenditure by way of the Shires credit cards between 01 May 2009 and 1 January 2011 and acquittal thereof.
6. All expenditure reimbursed by means of cash expenses between 01 May 2009 and 1 January 2011 and acquittal thereof.
7. All travel, accommodation and sundry associated expenses between 01 May 2009 and 1 January 2011 and acquittal thereof.”

Methodology

- The initial terms of reference were established by the Department of Local Government on 21 January 2011;
- Discussion with Department of Local Government representative 17 March 2011;
- The on-site audit was conducted during the week commencing 21 March 2011;
- Additional credit card information sought from bank and transactions finalised on 19 April 2011;
- An initial draft was forwarded to the Shire for comment on the 20th April 2011.
- Report was adjusted and the final report released 28 April 2011.

Payments in respect of costs paid by the Shire relating to the provision of legal funding for L Moss

The Department of Local Government initiated actions in respect to alleged non disclosure of proximity/financial in matters before Council by Councillor Les Moss in 2006, 2007 and 2008.

The matter was first raised by the Department in 2006. In response to a letter from the Department of Local Government a Special Council Meeting of the Shire of Shark Bay on the 15 March 2006 authorised the Chief Executive Officer and President to obtain legal advice on the matters raised by the Department of Local Government.

The Ordinary Council Meeting of 26 September 2007 re-affirmed the March 2006 decision to obtain and pay for legal advice. It was not until the Ordinary Council Meeting of 25 June 2008 the decision was expanded to include legal representation in accordance with the Council policy 7.4.

In determining the extent of costs paid by the Shire for advice and representation in the matter of “breaches” of the Local Government Act by Mr Moss, as an elected member of the Shire, I have considered the financial transactions since 2006 when the matter was first raised. I have had to rely on the direct expenses paid by the Shire. Clearly there was substantial involvement by the Shire’s Chief Executive Officer over the period 2006 to 2009. However insufficient Shire records are available to make an informed estimate as to the cost of the Chief Executive Officer’s involvement in this matter.

Summary of costs (net of GST)

Legal expenses	\$68,488.14
Court Costs (against L Moss)	5,000.00
Witness expenses	145.45
L Moss - accommodation/meals/etc	723.54
K Matthews - accommodation/meals/etc	1,213.41
Other	20.18

	\$75,590.72
Recovered under Insurance policy (net of \$5,000 excess)**	\$55,266.48
	=====
	\$20,324.24

**During the course of the audit it was found that an account from McLeods, Barristers and Solicitors (Invoice 42697) which covered the period 2/10/07 to 20/12/07 for \$3,540.23 was incorrectly deleted by the insurance broker from the Shire's claim in 2009. Action has been undertaken to have the amount re-assessed for recovery.

Comment

1. The Shire incurred direct costs of \$75,590 in respect of actions initiated by Department of Local Government against Councillor L Moss. Of this amount \$55,266 has been recovered through the insurance policies of the Shire,

SUMMARY BY YEAR	Incurred	Recovered	
2006	6,671.00	6,671.00	
2007	3,540.23	0.00	** subject to claim
2008	40,639.88	34,093.79	
2009	24,739.61	19,501.69	
2010	0.00	0.00	
2011	0.00	0.00	
	<u>75,590.72</u>	<u>60,266.48</u>	
	Excess	-5,000.00	
		<u>55,266.48</u>	
	Net	<u>20,324.24</u>	**

2. These costs are net of GST and do not cover the indirect costs of Shire staff,
3. The net cost to the Shire should be reduced after consideration of expenses of \$3,540 which has not previously been claimed,
4. Cost recoveries have been via the Shire's insurance policies; no costs have been recovered from individuals,
5. The Department of Local Government Report of the Inquiry into the Shire of Shark Bay dated October 2010 highlighted the variations in the processes followed by the Shire and the procedures contained in its Policy 7.4. (Report of the Inquiry into the Shire of Shark Bay October 2010. Department of Local Government - page 60.)

In reviewing legal expenses since 2006 it was found that the first time the matter was heard in the Perth Magistrates Court was February 2008. Legal expenses including representation in court of Mr Moss were paid by the Shire prior to the Council authorisation in June 2008.

6. Legal costs for 2006, 2007 and early 2008 were for advice, whilst commencing in 2008 with the first court appearance the expenses were focused on the defence of the charges. The legal accounts are not detailed as to advice or representation, nor do they allocate matters such as research, photocopying, facsimiles, printing, and telephone advice to either matter. However, I have attempted to allocate the \$68,488 (net of GST) between the two matters based on the timing of the advice and billing descriptions.

The allocations are as follows –

Legal Advice	18,830.33
Legal Representation	49,657.81

	68,488.14

Of this amount some \$55,266 has been recovered through the Shire's insurance policy with a further \$3,540 awaiting determination.

7. Costs relating to the travel, accommodation and expenses of witnesses relating to the above are as follows -

Witness expenses (M Hook)	145.45
K Matthews - accommodation/meals/etc	1,213.41
L Moss - accommodation/meals/etc	723.54
Taxi - W Perth to City Court Documents	20.18

Note: Shire records show accommodation and travel costs of \$1,081.63 for K Matthews between the 18 January 2009 and 20 January 2009 were considered to be associated with the Moss case. A diary note identified as "McLeods - all day Perth" on the 19 January 2009. However, the billing accounts from McLeods suggest that negligible time was spent with the lawyers on this day. I have excluded these costs from the above calculations.

SUMMARY OF EXPENSES

Full details are listed in Attachment A.

Legal Payment for L Moss	2006	2007	2008	2009	2010	Total
Legal Expenses	6,671.00	3,540.23	40,639.88	17,637.03	0.00	68,488.14
Recovered - insurance	(6,671.00)	0.00	(34,093.79)	(14,501.69)	0.00	(55,266.48)
Court Costs (against L Moss)	0.00	0.00	0.00	5,000.00	0.00	5,000.00
Recovered - insurance	0.00	0.00	0.00	(5,000.00)	0.00	(5,000.00)
Witness expenses	0.00	0.00	0.00	145.45	0.00	145.45
Recovered - insurance	0.00	0.00	0.00	0.00	0.00	0.00
L Moss - accommodation/meals/etc	0.00	0.00	0.00	723.54	0.00	723.54
Recovered - insurance	0.00	0.00	0.00	0.00	0.00	0.00
K Matthews - accommodation/meals/etc	0.00	0.00	0.00	1,213.41	0.00	1,213.41
Recovered - insurance	0.00	0.00	0.00	0.00	0.00	0.00
Taxi - W Perth to City Court Documents	0.00	0.00	0.00	20.18	0.00	20.18
Total Costs	6,671.00	3,540.23	40,639.88	24,739.61	0.00	75,590.72
Recoveries	(6,671.00)	0.00	(34,093.79)	(19,501.69)	5,000.00	(55,266.48)
					Net	20,324.24

The following addresses the specific terms of reference detailed in the Department of Local Government's letter of 21 January 2011.

Findings - Terms of Reference

Item 1. All costs paid by the Shire relating to the provision of legal funding for Les Moss including but not limited to

Legal advice.	\$18,830.33
Legal representation.	49,657.81
Associated expenses.	7,102.58

	\$75,590.72

Item 2. *All costs relating to the travel, accommodation and expenses of witnesses relating to the above, whether reimbursed by any party or not.*

Expenses have been paid by the Shire totalling \$2,082.40. These relate to travel, meals and accommodation for –

Witness expenses (M Hook)	\$145.45
K Matthews - accommodation/meals/etc	1,213.41
L Moss - accommodation/meals/etc	723.54

	\$2,082.40

Item 3. *All reimbursements received by the Shire in regard to 1 and 2 above.*

Reimbursements have been made by the Shire's insurer totalling \$55,266.48 (\$60,266.48 less \$5,000 excess). A claim for an additional \$3,540.23 has been lodged for a previously unclaimed expense.

I am of the view that the payment of expenses in relation to this matter have not been made in accordance with the Shire's Policy Division 7 – Legal. The following matters are not consistent with this policy –

1. As disclosed in the Department of Local Government Report the Shire's Policy states "to protect the interests of Council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions." The actions of this case relate to criminal proceedings and not civil as prescribed in the policy.
2. Given the Council has authorised the payment of expenses (outside the policy in 1 above) the following payments are not consistent with the resolutions of Council.
 - a) Legal expense including representation in court of Mr Moss was paid by the Shire prior to the Council authorisation on 26 June 2008,
 - b) The payment of \$5,000 in court costs awarded against Mr Moss is inconsistent with the Council resolution and Council policy,
 - c) The payment of \$2,082 in witness costs and accommodation/meals/etc for Mr Moss's court appearance is also inconsistent with the Council resolution and Council policy,

Item 4 *All expenditure by the Shire on legal advice obtained between 01 May 2009 and 1 January 2011 including the basis for the request and acquittal of funding thereof.*

Expenses in relation to this matter are confined to the payments of \$5,000 to the Attorney Generals Department for court costs awarded against Mr Moss and legal expenses of \$6,462.53 for sentencing submission and court attendance paid to McLeods, Barristers and Solicitors.

During the course of the audit I became aware of legal expenses incurred by the Shire in relation to the employment of the previous CEO, Mr K Matthews. The Shire had been able to recover a large proportion of these expenses in 2009 and early 2010. However, no action had been taken to forward accounts to the insurance broker for accounts since May 2010. In addition the incorrect treatment of GST for one of the recovered amounts would see the Shire recoup \$1,624.

Action has been taken on both of these issues which should see the Shire recover in excess of \$50k of the legal expenses.

Shire's Comments

Action is being taken to recoup costs from council insurers as indicated in the report. The accounts have been forwarded for council insurers in respect of the claim.

No advice has been received on the success or otherwise of this application

Credit card transactions between 1 May 2009 and 1 January 2011

The audit was restricted because documentation relating to credit card transactions for the period 1 July 2009 to March 2010 could not be located at the time of the audit. A file containing the original documentation, vouchers and authorisation could not be located and at the time of writing this report was still missing. I was unable to validate the acquittal procedures relating to that period.

Copies of credit card statements were provided by the bank and the transactions reconstructed to enable a review to be undertaken. Details of credit card transactions for this period are included at Attachment B.

Item 5 *All expenditure by way of the Shires credit cards between 01 May 2009 and 1 January 2011 and acquittal thereof.*

An examination of the transactions processed through the Shire's credit cards found -

- credit cards were only used for purchasing goods and services on behalf of the Shire,
- no instances of personal expenditure using the Shire's card was found,
- no instance a the credit card being used for cash withdrawals was found,
- the maximum credit limits was not exceeded, and
- procedures were in place to ensure that credit charges were not incurred.

The Council adopted a Policy on the use of the Shire's credit card along the lines of the Department of Local Government publication "Use of Corporate Credit Cards Local Government Operational Guidelines Number 11" on 30 September 2009. This needs to be added to the current policy manual.

Shire's Comments

A policy on the use of credit cards was presented and adopted by the council in September 2009 following a recommendation by the council's auditor's uhy Haines at the June 2009 meeting of the audit committee.

Item 6 *All expenditure reimbursed by means of cash expenses between 01 May 2009 and 1 January 2011 and acquittal thereof.*

The Shire operates a small cash float (\$200) to accommodate urgent purchases. However, the Shire also has established facilities with all suppliers so that the normal purchasing procedures apply for all acquisitions. Since September 2009 only eight payments have been made using the petty cash system. None of the transactions have been acquitted in that period and therefore are not reflected in the costing records of the Shire. None of the transactions relate to the matters associated with the provision of legal services for Mr L Moss.

Given the infrequent use and more than adequate procedures in place it is recommended that the float be acquitted and repaid and the process terminated.

Shire's Comments

Given the infrequent use of the petty cash as identified by Mr. Back the float will be acquitted in accordance with the recommendation.

Item 7 *All travel, accommodation and sundry associated expenses between 01 May 2009 and 1 January 2011 and acquittal thereof."*

All travel and sundry costs associated with the payment of legal expenses for Mr L Moss have been included in the previous items.

I would like thank you and your staff for the co-operation they have provided on this matter.

Yours sincerely,



R. J. Back B Comm(UWA), CPA

ATTACHMENT A - Details of payments for legal action – L. Moss

Date	Payment Date	Description	Details	Amount	Notes	EFT	recovery
25 August 2005		Shire of Shark Bay Policy Manual	Section 7 Legal				
9 January 2006		CEO Kelvin Mathews arrives					
17 January 2006	17/01/2006	DLG to Shire re allegations					
3 March 2006	3/03/2006	DLG Letter to President L. Moss	Details of allegations				
15 March 2006	15/03/2006	Special Council Meeting Shire of Shark Bay	Closed meeting - Approved CEO and President to obtain legal advice on DLG matter				
21 March 2006		Meeting Mathews, Moss and McLeods			File CO 507		
29 March 2006	29/03/2006	Shire of Shark Bay Policy Manual	Corporate Credit Card delegation 1.16 added				
29 March 2006	13/04/2006	McLeods Inv 34557	period 15/03/06 to 29/03/06	3,190.00	advice provided	4167	3,190.00
29 March 2006		McLeod's Opinion - no reason to declare interest	Matters raised by DLG letters of 3 and 15 March 2006		File CO 507		
30 March 2006	30/03/2006	Letter Moss to DLG - on the lines of McLeods advice	Response to DLG letter of 3 March 2006		File CO 507		
30 April 2006	30/04/2006	DLG LG Operational Guidelines - No 14 Legal Representation Policy					
22 September 2006		DLG Letter - Notification of Part 8 inquiry			File CO 507		
29 September 2006		Meeting Mathews and McLeods					
3 October 2006		McLeods opinion - Inquiry allegations(12)	Non disclosure is defensible		File CO 507		
16 October 2006		DLG - Inquiry visit to Shark Bay			File CO 507		
17 October 2006	11/12/2006	McLeods Inv 36951	period 28/09/06 to 17/10/06	3,481.00	advice provided	4737	3,481.00
13 September 2007	13/09/2007	DLG to L Moss re two additional allegations					
26 September 2007	26/09/2007	Ordinary Council Meeting re-affirmed obtain and pay for legal advice	obtain/pay for legal advice		Council policy Division 7		
20 October 2007		Les Moss finishes as an elected member					
20 December 2007	16/05/2008	McLeods Inv 42697	period 2/10/07 to 20/12/07	3,540.23		6007	to be claimed

Continued

Date		Payment Date		Description		Details		Amount		Notes		BT		recovery	
21 January 2008		21/01/2008		Prosecution notice served on L Moss.		First appearance scheduled for 15 February 2008									
15 February 2008		15/07/2008		Perth Magistrates Court		First appearance									
29 February 2008		15/07/2008		McLeods Inv 42015		period 6/02/08 to 29/02/08		1,597.00	original acco	6196			1,474.00		
28 March 2008				Perth Magistrates Court		period 10/3/08 to 30/4/08		1,510.10	original acco	6196			1,394.50		
21 April 2008		15/07/2008		McLeods Inv 42691		letter dated 13 June 2008									
8 May 2008				Telephone Mathews to McLeods redirect accounts to Shire of Shark Bay											
15 May 2008				Perth Magistrates Court		period 1/5/08 to 20/5/08		2,497.50	original acco	6196			2,371.50		
20 May 2008		15/07/2008		McLeods Inv 43209		in accordance with policy 7.4									
25 June 2008		25/06/2008		Ordinary Council Meeting - re-affirmed obtain and pay for legal advice + legal representation											
28 June 2008				Perth Magistrates Court											
4 August 2008		4/08/2008		DLG Letter re policy on legal representation		period 29/5/08 to 25/8/08		7,716.50	original acco	6712			7,617.50		
25 August 2008		9/01/2009		McLeods Inv 44479											
26 August 2008		26/08/2008		Shire of Shark Bay letter to DLG rejecting issues in their letter of 4 August											
16 September 2008				Perth Magistrates Court		period 9/9/08 to 17/9/08		3,607.23		6485			2,991.24		
17 September 2008		17/10/2008		McLeods Inv 45087		period 25/9/08 to 17/10/08		1,558.05		6565			1,292.05		
17 October 2008		14/11/2008		McLeods Inv 45461											
4 December 2008				Perth Magistrates Court		period 11/11/08 to 16/12/08		22,153.50		6876			16,953.00		
16 December 2008		6/03/2009		McLeods Inv 46361											
30 January 2009		30/01/2009		DLG to Shire of Shark Bay re financial assistance to L Moss		period 12/2/09 to 26/3/09		1,361.00		7030			1,137.00		
26 March 2009		24/04/2009		McLeods Inv 47777		West Perth to City Court Documents		10.09							
30 March 2009		30/03/2009		Swan Taxi - Fares		West Perth to City Court Documents		10.09							
30 March 2009		30/03/2009		Swan Taxi - Fares											
1 April 2009				Perth Magistrates Court											

Continued

Payment		Details		recovery	
Date	Description	Amount	Notes	EFT	
1 April 2009	Perth Magistrates Court				
2 April 2009	Parking L Moss	16.36	period 30/3/09 to 3/4/09		
2 April 2009	Shire of Coorow	145.45	M Hook Accommodation		
2 April 2009	Perth Magistrates Court				
3 April 2009	Novotel - Accommodation L Moss	616.36	Hearing 29/3/09 to 3/4/09	7058	
3 April 2009	Novotel - accommodation K Mathews	980.91	Hearing 29/3/09 to 3/4/09	7058	
3 April 2009	Novotel - Meals K Mathews	232.50	Hearing 29/3/09 to 3/4/09	7058	
3 April 2009	Novotel - Meals L Moss	90.82	Hearing 29/3/09 to 3/4/09		
28 April 2009	McLeods Inv 48108	9,813.50	period 30/3/09 to 28/4/09	7097	7,966.16
1 May 2009	Notice of Conviction - L Moss		Perth Magistrates Court		
1 May 2009	Attorney Generals Department	5,000.00	Court Costs	chg 24698	5,000.00
21 May 2009	Notification of Division 1 Part 8 inquiry		second inquiry		
6 July 2009	McLeods Inv 48612	6,462.53	period 29/4/09 to 20/5/09	7266	5,398.53
30 November 2009	Insurance reimbursement (ACE Insurance Ltd)		claim 502/1529181/001		-31,642.48
30 November 2009	Insurance reimbursement		claim 502/1529181/001		-28,624.00
30 November 2009	less excess of \$5,000		claim 502/1529181/001		5,000.00
28 May 2010	CEO Kelvin Mathews Leaves				
28 September 2010	CEO Paul Anderson Arrives				
30 October 2010	Report of the Inquiry into the Shire of Shark Bay				
		75,590.72			
		Recovery -28,624.00			
		net 46,966.72			
	Account still to be considered	3,540.23 ***	McLeods Inv 42697		
		Incurred	Recovered		
		2006 6,671.00	6,671.00		
		2007 3,540.23	0.00		*** subject to claim
		2008 40,639.88	34,093.79		
		2009 24,739.61	19,501.69		
		2010 0.00	0.00		
		2011 0.00	0.00		
		<u>75,590.72</u>	<u>60,266.48</u>		
		Excess	-5,000.00		
			55,266.48		
		Net	20,324.24		**

ATTACHMENT B – credit card payments - 1 May 2009 and 1 January 2011.

transaction date	amount	officer	card balance	details
1/04/2009			0.00	Opening balance
8/05/2009			0.00	CEO Geraldton
5/06/2009			0.00	RRG & WALGA MEETING Carnarvon
12/05/2009	158.19	KM		4 May 2009 to 8 May 2009
	280.00	KM		158.19 Refreshments Lingius farewell
	405.00	KM		438.19 SBIC - quest nanga bay resort 14 April to 15 April
17/06/2009	13.00	KM		843.19 IT support accommodation 18 April to 21 April
18/06/2009			856.19	Hospitality Inn Carnarvon
22/06/2009			856.19	CEO Geraldton
23/06/2009	-843.19	payment		856.19 CEO Perth DLG WALGA
			13.00	19 June 2009 to 22 June 2009
23/06/2009			13.00	CEO Geraldton
3/07/2009	595.00	KM		Coastal Planning conference 7th - 9th October 2009
9/07/2009	-608.00	payment		608.00 KeyNote Conferences Subiaco
23/07/2009			0.00	608.00 CEO Carnarvon
3/08/2009			0.00	CEO ARL
19/08/2009	1,200.00	KM		20 July 2009 to 3 August 2009
24/08/2009			1,200.00	WALGA 6 Aug to 8 Aug 2009
25/08/2009	69.00	KM		Norton's Utilities
26/08/2009	115.00	KM		CEO's Office carpet
27/08/2009			1,384.00	CEO Carnarvon - meeting with Minister
2/09/2009	660.00	KM		Accom SBIC 3 nights
14/09/2009	140.00	KM		Flowers Eddington
18/09/2009			2,184.00	CEO Carnarvon
21/09/2009	127.10	KM		2,184.00 CEO Carnarvon
22/09/2009			2,311.10	VistaPrint
23/09/2009	-2,044.00	payment		267.10
29/09/2009			267.10	CEO Geraldton
2/10/2009			267.10	CEO Carnarvon - WALGA Zone
5/10/2009			267.10	CEO Perth RDO
6/10/2009	-127.10	KM		140.00 VistaPrint
10/10/2009			140.00	CEO Perth Coastal Conference
12/10/2009	51.50	KM		7 October 2009 to 10 October 2009
14/10/2009	958.85	KM		Km Coastal Planning conference 7th - 9th October 2009
15/10/2009	30.00	KM		Km Coastal Planning conference
16/10/2009	14.28	KM		Wheeler interview
			1,194.63	Km Coastal Planning conference

Continued

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transaction date	amount	officer	card balance	details
19/10/2009	147.85	KM	1,342.48	Holiday Inn Burswood
21/10/2009	289.00	KM	1,631.48	Accor Manly - annual fee
23/10/2009	-140.00	KM	1,491.48	
15/10/2009				
4/11/2009	595.05	KM	1,491.48	GWN Tourism Conference
5/11/2009	277.20	KM	2,086.53	SkyWest
9/11/2009				
10/11/2009				
11/11/2009	50.70	KM	2,363.73	Ministry of Sport
19/11/2009	4.35	KM	2,363.73	Hamelin Pool Meeting
23/11/2009	64.50	KM	2,414.43	GDC Planning Day
23/11/2009	139.00	KM	2,418.78	Hamelin Pool Café
23/11/2009	1,427.13	KM	2,483.28	City of Perth Parking
23/11/2009				
24/11/2009	-2,363.73	payment	4,049.41	Mexican Kitchen Fremantle
24/11/2009	97.00	KM	4,049.41	Windscreens O'Brien
25/11/2009	624.20	KM	4,049.41	Qantas
30/11/2009	491.65	KM	4,049.41	CEO Perth - LGMA Conference
3/12/2009	14.88	KM	1,685.68	CEO Perth - LGMA Conference
6/12/2009				
11/12/2009	684.31	KM	1,782.68	8000 Kauto
14/12/2009	77.83	KM	2,406.88	Esplanade Hotel Fremantle
17/12/2009	13.86	KM	2,898.53	SkyWest
21/12/2009	98.00	KM	2,913.41	SkyWest
23/12/2009	-2,913.41	payment	2,913.41	Keynote Conference Subiaco
31/12/2009	520.25	KM	2,913.41	CEO Perth Federal Court
8/01/2010	69.00	KM	2,913.41	CEO Perth Federal Court
11/01/2010	39.00	KM	2,913.41	GDC Planning Camarvon
11/01/2010				
15/01/2010	669.85	KM	3,597.72	WW Liquor Camarvon
18/01/2010	129.80	KM	3,675.55	SkyWest
21/01/2010	280.00	KM	3,689.41	Westcare Nedlands
22/01/2010	461.64	KM	3,787.41	Paypal
23/01/2010	-1,463.25	payment	874.00	
			1,394.25	SkyWest
			1,463.25	Reward Fee
			1,502.25	Annual Fee
			1,502.25	CEO ARL 21/12/2009 to 11/1/2010
			2,172.10	SkyWest
			2,301.90	SkyWest
			2,581.90	Holiday Inn Burswood
			3,043.54	SkyWest
			1,580.29	

Continued
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transaction date	amount	officer	card balance	details
27/01/2010	461.85	KM	2,042.14	M Green - Computer Consultant car hire
29/01/2010	521.50	KM	2,563.64	Training Accommodation
4/02/2010	951.88	KM	3,515.52	G Ridgley, C Cowell LG Conference
11/02/2010	161.50	KM	3,677.02	G Ridgley, C Cowell LG Conference
11/02/2010	161.50	KM	3,838.52	G Ridgley, C Cowell LG Conference
23/02/2010	-3,515.52	payment	323.00	
11/03/2010	480.65	RDT	803.65	Russell Barnes Auditor 1 June to 4 June
23/03/2010	-323.00	payment	480.65	
23/03/2010	297.00	RDT	777.65	Burswood-Accommodation Melenie Wilson
23/03/2010	485.05	RDT	1,262.70	SkyWest - Melanie Wilson 25 May 30 May return
13/04/2010	70.00	RDT	1,332.70	Flowers ANZAC
14/04/2010	195.00		1,527.70	LGMA Membership K Matthews
27/04/2010	-1,262.70	payment	265.00	
5/05/2010	383.54	RDT	648.54	SkyWest C Cowell WALGA 4 Aug to 8 Aug
5/05/2010	651.63	RDT	1,300.17	Qantas Pth/Can/Pth C Cowell NGA Canberra
5/05/2010	1,346.30	RDT	2,646.47	SkyWest Ms Philippe/Mr Riley-Wilson- interviews
6/05/2010	-5,000.00	payment	-2,353.53	
6/05/2010	533.45	RDT	-1,820.08	SkyWest C Cowell 13 June 19 June (return)
6/05/2010	50.00	RDT	-1,770.08	ALGA Conference Canberra
14/05/2010	960.00	RDT	-810.08	NGA Conference Canberra Reg C Cowell
28/05/2010	66.50	RDT	-743.58	Burswood- meals Melenie Wilson
28/05/2010			-743.58	CEO Kelvin Matthews Finishes
16/06/2010	177.00		-566.58	Card fees
16/06/2010	-317.92	payment	-884.50	
18/06/2010	1,061.50	RDT	177.00	NGA Conference Canberra accom C Cowell
6/07/2010	-177.00	payment	-0.00	
15/06/2010	68.59	RDT	68.59	SkyWest C Cowell 13 June MM Pth to Gero change prev flight
15/06/2010	208.30	RDT	276.89	SkyWest C Cowell 22 June Geraldton to MM
5/07/2010	9.95	PJT	286.84	Mondial Assist
6/07/2010	455.90	PJT	742.74	SkyWest - G Thomas 30 July return 1 October
7/07/2010	55.00	PJT	797.74	SkyWest C Cowell change flight to 3 Aug
10/07/2010	29.95	PJT	827.69	Apple Store cable SBIC delivered to Phillip Thomson 65 Knight Tce
12/07/2010	145.00	PJT	972.69	Ocean Centre Accommodation SBIC Dale Wilson 15 July
15/07/2010	119.35	PJT	1,092.04	SkyWest C Cowell change flight fro to be reimbursed
5/08/2010	-972.69	payment	119.35	

Continued
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transaction date	amount	officer	card balance	details
18/08/2010	9.94	PJT	129.29	Mondial Assist P Thomson
18/08/2010	537.30	PJT	666.59	SkyWest - P Thomson Conference Bridgetown 12 October to 17 October 2010
19/08/2010	123.83	PJT	790.42	All Seasons Geraldton Rhonda Mettam 18 Aug
6/09/2010	-119.35	payment	671.07	
10/09/2010	44.55	RDT	715.62	SB Technical - repair Engel
14/09/2010	125.96	PJT	841.58	Star Smart Exmouth
28/09/2010	937.20	RDT	1,778.78	Timber Denham Service Jetty
6/10/2010	-841.58	payment	937.20	
6/10/2010	934.99	RDT	1,872.19	GPS Useless Loop SES
7/10/2010	150.00	PJT	2,022.19	Accommodation P Thomson Bridgetown Tourism Awards 12 Oct
17/10/2010	110.23	PJT	2,132.42	Trowbridge - diesel
19/10/2010	39.95	PGA	2,172.37	RP Emery & Associates - residential tenancy kit
8/11/2010	-2,022.19	payment	150.18	
8/11/2010	70.00	PJT	220.18	Flowers Remembrance Day
9/11/2010	65.93	PJT	286.11	Landgate - cadastral co-ord search
9/11/2010	501.44	PJT	787.55	SkyWest - P Thomson 24 Nov 26 Nov Gero/pth return
15/11/2010	39.00	PGA	826.55	card fees
17/11/2010	537.30	RDT	1,363.85	SkyWest - Ken Clarke earthworks training 14 Dec to 17 Dec
2/12/2010	85.80	RDT	1,449.65	Heritage Resort - meals J Crothers 2 Dec
3/12/2010	56.00	PGA	1,505.65	Heritage Resort J Phillips 3 Dec
6/12/2010	-826.55	payment	679.10	
8/12/2010	126.50	RDT	805.60	Stainless steel screws B Galvin
16/12/2010	222.80	PGA	1,028.40	Azure bistro Dinner before Electors Meeting 15 Dec
16/12/2010	228.00	RDT	1,256.40	SBIC Cash drawer etc 16 dec
16/12/2010	470.38	PJT	1,726.78	UltraTune Victor Harbour SA 1DDH 323 PJT 16 December 2010
5/01/2011	-805.60	payment	921.18	
10/01/2011	596.70	RDT	1,517.88	SkyWest M Searle inspect Monkey Mia Jetty 21 Jan to 22 Jan
11/01/2011	242.23	PJT	1,760.11	Bed, covers sheets etc 39 Durlacher Street 1 November 2010
	-1,760.11	payment	0.00	

Comment

The Council now also needs to consider the findings and resolve an appropriate course of action, it would be prudent in the first instance to obtain legal advice in regard to the options that the Council has in this matter.

This will then enable the Council to make an informed decision with a greater understanding of the implications associated with any action that may be considered.

Legal Implications

The findings of the audit report should in the first instance be forwarded to Council's insurers to establish the legal implications of the findings and the courses of action that Council may consider as a result of the findings.

Policy Implications

The Council's policies in relation to the matters audited appear to be sound and would only require reviewing on an annual basis.

Financial Implications

There will be additional costs in requesting the Council solicitors to review the audit report.

Given the nature of the matters this may be in the vicinity of \$2,000- \$3,000.

It is encouraging to note that the audit identified additional items in relation to employment matters of the previous Chief Executive Officer Mr K Matthews that had not been claimed.

These items have since been forwarded to the Council's insurers for assessment and reimbursement.

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

13 May 2011

11.2 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL CONFERENCE - 2011 (LOCAL GOVERNMENT WEEK)

LO 102.01

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved Cr Ridgley
Seconded Cr Hanscombe

Council Resolution

- 1. That the following Councillors be nominated to attend the 2011 Western Australian Local Government Association Annual Conference to be held in Perth on the 4 to 6 August 2011:
Cr Cowell
Cr Wake**
- 2. That the Chief Executive Officer be authorised to attend the Western Australian Local Government Association Annual Conference to be held in Perth on the 4 to 6 August 2011.**

5/0 CARRIED

Background

The annual 2011 Western Australian Local Government Association Conference (Local Government Week) is scheduled for 4 to 6 August 2011.

The conference normally attracts over 400 delegates from Local Governments around Western Australia as well as various exhibitors and guest speakers.

Comment

The Western Australian Local Government Association Annual conference is a significant event in the Local Government in Western Australia.

The program for the Conference contains a number of topics that have relevance to the Shire that may provide some opportunity for local benefit.

Registrations for the conference close 11 July and there are discounts that apply if this amount is paid by 13 June 2011.

Council needs to decide if it wishes to propose any agenda items for the conference.

Accommodation requirements need to be considered and booked before accommodation in the Central City area is unavailable.

This is an opportune time to arrange other meetings with Ministers and Public Service Agencies if required while in Perth.

Legal Implications

Nil

Policy Implications**9.2 Conferences and Meetings:**

- (1) Notices inviting Council to nominate delegates to conferences, meetings and similar occasions be circulated to all Councillors.
- (2) All Councillors are to be advised of all local meetings where a general invitation to Councillors has been made
- (3) Any Councillor who wishes to represent Council at such an event shall request nomination at a Council meeting
- (4) Council shall decide by resolution to nominate such representatives as Council may consider is appropriate.
- (5) All Councillors be invited to be present on site inspections with visiting dignitaries where Council has not formed a policy or a direction.
- (6) Where it is considered appropriate for a Councillor to be accompanied by another person when attending a conference, meeting or similar occasion Council will meet the expenses applicable to attendance with a Councillor by that person with approval of full Council.

Financial Implications

Indicative cost being as follows –

1. Full Conference Delegate fee covers the conference program, lunches, refreshments and a ticket to both the Sundowner @ \$1,125.00 p/delegate – if paid for by 13 June 2011 or \$1,250.00 by the 11 July 2011
2. Gala Dinner \$190.00 per delegate
3. Accommodation per delegate @ \$150.00
4. Car parking @ \$28.00 per day
5. Airfares (if applicable) p/delegate

Total cost dependent on Council decision and number of delegates to attend with provision to be included in 2011/12 budget.

Elected member development training programs, single day conference attendance and partners excursions available at additional cost.

The Council budgeted \$3,000 in the 2010/11 budget for conferences. As at 13 May 2011, \$3,302.94 has been expended.

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

13 May 2011



2011
LOCALISM
Leading the way

Western Australian Local Government Convention & Trade Exhibition
4 August to 6 August
Perth Convention and Exhibition Centre
21 Mounts Bay Road Perth

INFORMATION AND REGISTRATION

PRESENTED BY  **WALGA**

FOUNDING PARTNER  **LGIS**



Event Partners

Founding Corporate Partner



LGIS are the managers of a suite of insurance, health and risk management services for Local Government across Western Australia – more than simply insurers, expertise is available to assist with OSH, injury prevention, injury management, Health Assessments, Stress and Organisational Wellbeing, Workplace Training, Business Continuity, Employee Benefits and general Risk management.

Principal Sponsor



Familiar to the sector, Civic Legal is a preferred supplier which continues to develop and improve its offering to the sector, including through its litigation arm and now, through its tax lawyers. Expect more exciting developments and services from a bigger Civic Legal, now that it is part of an ASX listed legal services group.

Convention Supporter





With an overarching theme of LOCALISM – LEADING THE WAY the conference program has been shaped around population, the economy and environmental sustainability and embraces exceptional plenary presentations together with a series of in depth concurrent session streams, workshops and field trips.

Known as the world's greatest living explorer, Sir Ranulph Fiennes Bt, OBE will open the conference and reinforce the power of determination most ably exhibited through his breathtaking story. To close our conference we are also honoured to present Dr Jung Chang whose epic family tale *Wild Swans – Three Daughters of China* has captivated the world over many years. We are delighted to bring you these two rare talents, together with an outstanding array of expert speakers.

The trade exhibition continues to expand and again will showcase the diverse products and services relevant to Local Government including a large range of heavy plant and equipment. I encourage you to take this once in a year opportunity to meet with these valuable suppliers and be updated on what is currently available for the sector.

Our Partners are an integral part of the annual gathering, and we have once again created a special activities program for their enjoyment. Social networking with colleagues is amply featured with the Sundowner, Mayors and Presidents Reception and the special occasion of the Convention Gala Dinner which is always a highlight.

I would like to thank the City of Perth for its continuing support for the popular Banners in the Terrace competition and especially express appreciation for the valuable support provided by the Convention Founding Partner LGIS and Principal Sponsor Civic Legal.

I look forward to seeing you in August.

Mayor Troy Pickard
President



2010 Overall Winner – The Shire of Irwin

During the week take some time to view the outstanding display of this year's creative entries in the **Banners in the Terrace** competition – flying high along St Georges and Adelaide Terraces between Sunday 31 July and Saturday 13 August.



THE CONVENTION IN BRIEF

Amid a time of global, national and local challenges the underpinning theme for this year is LOCALISM – LEADING THE WAY designed to address the challenges that our changing society presents. The conference program will focus on the three major matters of population, the economy and environmental sustainability. In addition to the plenary presentations there is also a series of concurrent streams and off site field visits included.

Heralded as a "national treasure" in the UK, the opening address will be delivered by **Sir Ranulph Fiennes Bt OBE** who is listed in the Guinness Book of World Records as the World's Greatest Living Explorer. At the forefront of over 30 exploratory and legendary expeditions around the world, Sir Ranulph has also raised over \$11 million for charity, for which in 2000 he was awarded the Order of the British Empire for human endeavour and charitable services. An innate planner, Sir Ranulph illustrates what it takes to achieve outstanding goals to reinforce the power of determination.

On Friday the special guest speaker for this year's Convention Breakfast is one of Australia's sporting greats, **Justin Langer AM**. Along with Matthew Hayden, Justin formed a hugely successful opening partnership, which ranks as the best in Australian cricket history.

Prior to the scheduled sector AGM on Saturday, the conference will culminate with a personal historical perspective on the dramatic development of China. **Dr Jung Chang**, world-renowned author of the internationally acclaimed book *Wild Swans – Three Daughters of China*, will provide a truly unique viewpoint on understanding Chinese culture and its economic development.

The participating trade exhibitors will also demonstrate their exceptional support to Local Government through a diverse range of services and products—all attendees are encouraged to visit these display sites to discuss sector specific products and services with their representatives.

Who should attend?

The Convention and Trade Exhibition is presented specifically for all those engaged in the Local Government sector.

The conference sessions aim to support and inform Mayors, Presidents, Elected Members and Chief Executives. Additional attendance by General Managers and Directors and other senior managers is also highly recommended. Available options include full conference participation and daily registration.

Local Government Officer program – Thursday 4 August (full details enclosed).

A selection of special sessions is also available to Local Government Officers which will inform and provide networking support for those involved in policy development and management. Areas include human resources, emergency and risk management, technology, health and governance. Officers are also welcome to register for the Convention Breakfast with Justin Langer on Friday 5 August.

Elected Member professional development opportunities

WALGA Training courses are offered for several days during Sunday 24 July to Wednesday 3 August to coincide with the period leading up to the 2011 Local Government Convention. Registration form is enclosed herewith and also can be downloaded from www.walga.asn.au – Convention link.

Special breakfasts

Thursday	ICLEI Oceania Water Campaign Recognition and Briefing Breakfast
Friday	Convention Breakfast with Justin Langer
Saturday	ALGWA AGM and Breakfast Perth Biodiversity Awards and Climate Change Recognition Breakfast

Social activities

The **Partner Program** offers an interesting range of options for accompanying guests, and social networking functions include the **Sundowner** and the closing **Gala Dinner** on Saturday evening – always the social highlight of the annual gathering.

Registrations are on line

Following its introduction for 2010, all Convention registrations will be managed on-line. Registration fee options include a discounted advance registration for full delegates – all fees are listed in the General Information section on page 11.



THE PROGRAM

Wednesday 3 August

- 4.00pm – 7.00pm Delegate Service Desk open for Registration (PCEC Level 2)
- 5.30pm – 7.00pm WALGA Zone Roundtable (enquiries to Margaret Degebrodt, Governance Support Officer 9213 2036 or mdegebrodt@walga.asn.au)

Thursday 4 August

- 7.00am Delegate Service Desk open for Registration (PCEC Level 2)
- 7.15am – 8.30am ICLEI Oceania Water Campaign Recognition and Briefing Breakfast (enquiries to the ICLEI Events Team 03 9639 8688 or events-oceania@iclei.org)

9.00am **Opening of the 2011 Convention LOCALISM – LEADING THE WAY**

Session 1 A LEADER IN DETERMINATION

Sir Ranulph Fiennes has led over twenty expeditions to remote parts of the world and is the first man to cross both the polar ice-caps and climb 8,850 metres to the world's highest peak.

As a globally celebrated contemporary adventurer and explorer, Sir Ranulph is a man of astonishing force – his story is breathtaking but will be brought to you in the most modest and subtly humorous way. As the innate planner, he illustrates what it takes to achieve outstanding goals, reinforcing the power of determination.

Sir Ranulph
Fiennes,
BT OBE



10.15am

Refreshments

11.00am

Session 2 LOCALISM – THE GLOBAL WAY

This session will look at ways of addressing the challenges that our changing society presents from a global perspective.

How do other jurisdictions implement the changes that global issues demand. How do we maintain a proper balance between governments and the governed, and how do we adapt our institutions and governing frameworks for the 21st Century?

Mayor Tim
Shadbolt,
Invercargill City
Council, New
Zealand



12.30pm

Lunch

2.00pm

Session 3 POPULATION – DOING THE NUMBERS

Can we identify a situation where the growth and decline situation is reversed? People readily identify that growth comes at a cost, but the assumption generally tends to be that there is an ultimate pay off. Declining population on the other hand generally seems to be perceived as a total negative. How do these population shifts transform WA communities?

Currently Australian Ambassador to the Holy See in Rome, Mr Fischer has taken leave from the Department of Foreign Affairs and Trade for this period and no travel arrangements or costs will be at the expense of DFAT, as he visits Perth WA and other States.

The Hon Tim
Fischer, AC
Former Deputy
Prime Minister
of Australia



Bernard Salt,
Social
Commentator



Mayor Bob
Abbot,
Sunshine Coast
Regional Council



3.30pm

Refreshments

4.00pm

Session 4 CONCURRENT SESSIONS – FUTURE CHALLENGES IN OUR CHANGING DEMOGRAPHY

How do these shifts impact on the local economy, infrastructure and community?

The two sides of the Population story will be examined in depth and highlighted by a relevant local case study. Delegates are asked to indicate intended parallel session attendance.

The Growth Debate

Mayor Bob Abbot

Mayor Paddi Creevey and CEO Mark Newman – City of Mandurah



The Decline Debate

Hon Tim Fischer AC
 President Karen Chappel and CEO Gavin Treasure – Shire of Morawa
 President Ken Hooper and CEO Greg Powell – Shire of Merredin
 President Lyn Baker and CEO Julian Murphy – Shire of Corrigin
 With Bernard Salt

5.30pm – 7.00pm Mayors and Presidents' Reception at Council House hosted by the Rt. Hon, the Lord Mayor Lisa Scaffidi (by prior invitation).

LOCAL GOVERNMENT OFFICERS PROGRAM (running parallel to Conference Program)

Full day Human Resource Seminar
 Half day A Technology Update
 Half day The Importance of Sound Risk Management
 Half day Doing It Right – A Governance Update
 Half day Local Government's Evolving Role in Public Health Planning

Friday 5 August

7.00am Delegate Service Desk open

7.30am – 8.45am Breakfast with Special Guest – Justin Langer AM



Justin Langer was one of Australia's top-order batsmen and along with Matthew Hayden formed a hugely successful opening partnership which ranks as the best in Australian cricketing history and featured six double century stands. Few have worn the baggy green with greater pride.

9.00am Session 5 LOCALISM – LEADING THE WAY TO SUSTAINABILITY



Sustainability is a capacity to endure. It is a means of integrating the needs of the Economy, Society and the Environment in decision making, ensuring that future generations can meet their economic and social considerations while preserving the natural world.

10.45am Refreshments

11.15am Session 6 CONCURRENT SESSIONS – DEVELOPING SOME LOCAL SOLUTIONS IN SUSTAINABILITY



Delegates are asked to indicate intended workshop attendance for venue planning.
 Featuring a case study and commentary from the Sustainability session experts, each in depth parallel session aims to shape a policy tailored to the local situation for a local solution and response – these collectively will contribute to solving an issue that is bigger than any one set of local circumstances.



The parallel sessions are around Society with Matthew Taylor, the Environment with John Dee, and the Economy with Michael Pascoe.

12.30pm Lunch



- 1.30pm **Session 7 A CHOICE OF GENERAL SECTOR UPDATES**
All Delegates are asked to indicate session preference to assist with venue planning.
- Update One** **Managing Risk – Three levels of responsibility**
In these turbulent times, emergency management practices are coming under intense scrutiny from all sectors including government and the general public.
Globally we see the affects of nature being unleashed on unsuspecting communities with unbridled fury, and here at home the recent floods, cyclones, storms and bush fires demonstrate our vulnerability to natural disasters. WA has had its share of emergencies this past year which have identified the important role Local Government plays in the State's overall emergency management structure.
This heightened responsibility also brings increased accountability for Local Governments to ensure they have appropriate business practices in place to respond to emergencies and mitigate identified risks. This Update will explore the different roles that the Federal, State and Local Governments play in identifying and managing risks posed to the community, and explore opportunities to enhance the Local Government's risk management process.
- Update Two** **Technology – Workforce of the Future**
The advent of increasing high speed internet access, Social Networking, Smart phones and video is changing the way in which Gen X and Gen Y employees will meet employer expectations in the future.
This Update will examine how technology is changing work practices and expectations, and how technology will influence the future nature of the workplace... both real and virtual – preparing for a world of freelance, part time, virtual and outsourced talent.
- Update Three** **Sharing Services in WA Councils**
Collaborative arrangements continue to emerge among Councils, ensuring improved service delivery to local communities across the State.
The Update will provide an overview on this shared services activity, and present successful metropolitan and regional case studies for discussion.
The excursion offered to the Grove Library will complement this session
- Update Four** **Local Planning – An Overview of Planning Cases by the State Administrative Tribunal (SAT)**
This Update will assist Local Government Councils in the role as Planning decision-makers – and in understanding the process when an Applicant seeks review of a Council decision by SAT.
Senior members of SAT's development and resources stream will explain how SAT resolves planning cases, and the role of Local Councils in these proceedings. They will discuss dispute resolution by directions hearings, mediations and compulsory conferences, invitations by SAT to Councils to reconsider their decisions, final decisions by SAT, and the guiding principles in planning cases.
- Update Five** **Local Government's changing role in creating Healthy Communities**
"The greatest contribution to the health of the nation over the past 150 years was made, not by doctors or hospitals, but by local government." Parfit J 1987, Health of a City: Oxford 1770 – 1974, Arnate Press, Oxford
All tiers of government play a vital role in the prevention of disease and the promotion of health and wellbeing. However, it is Local Government that has the most direct impact on the social, economic and environmental (built and natural) factors that influence health, wellbeing and quality of life at a local level.
This Update will outline contemporary thinking about health and wellbeing, explore the evolving role of Local Government in Public Health planning, and introduce a new guide "Pathways to a Healthy Community" prepared by the South Metropolitan Public Health Unit to assist Local Governments in understanding the opportunities of taking on a broader role in Public Health. Case studies that demonstrate how some Councils are already responding to the proposed new WA Public Health Legislation are also included in the guide.
- 2.45pm Refreshments
- 3.15pm **Session 8 A CHOICE OF TECHNICAL EXCURSIONS**
Delegates are asked to indicate preferred tour. Places are subject to availability but we will endeavour to accommodate your request.
- Tour One** **The Grove Library** – a visionary collaboration by the Towns of Cottesloe and Mosman Park, and the Shire of Peppermint Grove.
- Tour Two** **Water Corporation Operations Centre** – as the body responsible for State water supplies through a network of dams, reservoirs, pipelines and pumping stations, this visit will provide an interesting and informative perspective into the inner workings of one of the State's infrastructure giants.
- Tour Three** **The ABC Studios** – a fascinating visit to the home of Perth ABC.



- Tour Four **Main Roads Traffic Operations Centre** – Main Roads WA is responsible for the maintenance and traffic management of our vast major road network. The Operations Centre monitors via live CCTV the traffic flow on the major roads and freeways around the greater metropolitan area.
- Tour Five **SMRC Recycling Plant** – the SMRC is responsible for developing environmentally sustainable waste management solutions and climate change abatement measures for Local Councils in Perth's southern regions. This tour will demonstrate the operational role undertaken in the planning and coordination of the removal, processing, treatment and disposal of waste.
- Tour Six **Royal Flying Doctor Service** – Visit the Royal Flying Doctor Service (RFDS) Jandakot base to hear about the work the organisation is undertaking throughout WA. Find out about the range of services being delivered by the RFDS in rural and remote areas, from emergency aero-medical services to essential health care.
- Tour Seven **Australia Post** – a rare opportunity to see behind the scenes of the Australia Post mail sorting complex – learn about the process of incoming mail from the post box to re-distribution from the Centre.

5.15pm – 6.30pm Sundowner in the Trade Exhibition pavilion (level 1)

Saturday 6 August

7.00am Delegate Service Desk Open

7.00am – 8.45am ALGWA (WA) AGM and Breakfast. Register online via Delegate Registration. Other enquiries to WA President Mayor Sheryl Froese – 0417 901 078 or 9273 3502 or mayor@nedlands.wa.gov.au; or Peta.Kenworthy@dlg.wa.gov.au

7.15am – 8.30am Perth Biodiversity Awards and Climate Change Recognition Breakfast

9.00am **Session 9 ON THE HORIZON – FRAMING THE FUTURE**

Where do we find the future? What does it hold for our local communities, our governing institutions and the way we do business?

Join us in an exploration of where the future lies...

10.30am Refreshments

11.00am **Session 10 CONVENTION KEYNOTE ADDRESS**

As the internationally acclaimed author of *Wild Swans – Three Daughters of China*, Dr Jung Chang is a gifted storyteller whose unique, inspiring and uplifting family historical tale will leave you spellbound as she charts her personal journey through the dramatic cultural developments in 20th Century China, and reflects on the challenges of 21st Century globalisation.

Dr Jung
Chang,
Author



12.00pm Lunch

1.00pm **WALGA Annual General Meeting**

Parliamentarian addresses invited from

Hon. Colin Barnett MLA, Premier of Western Australia

Hon. Eric S Ripper MLA, Leader of the Opposition

3.00pm Refreshments

3.30pm WALGA AGM continuance

5.00pm Close of AGM and the 2011 Local Government Convention

7.00pm – 11.30pm **Pre-Dinner Drinks and Gala Dinner**, PCEC BelleVue Ballroom

POST CONVENTION

Sunday 7 August

10.30am – 12.30pm **WALGA State Council Meeting**



PARTNER ACTIVITIES

Registration required for all activities – prices include GST

Thursday 4 August

9.00am – 1.00pm **Africa awaits**

As one song goes – “let’s talk to the animals” – the elephants that is or at least an opportunity to ask questions of their keepers. Then we will be venturing further into the wilds of Africa, leaving the city behind and wandering with the Docent through the Savannah landscape amid the sights, sounds and smells of Africa. A delightful prelude to enjoying a tasty morning tea.

Includes: Coach transfers, entry, Docent, morning tea and guide. \$85.00 (minimum 20 – maximum 45)

9.30am – 4.30pm **Let’s go shopping**

A day of Retail Therapy is a good thing – surely! Well this time we will focus on the home front. Our shopping guru Pauline has some of her favourite house wear shops in her sights – together with some other delights – so on with the comfortable shoes and away – plenty of room in the coach for all the extra shopping bags too.

Includes: Coach transport, morning tea, lunch and guide. \$160.00 (minimum 15 – maximum 30)

1.30pm – 5.30pm **Up, up and away**

Seat belt sign on—doors cross checked—all passengers and crew are seated. You, the Captain, are at the controls as your large aircraft quickly gathers speed along the runway – and then it is Up, Up and Away. You have just executed the perfect take off. Now you will complete this experience with the rest of the journey and perform the perfect landing. The flight experience simulator is also approved by CASA [Civil Aviation Safety Authority] for Pilot Training.

Includes: Coach transfers, facilitator, hospitality and flight experience. \$200.00 (minimum 12 – maximum 12)

Friday 5 August

7.30am – 8.45am **Convention Breakfast with Special Guest – Justin Langer**

9.00am – 12.30pm **You Be the Judge**



The Court is now in Session: whether in the Supreme Court, District Court or Magistrates Court – witness the judicial in action before moving on to another courtroom for an informative briefing. Then a return to the Old Court House and a role play around a historical WA case – a 20 year old woman on trial for wilful murder. Be the judge, be the lawyer, sit in the jury box or bear witness – be part of acting out court protocol and procedures. Then it is back to the present for a late morning tea/early lunch.

Includes: Guide, entry to Francis Burt Museum and refreshments. \$55.00 (minimum 10 – maximum 25)

9.00am – 4.45pm **York and Northam**

A leisurely picturesque coach ride east over the Darling Scarp and on to the charming old town of York, where a local guide will join us to relate the tales of this, one of WA’s most historic locations. Then we venture into the further delights of the Avon Valley and visit another old town with history, Northam. Timing is perfect – you will also share the building excitement on this, the eve of the commencement of the iconic Avon Descent race. Lunch is on the agenda before the “all aboard” whistle blows for boarding the train back to Perth and enjoying another perspective of the Valley.

Includes: Coach and train transport, morning tea, York guide and lunch. \$160.00 (minimum 20 – maximum 45)

1.30pm – 5.00pm **Gold Pass Theatre – The Ultimate Cinema Experience**

Be part of the red carpet set – share a pre-show refreshment in the company of your fellow movie fans and then it is into the theatre for a private showing of the latest movie new release. Settle into luxurious comfort, relax and take in the sights of the wall to wall mega screens and the crisp sounds of the best of digital sound.

And a must-have treat – the traditional Choc bomb, popcorn and drink – all to be served.

Includes: Coach transfers, movie ticket and ‘the essentials’. \$100.00 (minimum 20 – maximum 45)

5.15pm – 6.30pm **Sundowner in the Trade Exhibition, level 1**



Saturday 6 August

9.00am – 12.00pm **Photography (PCEC)**



Another for all camera buffs: a refresher and extension to the successful Photography Workshop presented last Convention. Hear more about the definitive 'process in order' of photography, beginning with the subject capture through to the concluding print or screen output. Rob Miller will ably take you through this all important DESIGN, LIGHTING and CAMERA process.

Includes: Workshop, facilitator and morning tea. \$70.00 (minimum 20 – maximum 30)

11.00am – 12.00pm **Convention Keynote** address by Dr Jung Chang, internationally famed author of "Wild Swans – Three Daughters of China" \$35.00

12.45pm – 4.45pm **Cruising Down the River**

And so as another song goes – "cruising down the river" – is a fitting description of this planned leisurely afternoon. After letting loose of ties to land at the Old Perth Port, and beginning the scenic river cruise upstream, a sumptuous buffet meal will be served with plenty of time to sit back and enjoy it at your leisure, all the while delighting in the passing panorama of life along the iconic Swan River. The first Winery in the Swan Valley Colony is the chosen venue for a wine tasting before heading back to the ferry and the return journey fully refreshed and relaxed.

Includes: Private ferry charter, lunch and wine tasting. \$125.00 (minimum 50 – maximum 80)

2.00pm – 4.00pm **Zumba Gold (PCEC)**



You have heard about it – now join the party. Zumba is a low impact, easy-to-follow, Latin-inspired dance fitness-party that gets you in the groove. Zumba Gold has been specifically designed for people of all ages and ability – it is fun, safe and easy. Qualified and experienced instructors will introduce you to the background of Zumba and show you the different rhythms and easy steps to get you started on your Zumba journey. Be prepared for fun.

Includes: Workshop, instructor and afternoon tea. \$60.00 (minimum 20 – maximum 30)

7.00pm – 11.30pm **Convention Gala Dinner (PCEC)**

LOCALISM

Leading the way

GENERAL INFORMATION

On line registrations – a simple process.

Log on to www.walga.asn.au then go to the *2011 Convention and Trade Exhibition*. Complete the registration form by following the instructions, and then submit – allow 2-3 days for an emailed acknowledgement.

Convention Fees (all inclusive of GST)

For budgetary purposes an **Advance discounted Full Delegate Registration is available until Monday 13 June 2011** so early registration is encouraged.

Delegate fees cover the daily conference program, lunches and refreshments – for Friday 5 August a ticket to the Networking Sundowner is included. The Convention Gala dinner on Saturday evening is optional, and a ticket fee applies.

Full Delegate – advance discount
\$1,125 (*only by 13 June 2011*)

Full Delegate
\$1,250 (*Deadline is 11 July 2011*)

WALGA Life Members
Complimentary (*excluding Gala Dinner*)

Thursday 4 August
Day registration \$670

Friday 5 August
Day registration \$725 (*includes Sundowner*)

Convention Breakfast with Justin Langer
\$77

Saturday 6 August
Half day registration \$365

ALGWA Breakfast – \$55

Perth Biodiversity Awards Breakfast – Complimentary

Convention Gala Dinner
\$190 (*Note: Advance discount – \$180*)

Networking Sundowner
\$50 for partners and guests

Partner Tours
Individual tour fees as listed (pages 9 and 10)

PCEC reserved parking
At cost – approx. \$28.00 per day (*subject to change on 1 July*)

Local Government Officer Sessions

Individual registration fees as listed. Registration form is available on www.walga.asn.au – Convention link.

Elected Member Professional Development

Details and registration form are available on www.walga.asn.au – Convention link.

Closing deadline for all Registrations

Monday 11 July 2011, and cancellations must be advised in writing prior to this date. Thereafter full fees are payable or alternatively a registration may be transferred to another member of Council – to be advised in writing.

Special requirements

Any special dietary requirements, mobility or any other special needs should be indicated on the registration form – WALGA will use its best endeavours to meet these requests.

Accommodation

A range of accommodation options were earlier provided – booking forms and details being available from the Members site at www.walga.asn.au. Reservation arrangements are to be made directly with selected hotel: all hotels reserve the right to release space so please confirm room bookings early. Please note that city hotels have limited guest parking so it is advisable to clarify when booking.

Inter-venue transfers

Coach transfer will be provided for the **Mayors' and Presidents' Reception** at Council House on Thursday, collecting guests at the PCEC – with returns to both the PCEC and CBD hotels, as required. A limited service will similarly be provided between CBD hotels and the PCEC for the **Gala Dinner** on Saturday evening.

The convenient, **free and frequent bus services** operating within the CBD is again recommended for transfers between city hotels and the PCEC – for detailed information on these services go to www.transperth.wa.gov.au and hotel staff can offer some local advice to guests.

The limited transfer schedule will be displayed at the Delegate Service Desk.

PCEC parking

For those requiring daily parking, WALGA can arrange for a multi-entry (24 hour access) **parking space** in the underground car park at the PCEC. The daily cost of approximately \$28.00 is anticipated – City of Perth will release the price on 1 July. Parking space requests should be indicated on the registration form – please note the **non-extendable deadline for these requests is 11 July 2011**.

Enquiries

Emily Ferguson, WALGA Marketing and Events Officer

T 08 9213 2097

F 08 9322 2611

E eferguson@walga.asn.au

Information in this brochure is correct at time of printing but may be subject to change

11.3 ANNUAL ELECTORS MEETING – 15 DECEMBER 2010

EL104

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved Cr Wake
Seconded Cr Ridgley

Council Resolution

That the minutes of the Annual General Meeting of Electors held on Wednesday 15 December 2010 be noted.

5/0 CARRIED**Background**

In accordance with the *Local Government Act 1995* section 5.33(1):

“All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practical –

(a) At the first ordinary council meeting after that meeting

Or

(b) At a special meeting called for that purpose,

Whichever happens first.”

The Annual General Meeting of Electors relation to the financial year ended 30 June 2010 was held on Wednesday 15 December 2010. A copy of the minutes of the meeting is attached.

Section 5.32 (b) of the *Local Government Act 1995* requires the Chief Executive Office to “ensure that copies of the minutes are available for inspection by members of the public before the Council meeting at which decisions made at the Electors meeting are first considered.”

The minutes have been made available for inspection since Tuesday 21 December 2010.

The Act also requires the decisions of the Electors meeting to be considered by the Council (Section 5.33) at its next ordinary meeting where practicable. The act states:

- “5.33 (1) All decisions made at an Electors meeting are to be considered at the next ordinary Council meeting or, if that is not practicable,
- (a) At the first ordinary Council meeting after that meeting, or
- (b) At a special meeting called for that purpose, whichever happens first.
- (2) if at a meeting of the Council a Local Government makes a decision in response to a decision made at an Electors meeting, the reasons for the decision are to be recorded in the minutes of the Council meeting.”

There was only one decision made at the Electors meeting which was the acceptance of the Annual Report.

Comment

The minutes of the annual general meeting were not put to the Council in accordance with the legislation and are now put forward for Councils consideration.

There were no resolutions or decisions adopted at the meeting that required the attention of the Council.

Legal Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

13 May 2011



SHIRE OF SHARK BAY

ANNUAL ELECTORS' MEETING

Wednesday 15 December 2010

7.00 pm

Denham Shire Hall

MINUTES

P Anderson
CHIEF EXECUTIVE OFFICER

ANNUAL ELECTORS MEETING - MINUTES – 10 DECEMBER 2009

- 2 -

1. Declaration Of Opening

The President declared the meeting open at 7.04pm

2. Attendances And Apologies

ATTENDANCES

Cr C L Cowell	Shire President
Cr G Ridgley	Deputy Shire President
Cr B Wake	
Cr T W Hargreaves	
Cr J McLaughlin	
Cr J Hanscombe	
Cr D Pepworth	
Mr P Anderson	Chief Executive Officer
Mr R Towell	Accountant
Mrs R Mettam	Minute Taker

VISITORS

Mrs N Blennerhassett
 Mr E Bartlett – Torr
 Mrs M Bartlett – Torr
 Mrs W Wheeler
 Mr C Wheeler
 Mrs H Currie
 Rev Fairbairn
 Mrs R Fairbairn
 Ms M Prior
 Mr B McDonald
 Ms J Hills
 Mr K Backhouse
 Mrs B Backhouse
 Mr M Sewell
 Mrs C Hill
 Ms F Castling
 Mr J Borrisoff
 Mrs I Marquis
 Mrs C Hanscombe

3. Receiving Of The Annual Report Of The Shire Of Shark Bay For The Year Ending 30 June 2010

Moved Mrs M Bartlett - Torr
 Seconded Ms M Prior

Recommendation

That the Annual Report, including the Annual Financial Statements, Presidents Report and Auditors Report of the Shire of Shark Bay for the Year ending 30 June 2010 be received.

CARRIED

ANNUAL ELECTORS MEETING - MINUTES – 10 DECEMBER 2009

- 3 -

4. General Business**INQUIRY**

Mr C Wheeler enquired if any progress in regards to recovery costs for legal representation mentioned in the inquiry into the Shire of Shark Bay was being undertaken.

Mr P Anderson advised that the findings of the inquiry were being progressed and this matter had not been dealt with at this point.

AMALGAMATION

Ms F Castling enquired about amalgamation with other Shire's.

The President advised that it is not at present compulsory and that Council has formed a Regional Collaboration Group with the Shire's of Carnarvon and Exmouth to address issues such as resource sharing.

TAMWORTH ON TOUR TRUST MONEY

Ms J Hills enquired about the arts having money left over from the Tamworth on Tour and where was the money being held. A total of \$6,060.00.

Mr R Towell replied that the money was being held in Council's trust accounts and that the committee decides how the money is to be spent. Mrs Alison Beales is a member of that committee.

SENIOR CITIZENS FINANCIAL ASSISTANCE

Mrs N Blennerhassett thanked Council for the assistance to the senior citizens.

JETTY UPGRADE

Mr C Wheeler enquired if Council was looking into another jetty that was long and wide enough so the recreational fisherman can use and that people can fish off the side.

The President advised that \$2m will be used to replace the jetty facilities with 8 – 11 pens. Public consultation will also be put out to the community for input.

EMU PROMOTION

Mr K Backhouse advised that jetty's cost a lot of money and raised the suggestion of promoting the emu's in the town.

President advised that it is something Council can look at.

TRAINEESHIPS

Ms F Castling asked if Council had an employment plan.

Mr P Anderson advised that the Shire has a couple of students (Traineeships) and that Council doesn't have an Economic Development Strategy in place at this stage for employment.

RUBBISH BIN DAMAGE

Mrs C Hanscombe asked about rubbish bin damage.

Mr P Anderson advised that he will investigate this issue further.

5. Closure Of Meeting

Meeting closed at 7.25pm.

11.4 ANNUAL ELECTORS MEETING – 10 DECEMBER 2009

EL104

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved Cr Ridgley
Seconded Cr Hanscombe

Council Resolution

That the minutes of the Annual General Meeting of Electors held on Thursday 10 December 2009 be noted.

5/0 CARRIED**Background**

In accordance with the *Local Government Act 1995* section 5.33(1):

“All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practical –

(c) At the first ordinary council meeting after that meeting

Or

(d) At a special meeting called for that purpose,

Whichever happens first.”

The Annual General Meeting of Electors relation to the financial year ended 30 June 2009 was held on Thursday 10 December 2009. A copy of the minutes of the meeting is attached.

Section 5.32 (b) of the *Local Government Act 1995* requires the Chief Executive Office to “ensure that copies of the minutes are available for inspection by members of the public before the Council meeting at which decisions made at the Electors meeting are first considered.”

The minutes have been made available for inspection since Monday 14 December 2009.

The Act also requires the decisions of the Electors meeting to be considered by the Council (Section 5.33) at its next ordinary meeting where practicable. The act states:

- “5.33 (1) All decisions made at an Electors meeting are to be considered at the next ordinary Council meeting or, if that is not practicable,
- (c) At the first ordinary Council meeting after that meeting, or
- (d) At a special meeting called for that purpose, whichever happens first.
- (2) if at a meeting of the Council a Local Government makes a decision in response to a decision made at an Electors meeting, the reasons for the decision are to be recorded in the minutes of the Council meeting.”

Four decisions were made at the Electors meeting which was the Confirmation of the 2008 Minutes, receiving of the Annual Financial Statement for the year ending 30 June 2009, the Reading of the Auditors Report and the Reading of the Presidents Report.

Comment

There were no resolutions or decisions adopted at the meeting that required the attention of the Council.

An audit of the minutes revealed that the minutes of the 2009 meeting of electors was not put to council for consideration. The minutes are now being presented to Council.

Legal Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

13 May 2011



SHIRE OF SHARK BAY
ANNUAL ELECTORS' MEETING

Thursday 10 December 2009

6.30 pm

Denham Shire Hall

MINUTES

K J Matthews
Chief Executive Officer

UNCONFIRMED ANNUAL ELECTORS MEETING - MINUTES – 10 DECEMBER 2009

- 2 -

1. Declaration Of Opening

The Shire President declared the Meeting open at 7:19

2. Attendances And Apologies**ATTENDANCES**

Cr C L Cowell Shire President

Cr T W Hargreaves

Cr J McLaughlin

Cr J Hanscombe

Cr B Wake

Mr K J Matthews Chief Executive Officer

Mr P Tiggemann Deputy Chief Executive Officer

Mr J McKechnie Manager Regulatory Services

Mrs K Blackman Executive Assistant/Minute Taker

APOLOGIES

Cr G Ridgley Deputy Shire President

Hillary Currie

Fay Castling

Cr D Pepworth

VISITORS

F Jeanes

M Wake

C Hill

L Coen

J Hills

R Towell

J Towell

R Marquis

R Marquis

H Ward

Y Perich

F D Fowler

C Wheeler

W Wheeler

3. Confirmation Of Minutes Of Meetings**3.1. Confirmation Of Annual Electors Minutes Held 26 November 2008**

Moved Cr J McLaughlin

Seconded E Bartlett-Torr

Recommendation

That the minutes of the Shire of Shark Bay Annual Electors meeting held on the 26 November 2008 be confirmed as a true and accurate record.

The motion was put forward and declared

CARRIED

UNCONFIRMED ANNUAL ELECTORS MEETING - MINUTES – 10 DECEMBER 2009

- 3 -

Minutes of the Shire of Shark Bay Annual Electors' Meeting held in Denham Shire Hall on Wednesday 26 November 2008 commencing at 6.30 pm**1.0 ATTENDANCES AND APOLOGIES**

<u>Present</u>	Cr R W Eddington	President
	Cr D R Hoult	Deputy President
	Cr R G Blennerhassett	
	Cr C L Cowell	
	Cr T W Hargreaves	
	Mr K J Matthews	Chief Executive Officer
	Mr S Kocian	Deputy Chief Executive Officer
	Mr G Brown	Works Manager

Electors and Visitors

H Currie, J McLaughlin, W Wheeler, C Wheeler, A Willett, D Fowler, P Fowler, T Bowden, R Meek, G Meek, F Castling, J Borisoff, J Garnett, G Dix, A Dix, C Charles, L Troy, K Troy, E Bartlett-Torr

<u>Apologies</u>	Cr B W Cane
	Cr H J Crawford

2.0 CONFIRMATION OF MINUTES OF MEETING HELD 28 NOVEMBER 2007

Moved Cr R G Blennerhassett
 Seconded Cr CL Cowell
 That the minutes of the Shire of Shark Bay Electors meeting held on the 28 November 2007 be confirmed as a true and accurate record.

CARRIED

3.0 RECEIVING OF ANNUAL FINANCIAL STATEMENT OF THE SHIRE OF SHARK BAY FOR THE YEAR ENDING 30 JUNE 2008.

Moved Mr J McLaughlin
 Seconded Mr Errol Bartlett-Torr
 That the Annual Financial Statements of the Shire of Shark Bay for the Year ending 30 June 2008 be received.

CARRIED

4.0 READING OF THE AUDITOR'S REPORT

The Chief Executive Officer, Mr K J Matthews, read aloud the Auditor's (UHY Haines Norton) Report contained within the Annual Report.

Moved Cr R G Blennerhassett
 Seconded Mr J Borisoff
 That the Auditors Report as read be accepted.

CARRIED

5.0 READING OF THE PRESIDENT'S REPORT

UNCONFIRMED ANNUAL ELECTORS MEETING - MINUTES – 10 DECEMBER 2009

- 4 -

The current Shire President, Cr R Eddington read aloud the Shire President's Report on the activities of the Council during 2007/2008.

Moved Mr A Willett

Seconded Mr D Fowler

That the President's Report as read be accepted.

CARRIED

6.0 QUESTIONS ON NOTICE

As there were no questions on notice received the Shire President Cr R Eddington invited questions from the floor.

Mrs C Charles asked why the air conditioner at the "Crafters Building" still had not been fixed.

Cr R Eddington replied that the shire experiences great difficulty in obtaining contractors to carry out works in a timely manner, but he would however ensure that the air conditioner is fitted as soon as possible.

Fay Castling asked what plan does the shire have in relation to recreational grounds.

The Chief Executive Officer, Mr K J Matthews, explained that the shire had recently appointed a Community Development Officer. One of the key roles for the Community Development Officer will be to implement the Shire of Shark Bay's Sport/Recreation/Leisure Opportunities Report. Mr Matthews said that he would be happy to forward a copy of the report via the post.

Mr G Meek asked what is the policy with regard to the type of waste that can be put into domestic rubbish bins. Mr Meek highlighted an incident where he said the rubbish contractor had tipped out green waste from his bin onto the verge.

Cr Eddington said he was surprised to here that this had happened and would look into the matter.

Mrs C Charles asked why she had not received a reply to her dog complaint.

The Chief Executive Officer stated that he had written back to Mrs Charles, asking for more information to assist the shire to investigate the matter and that to date this information had not been forthcoming.

Joe McLaughlin asked that he be able to write out the following letter from Paul Norman –

Hello Bob, I hope this can be read out.

I would just like council to know that I do not support Councillor Tim Hargreaves for a memorial to the crew of the Kormoran. I find it hard to believe that he has the majority in his favour. If he has written to the German government it is of his own accord and should inform them that he had no authority to do so.

As an elected councillor I would expect him to concentrate his efforts on things that would be of benefit to all in our community.

Paul Norman

Errol Bartlett-Torr thanked council for their support of the Shark Bay Film Club during the year. Mr Bartlett-Torr also congratulated the Shire President and the Chief Executive Officer for their efforts during the year.

UNCONFIRMED ANNUAL ELECTORS MEETING - MINUTES – 10 DECEMBER 2009

- 5 -

Errol Bartlett-Torr queried why Cr T W Hargreaves at a recent Telecentre meeting introduced himself as President of the RSL and stated that he had 90% support of the community for a Kormoran memorial? On what basis did he come to this conclusion?

Cr R W Eddington stated that there would be no memorial for the Kormoran in Shark Bay and that there would be two memorials for the Sydney (one in Denham the other at Steep Point). The shire is currently seeking government funding for these memorials.

Mr G Meek asked if it was the German government who want a memorial for the Kormoran.

Cr R W Eddington replied no.

Faye Castling asked will the Shire of Shark Bay be declaring itself as a nuclear free zone.

Cr R W Eddington said this was something that council had not considered but would be willing to do so in the future.

7.0 MEETING CLOSURE

There being no further business, the President Cr R Eddington declared the meeting closed at 7.14 pm.

3.2. Matters arising from the minutes

Cr Hargreaves raised the point that in relation E Bartlett-Torr's question he had 90 % support of the ex service personnel in the community.

4. Receiving Of Annual Financial Statement Of The Shire Of Shark Bay For The Year Ending 30 June 2009

Moved Cr T Hargreaves
Seconded Cr J Hanscombe

Recommendation

That the Annual Financial Statements of the Shire of Shark Bay for the Year ending 30 June 2009 be received.

The motion was put forward and declared

CARRIED

5. Reading Of The Auditor's Report

The Chief Executive Officer, Mr K J Matthews, read aloud the Auditor's (UHY Haines Norton) Report contained within the Annual Report.

Moved Cr T Hargreaves
Seconded Cr J Hanscombe

Recommendation

That the Auditors Report as read be accepted.

The motion was put forward and declared

CARRIED

6. **Reading Of The President's Report**

The Shire President, Cr C Cowell read aloud the Shire President's Report on the activities of the Council during 2008/2009.

Moved Cr T Hargreaves
Seconded Cr J Hanscombe

Recommendation

That the President's Report as read be accepted.

The motion was put forward and declared

CARRIED

7. **Questions On Notice**

Nil

8. **Closure Of Meeting**

The Shire President declared the meeting closed at 7:32pm.

11.5 APPLICATION FOR LEGAL ASSISTANCE

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved Cr Hanscombe

Seconded Cr McLaughlin

Officer Recommendation

That the application by Councillor Hargreaves for financial assistance in accordance with the Shire of Shark Bay policy 7.4 Legal Representation Costs Indemnification be refused on the grounds that Councillor Hargreaves, in the opinion of the Council, has not acted reasonably and has acted against the interests of the Local Government in the matter subject to the application.

Or

That the application by Councillor Hargreaves for financial assistance in accordance with the Shire of Shark Bay policy 7.4 Legal Representation Costs Indemnification be approved on the grounds that Councillor Hargreaves has acted reasonably and in the interests of the Local Government in the matter subject to the application.

Cr Hanscombe left the meeting at 10.30am

Cr Hanscombe returned to the meeting at 10.31am

Reason: Council agreed that Councillor Hargreaves had not acted reasonably and in the interests of the Local Government in the matter subject to the application and resolved the following:

Council Resolution

That the application by Councillor Hargreaves for financial assistance in accordance with the Shire of Shark Bay policy 7.4 Legal Representation Costs Indemnification be refused on the grounds that Councillor Hargreaves, in the opinion of the Council, has not acted reasonably and has acted against the interests of the Local Government in the matter subject to the application.

5/0 CARRIED

Background

Councillor Hargreaves has applied for legal assistance in accordance with Council policy 7.4 Legal Representation Cost Indemnification.

The request from Councillor Hargreaves has come about due to ongoing legal action being taken against Councillor Hargreaves by the previous Chief Executive Officer, Mr Kelvin Matthews.

This case is listed in the Federal Magistrates Court as listing number PEG144/2010.

An extract from Councillor Hargreaves email follows:

As presumably you are all aware, the previous Chief Executive Officer, Mr Matthews has sought redress from me since the time of quitting this Shire in May of 2010.

You will recall in his initial overtures to the Human Rights Commission his claim(s) were two-fold. One was against the Council as a whole and the other was against me as an individual Councillor.

The litigation between the Council and himself was resolved – as far as I know as I was not privy to the bulk of the negotiations - by the end of 2010.

Unbeknown to me until very recently, Matthews, on finishing up with this Shire, signed a contract whereby he undertook to take no further action against the Council, it's servants or employees.

After nearly a year of on-going litigation between Matthews and me – instigated by him at every step of the way despite attempts at mediation by the respective Human Rights and Federal Magistrates Court mediators, Matthews has intimated to the Courts that he will reduce the figure sought in compensation from \$20,000 to \$10,000.

My latest date for the filing of documents is the 24 May with the trial date set for the 14 & 15 June 2011.

Under the Act we have a policy which enables Councillors to receive legal assistance for litigation they are subjected to whilst acting as a Councillor provided it is not of a criminal nature.

Thus I am applying for legal assistance in the defence of claims made against me by Mr Matthews in the matter of Federal Magistrates Court of Australia File (P) PEG 144/2010.

I can advise Council that the Deed of Settlement between the Shire of Shark Bay and Mr Matthews was included in the President's report at the 30 June 2010 meeting with all councillors in attendance.

The president's report contained the following information:

Several days prior to Mr Matthews's (pervious Chief Executive Officer) resignation taking effect, he lodged an unfair dismissal claim against the Council with Fair Work Australia. This resulted in a conciliation conference being held between the conciliator, Mr Matthews, legal representatives and myself on 10 June. An agreement was reached whereby once Mr Matthews has signed a release document, no further claims of this nature can be brought by him against the Council.

I have provided the opportunity via email for Councillor Hargreaves to supply additional information in support of his request for assistance, at the time of

production of this report there has been no further information provided, Councillor Hargreaves may avail himself of this opportunity at a later date.

Comment

The information provided by Councillor Hargreaves indicates that Mr Matthews is alleging that Councillor Hargreaves engaged in discriminatory behaviour against Mr Matthews by a number of means which are detailed in the application to the courts.

In considering the application by Councillor Hargreaves the Council should be cognisant of the other matters that Mr Matthews has pursued Councillor Hargreaves in relation to his actions as an elected member.

The Local Government Standards Panel received and dealt with a complaint made by Mr Kelvin John Matthews regarding alleged breaches under the Local Government (Rules of Conduct) Regulations 2007 by Councillor Timothy Wynn Hargreaves.

The Standards Panel in their decision found that Council Hargreaves committed a breach of Regulation 7(1)(b) of the Regulations on or about 21 September 2008 by sending copies of email to some unnamed persons of his local community who he believed had voted for him in his election as a Council member.

The Standards Panel imposed the following orders in part that included the requirement for Councillor Hargreaves to make a public apology in the manner set out in the orders.

Councillor Hargreaves failed to carry out the requirement of the orders of the Standards Panel as they related to his actions and in accordance with the *Local Government Act 1995* section 5.118(1) the matter of non compliance with the orders was referred to the State Administrative Tribunal by the Chief Executive Officer of the Council.

The matter of non compliance was then progressed by the Shire of Shark Bay in accordance with Local Government Act and the matter was heard on 17 December 2010 and resulted in the suspension of Councillor Hargreaves for a period of 6 months.

The Council undertook its obligations in accordance with the Local Government Act in regard to this matter.

There is no evidence of the full Council authorising individual councillors to speak in regard to issues associated with the former Chief Executive Officer.

The employment matters associated with the former Chief Executive Officer were dealt with in the correct manner by the President and the Acting Chief Executive Officer.

It would appear that the distribution of material by Councillor Hargreaves that is now the subject of the matter before the Federal Magistrates Court was undertaken without the authorisation of the Council and as such the actions could be considered as being beyond the scope of his responsibilities as an elected member.

Legal Implications

The Council policy provides councillors to apply for assistance in civil matters, the application by Mr Matthews is being heard in the Federal Magistrate's court and is listed as Councillor Timothy Wynn Hargreaves has distributed discriminatory material against Mr Matthews.

This would constitute a civil matter in accordance with the policy.

The general principles section 2 (a) of the Councils policy are as follows:

The local government may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has not acted illegally, dishonestly, against the interest of the local government or otherwise in bad faith.

The findings of the Standards Panel in that Councillor Hargreaves committed a breach of the Local Government (Rules of Conduct) Regulations by distributing the material in question should be considered by the Council in their decision making process.

While Councillor Hargreaves may consider that his actions were undertaken in accordance with his duties as a councillor any conduct by a councillor that may expose the Council to financial or litigious risk must be undertaken in an appropriate and reasonable manner and with the full consideration and authorisation of the Council.

Individual councillors have an obligation to ensure that any actions undertaken in accordance with their duties as a councillor are properly authorised by the Council and are in accordance with any relevant legislation.

Policy Implications

The Council policy is based closely on the model Legal Representation Policy of the Local Government Department distributed in the Local Government Operational Guidelines number 14 in April 2006.

This policy has been tested by the Department during the Inquiry process and appears sound, however as noted in the financial implication section of the report there is no maximum set for this policy which may be included at a later date if Council considers it appropriate.

The Council's policy in relation to this request follows.

7.4 Legal Representation Costs Indemnification

(1) Introduction

This policy is designed to protect the interests of Council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the Local Government may assist the individual in meeting reasonable expenses and any liabilities in relation to those proceedings.

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the district. This policy applies in that respect.

(2) General Principles

Confirmed at Council meeting 29 June 2011 Signed By the President Cheryl Cowell _____

-
- a The Local Government may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the Local Government or otherwise in bad faith.
- b The Local Government may provide such assistance in the following types of legal proceedings -
- (i) proceedings brought by members and employees to enable them to carry out their Local Government functions (e.g. where a member or employee seeks a restraining order against a person using threatening behaviour),
 - (ii) proceedings brought against members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions)], and
 - (iii) Statutory or other inquiries where representation of members or employees is justified.
- c The Local Government will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the Local Government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.
- d The legal services the subject of assistance under this policy will usually be provided by the Local Government's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the Local Government.

(3) Applications for Financial Assistance

- a Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.
- b A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
- c An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer.
- d A member or employee requesting financial support for legal services, or any other person who might have a financial interest provisions of the *Local Government Act 1995*.
- e Where there is a need for the provision of urgent legal services before an application can be considered by Council, the Chief Executive Officer may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the Chief Executive Officer in writing under Section 5.42 of the *Local Government Act 1995*.
- f Where it is the Chief Executive Officer who is seeking urgent financial support for legal services the Council shall deal with the application.

(4) Repayment of Assistance

- a Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be offset against any moneys paid or payable by the Local Government.
- b Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the Local

Government or otherwise in bad faith; or where information from the person is shown to have been false or misleading.

c Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Local Government may take action to recover any such moneys in a court of competent jurisdiction.

Financial Implications

It is difficult to estimate the degree of the financial implications in regard to this matter.

It has been indicated by the applicant that there may be considerable costs but it is unclear what this estimate is based upon.

The Council's policy is silent on the maximum amount that the Council may grant by way of assistance, however it may be interpreted that the requirement to supply full details and the circumstances of the matter and the legal services required would give an indication of the sum of financial assistance being requested.

It is unlikely that action of the nature being taken against Councillor Hargreaves is recoverable by insurance as he has not been authorised by the Council in the appropriate manner to undertake the action that resulted in the claim.

The application of tort of Misfeasance in a public office would also have to be considered and if established the public official is personally liable for the harm or damage attributable to their actions.

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

18 May 2011

Council adjourned at 10.39am and reconvened at 11.07am

11.6 BARNARD STREET
RO106.02

Author

Chief Executive Officer

Disclosure of Any Interest

Declaration of Interest: Cr Hanscombe

Nature of Interest: Proximity Interest as Lease part of 51 Knight Terrace

Cr Hanscombe left the meeting at 11.08am

Moved Cr Ridgley

Seconded Cr Cowell

Council Resolution

That the submissions and matters received in response to Council's notification in accordance with section 3.51 of the *Local Government Act 1995*, regarding the Council's proposal to re-open Barnard Street between Durlacher and Brockman Streets as a two way Street with a 6.1 metre road width (Proposed Works), be received and considered.

The subsequent advice provided by Geographe Consulting Services in consideration of the submissions to the Proposed Works be noted and considered.

The proposed Barnard Street Town-Scaping including the Proposed Works, as detailed in the attached draft plans prepared by Geographe Consulting Services, be forwarded to the Main Roads Department Carnarvon division for comment.

The Council's resolution in relation to the Proposed Works be deferred until Main Roads Department Carnarvon has considered the proposed Barnard Street Town-Scaping, including the Proposed Works, and provided its comments.

4/0 CARRIED

Background

Before 1996, Barnard Street was a gravel road that was trafficable in a two way direction between Brockman and Durlacher Streets.

In 1996, at a meeting of its council (**Council**), the Shire resolved to close Barnard Street to thoroughfare vehicle traffic. By reason of my review of the Council's records, I believe that the closure was part of a Townscape recommendation that was originally adopted by the Council in 1996. The purpose of the closure as detailed by the Chief Executive Officer on 15 August 1996 in the Inscription Post was to provide for an attractive landscaped pedestrian link between the shire offices/community centre and Knight Terrace and to provide a safer route for all pedestrians especially school children to access the shops in Knight Terrace.

Funding was not allocated or sourced to undertake the works until 2004 and they were completed over the next two budget years.

A Special Electors Meeting was held on 17 March 2009. During the meeting, the following motion was carried (69-22):

'That the Shire of Shark Bay Council forthwith review the closure of Barnard Street by calling for comment from the Shire of Shark Bay electors regarding the desirability of reopening Barnard Street as a public thoroughfare'

An Ordinary Council Meeting was held on 29 April 2009. During the meeting, the following motion was carried (5-2):

'That council resolve the following in regard to the resolutions of the Special Electors Meeting held on 17 March 2009 in accordance with section 5.33 (2) of the Local Government Act 1995 –

Not accede to the resolution of Item 3.6 of the Agenda/Minutes of the Special Electors meeting where the Motion was carried with the decision being that –

- (i) the matter of closing Barnard Street has been previously resolved by council; and*
- (ii) the recent adoption by council of the Outline Development Plan for Infrastructure works between Hughes Street and Knight Terrace incorporates the use of Barnard Street in its current form'*

An Ordinary Council Meeting was called and held on 31 March 2010. During the meeting, the following motion was carried (4-3):

'That the item lay on the table for more research until the 28 April 2010 council meeting.'

An Ordinary Council Meeting was called and held on 28 April 2010. During the meeting, the following motion was unanimously carried (6-0):

'That Barnard Street between Durlacher and Brockman Streets be opened up as a two way street with a 6.1 metre road width' (Works)

The Council considered that the current configuration had and continued to be an impediment to safe access by service vehicles to the commercial premises along the length of Barnard Street and that to progress the Town Centre concept, as contained in the Shire of Shark Bay Town Planning Strategy (October 2010), the unimpeded flow of traffic through this area was desirable.

The town planning 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 the amount of land zoned 'Town Centre' is sufficient for existing and future needs and aims to consolidate activities to contribute to a 'sense of vibrancy for the centre'. It recognises that growth in the Town centre will be closely linked to growth of residential and tourist facilities.

The Council also considered that the removal of the cul-de-sacs provided for vehicle ingress and egress from both Durlacher and Brockman Streets for the full length of the street which would reduce any congestion at one specific point entry or exit point.

At the meeting of 24 February 2011 the Council resolved the following:

That Council solicitor be instructed to advise Mr. Moss' solicitors the following;

That Chief Executive Officer's actions in accordance with the confidential Deed of Settlement resolving the matter of Moss v the Shire of Shark Bay in the matter of Barnard Street Denham be endorsed.

In accordance with section 3.51 of the Local Government Act 1995 persons having an interest in the proposed works to re-open Barnard Street between Durlacher and Brockman Streets (Proposed Works) resolved at the Council meeting of 28 April 2010 be given notice of the Proposed Works.

All submissions invited in accordance with section 3.51 of the Local Government Act 1995 in the matter of the proposed works must be received by 4.00pm on Monday 28 March 2011 to be considered valid submissions.

Comment

The Shire has received two submissions in opposition to the Proposed Works from Bolrette Pty Ltd (**Bolrette**) (submissions attached).

The Shire also received a submission from the Department of Environment and Conservation on the 5 April 2011 (after the close off date of 28 March 2011). As a result, this submission has not been included for consideration by the Council. Another written submission was received on 10 March 2011, but the author advised that they considered they were not 'an affected person' and that submission has therefore not been included for consideration.

The submissions received from Bolrette are substantially based upon a report from Wood and Grieve Engineers (report attached) and the affidavit sworn by Mr. Paul Kerle (affidavit attached). Bolrette's submission dated 10 March 2011 is general and limited. Only the first two paragraphs of that submission appear to relate to the Proposed Works. Bolrette's second submission dated 21 March 2011 contains Bolrette's detailed submissions regarding the Proposed Works.

Bolrette's submission dated 10 March 2011

In relation to Bolrette's first submission dated 10 March 2011, I have included the comments submitted by Bolrette. Where appropriate I have also provided comment.

Given the limited and general nature of the first submission, the Shire's consulting engineer, Geographe Consulting Services, was not asked to consider the submission.

PARAGRAPH ONE

BOLRETTE PTY LTD Submission

'I refer to your correspondence related to the Council's intentions to reopen Barnard Street to 'Two Way Traffic'. You will be aware of the report that is attached to this letter [*affidavit sworn by Paul Kerle on 23 November 2010*] giving your Council notice of my submission'

Geographe Consulting Services' assessment

No comment

Chief Executive Officer's comment

Geographe Consulting Services has considered the issues raised in the affidavit sworn by Paul Kerle.

PARAGRAPH TWOBOLRETTE PTY LTD Submission

'As a significant ratepayer and the Directors of valuable commercial property that will be directly affected by the proposed works I submit the attached report from a leading and respected roadwork's engineer [*affidavit sworn by Paul Kerle on 23 November 2010*], who has raised significant safety and road works issues that your council need to overcome'

Paul Kerle's comment regarding the 'direct affect' of the Proposed Works on the Bolrette property

'The principle issue of concern with this arrangement is that the edge of traffic lane will be 2.5 metres from Lot 51 access points, for both pedestrian and vehicular movements. This situation, in my opinion, will impose a significant loss of amenity and an inherent reduction in safety, in comparison to the current circumstances. This issue is, of course, exacerbated by the lack of setback of the access points (personnel gate and garage door) from the boundary. Nevertheless, this situation has been previously accepted/endorsed by Council'

Geographe Consulting Services' assessment

No comment

Chief Executive Officer's comment

Geographe Consulting Services has considered and provided comment on the safety and road works issues raised in the affidavit sworn by Paul Kerle. Those comments are set out in the report below.

The majority of the road works issues identified in Paul Kerle's affidavit and the report prepared by Wood & Grieve Engineers, were assumed upon incorrect assumptions in regard to the road width and as such have been addressed by Geographe Consulting Services.

Mr Kerle considers that the Proposed Works will result in significant loss of amenity and an inherent reduction in safety to the Bolrette property, particularly given that the edge of traffic lane will be 2.5 metres from Lot 51 access points to the Bolrette property.

The edge of the traffic lane is currently at least 2.5 metres from the access points to the Bolrette property (2.85 metres from the finished pavement). If the Proposed Works are implanted the status quo will remain.

The Proposed Works are likely to result in increased traffic movements along Barnard Street. This may have an affect on the amenity enjoyed by Bolrette.

However, the Proposed Works have been designed in such a way as to minimise any loss of amenity or safety issues arising from the increased traffic movements. For example, it is proposed that:

- (a) Barnard Street will be designed to be a low speed environment;
- (b) the presence of two raised pedestrian crossings in a road length of approximately 225 metres will mitigate any vehicular speed accumulation (reduce the speed of vehicle);
- (c) the pedestrian route is via a footpath on the opposite side of the road to the Bolrette property;
- (d) each end of Barnard Street is a 'T' Junction and therefore, cross town traffic will be negligible;
- (e) both Hughes Street and Knight Terrace will act as the main vehicular routes through town; and
- (f) re-opening Barnard Street to two-way traffic will reduce any congestion at one specific point entry or exit point.

The Council has a responsibility to design and construct roads in accordance with set guidelines that address the matter of public safety. However, road users also have a responsibility to ensure that they are aware of road conditions and drive accordingly. For example, if vehicles are able to reverse into the Bolrette property, any safety concerns regarding access to the property should be minimised.

The Council could give consideration to installing a flush kerb or line marking to delineate the edge of the road if it considers it appropriate.

Council could also remove the palm tree currently located to the left hand side of Bolrette's property to increase visibility when accessing the property.

Although the Proposed Works may have an effect on the amenity enjoyed by Bolrette, the ability of traffic to access the area and the increased number of parking bays on Barnard Street:

- (a) should have a positive impact upon any commercial property situated on Barnard Street;
- (b) will contribute to the commercial viability of the area; and
- (c) will assist in any future commercial proposals for the area.

The Proposed Works will enable future development in the area in accordance with the Council's Townscape strategy.

Council should balance the concerns of Bolrette and the overall public interest when considering the Proposed Works.

Bolrette's submission dated 21 March 2011

The Shire's consulting engineer, Geographe Consulting Services, was asked to consider and give considered opinion on each of the matters raised in the second submission from Bolrette and the engineer's reports referred to in the submission. I have included the comments submitted by Bolrette and the corresponding engineer's assessment below.

Where appropriate I have also provided comment.

PARAGRAPH ONEBOLRETTE PTY LTD Submission

'I refer you to your correspondence of 17 March regarding the "Roadwork Plan" for Barnard Street Denham. As you are aware our company raised serious concerns in relation to the Council's resolution on 28 April 2010 to change the "Streetscape" adjacent to our property, which concerns the alteration of the cul-de-sac. You will also be aware of the Court Documents that relate to evidence from two Engineers who have raised a number of concerns related to the difficulty in changing the road into two or one way traffic by altering the cul-de-sac'

Geographe Consulting Services' assessment

See Annexure A

PARAGRAPH TWOBOLRETTE Submission

'The inclusion of the cul-de-sac was decided when the previous Councils dating back to 1999 up until 2005 incorporated the design due to the road reserve available and primarily due to the now, Engineers concerns'

Geographe Consulting Services' assessment

No comment

Chief Executive Officer's comment

The original design was advertised in August 1996 and appeared to be premised on the proposed World Heritage Centre being positioned between Barnard Street and Hughes Street.

A public notice inserted in the inscription post dated 15 August 1996 by the Chief Executive Officer advised the following

'The purpose of the cul-de-sac in the initial advertising was to provide for an attractive landscaped pedestrian link between the shire offices/community centre and Knight Terrace and to provide a safer route for all pedestrians especially school children to access the shops in Knight Terrace'.

The Proposed Works are in line with the original concept of the proposal, specifically, safe pedestrian access has been included in the design. It would also

appear that this concept was also based upon the school being in Hughes Street. The school has since been rebuilt some distance away and the building in Hughes Street is now not utilised as a school building.

PARAGRAPH THREE

BOLRETTE Submission

'We note that your "Roadwork's Plan" is not in any way modified from the plan submitted to Council on April 28th 2010. It is the same plan that appears in Court Documents submitted to the Supreme Court'

Geographe Consulting Services' assessment

Agreed

Chief Executive Officer's comment

These observations are correct.

PARAGRAPH FOUR

BOLRETTE Submission

I have already furnished you with the evidence and report of Mr. Paul Kerle, who has raised a number of significant concerns, none appear to have been addressed in your plan forwarded to me on the 17th of March. The Brockman Street entry does not appear to have been subjected to any consideration where the road reserve is much narrower than the road reserve east of Sappie Park'.

Geographe Consulting Services' assessment

'This paragraph deals with the opinion of a Mr Paul Kerle and has been addressed in the paragraph 1 comments Items 13 and 17'.

Chief Executive Officer's comment

Geographe Consulting Services has considered the issues raised in the affidavit sworn by Paul Kerle.

The Barnard Street road reserve is narrower at the Brockman Street entry, however there is insitu a built road surface of 6 metres. The wider areas of road reserve to the east of Sappie Park have and are proposed to be utilised for increased areas of off road parking.

PARAGRAPH FIVE

BOLRETTE Submission

'The road reserve at the North Western end (Brockman St) is not wide enough for the construction of a two-way carriageway as suggested in both Engineers reports. The available reserve for pedestrians, a significant objective in the Streetscape of the Central Hub of Denham, could not be achieved unless compulsory acquisition of the freehold land to the North end of this area. (Hotel Car Park)'

Geographe Consulting Services' assessment

The current 10 metre road reserve currently contains a 6 metre wide pavement (with 0.25 metre wide kerbs), a 2.55 metre wide south western verge and a 0.95 metre wide north eastern verge.

If a footpath link to Brockman Street is required then the south western verge is of sufficient width to provide the construction of a suitable footpath.

As a result, no road widening is required and the status quo will remain.

This means that no compulsory acquisition of the hotel carpark land will be required unless Council decides in future that it is necessary for development of those lots.

The formal pedestrian crossing in the vicinity of Bolrette's property will be at the raised road crossing opposite Sappie Park.

PARAGRAPH SIX

BOLRETTE Submission

'The road reserve adjacent, or lack of it, to our boundary, which is the current cul-de-sac, has not received any consideration as mentioned in both, Engineers reports therefore requires addressing'

Paul Kerle's comment

'The principle issue of concern with this arrangement is that the edge of traffic lane will be 2.5 metres from Lot 51 access points, for both pedestrian and vehicular movements. This situation, in my opinion, will impose a significant loss of amenity and an inherent reduction in safety, in comparison to the current circumstances. This issue is, of course, exacerbated by the lack of setback of the access points (personnel gate and garage door) from the boundary. Nevertheless, this situation has been previously accepted/endorsed by Council'

Geographe Consulting Services' assessment

The verge width on the existing road is 2.85metres [from the finished pavement] and adjacent to the subject property it is being treated as a normal crossover because it provides access to a double garage, a pedestrian gate and double vehicular gate'

Chief Executives Officer's comment

See my comments in response to paragraph two of the first Bolrette submission above.

PARAGRAPH SEVEN

BOLRETTE Submission

'We also note that your plan indicates a road reserve both sides of the Brockman Street entry. We wish to submit as indicated in both Engineers reports, the reserve in this area has been taken up as a consequence of the existing carriageway and will require considerable engineering and roadwork's to achieve this important aspect of safety when pedestrians who often use this section are accessing the foreshore via Sappie Park”.

Geographe Consulting Services' assessment

'See paragraph 5 comment':

The current 10 metre road reserve currently contains a 6 metre wide pavement (with 0.25 metre wide kerbs), a 2.55 metre wide south western verge and a 0.95 metre wide north eastern verge.

If a footpath link to Brockman Street is required then the south western verge is of sufficient width to provide the construction of a suitable footpath

As stated previously there will be no road widening required and therefore the status quo will remain.

This means that no compulsory acquisition of the hotel carpark land will be required unless Council decides in future that it is necessary for development of those lots.

The formal pedestrian crossing in the vicinity of Bolrette's property will be at the raised road crossing opposite Sappie Park.

PARAGRAPH EIGHT

BOLRETTE Submission

'Your plan does not address the impact that leaving the redundant sections of the cul-de-sac in place, creating significant safety and loss of amenity to the users of our property when accessing the rear of the premises, garage, rear doorway and driveway'

Geographe Consulting Services' assessment

The access to the subject property will not be altered unless Council wish to delineate as per comment in the paragraph 6 comments:

The Council could give consideration to installing a flush kerb or line marking to delineate the edge of the road if it considers it appropriate.

Chief Executives Officer's comment

The proposal does not indicate the retention of any redundant sections of the cul-de-sac being left in place. The proposal allows for the provision of on street parking directly opposite the subject property.

PARAGRAPH NINE AND TEN

BOLRETTE Submission

'We wish to advise your Council that the Company has no objections to the removal of the cul-de-sac. However it does appear evident that your Council is insistent on ignoring the previous administrations reasoning behind the creation of the streetscape, and more concerning, reasonable qualified engineering assessment of the problems in altering Barnard Street.'

We also question the manner and approach taken by your consultants and how far it deviates from the expert evidence already submitted to your Council'

Geographe Consulting Services' assessment

All of the engineering concerns have been considered, noted and reviewed in regard to the proposed design

Chief Executive Officer's comment

Geographe Consulting Services has considered Wood & Grieve Engineers' and Mr Kerle's assessment of the problems they foresee in altering Barnard Street.

A public notice inserted in the inscription post dated 15 August 1996 by the Chief Executive Officer advised the following:

'The purpose of the cul-de-sac in the initial advertising was to provide for an attractive landscaped pedestrian link between the Shire offices/community centre and Knight Terrace and to provide a safer route for all pedestrians especially school children to access the shops in Knight Terrace'.

The Proposed Works are in line with the original concept of the proposal and, specifically, safe pedestrian access has been included in the design. The school has since been rebuilt some distance away and the building in Hughes Street is now not utilised as a school building.

PARAGRAPH ELEVEN

BOLRETTE Submission

'We look with considerable interest in how you intend to approach the works and would like to remind your Council that the meaning of the Local Government Act in this instance, as you have reminded us in your letter of 28th of March, requires the Council to consider interested parties submissions. However if you decide to ignore reasonable qualified advice from our consulting engineers and proceed to carry out the works in accordance to the plans forwarded to us, we remind you that as a ratepayer of the shire, we have some recourse to object based on the qualified opinion sought. We encourage the Council to approach Main Roads W.A. to seek assistance on the alterations as a means to satisfy any concerns'

Chief Executive Officer's Comment

The Council in accordance with the applicable legislation is required to consider any submission made. Geographe Consulting Services has objectively and properly considered the submissions received. The Council is now giving consideration to all of the submissions made by 'affected persons' in the nominated time and its own expert advice. The Council may consider referring the proposal to the Main Roads Department Carnarvon if it so desires and it may be prudent to do so to ensure that there are no further matters that the Main Roads Department Carnarvon believes the Council needs to consider.

Legal Implications

The Council has undertaken its obligations in accordance with section 3.51 of the *Local Government Act 1995* by contacting affected owners.

Section 3.51(3)(b) of the *Local Government Act 1995* provides, in effect, that the Council must '*consider*' any submissions made by persons whose land is likely to be '*adversely affected*' by the Proposed Works.

The Council should give the submissions due and proper consideration. It must be careful to avoid acting in such a manner that might expose it to allegations that it gave only a cursory or pre-determined consideration of any of the submissions. Further, when it considers any of the submissions, Council should not be influenced by any extraneous or irrelevant matters.

The meaning of 'adversely affected'

The expression 'adversely affected' is not defined in the Act. However, it has been considered by the Courts. Land will be adversely affected if the amenity/utility enjoyed by the owner is adversely affected. Preventing or affecting access to a property would adversely affect the land.

That means that Council should consider adverse affects on the land itself (for example preventing or affecting access to a property, or the risk that water may drain onto land) and on the amenity/utility enjoyed by the owner of the land when it considers the Proposed Works.

The Shire of Shark Bay local planning strategy identifies the area of Barnard Street as being within the designated "Town Centre" and the provision of additional parking and ability to provide for through traffic will significantly address the objectives of the strategy.

The Town Centre incorporates a wide range of commercial development including retail shops, offices, tourist uses, hotels, cafes and restaurants and tourist accommodation. The scheme applies a residential density of R50 and some portions have been developed for residential uses.

In regard to any redevelopment of existing premises or development of vacant land the proponent in accordance with the Town Planning scheme would be required to meet the requirements in the scheme in regard to the provision of parking.

Policy Implications

Nil

Financial Implications

Given the interest that this proposal has generated it could be assumed that there will be a financial implication in regard to the progressing of Council's decision to open the road to two way traffic.

The extent of funding required to defend the Councils action is unknown at this stage, however the Council has insurance cover for any actions taken against the Council that have been made in accordance with the applicable legislation.

Strategic Implications

Addresses the Councils strategic vision in regard to the development of the Town Centre and the Shire of Shark Bays Planning Strategy

Voting Requirements

Simple Majority Required

Date of Report

20 May 2011

Annexure A-

Statements that are factually incorrect in the report prepared by Wood & Grieve Engineers and the affidavit sworn by Paul Kerle

Report/Affidavit	Comment	Geographe Consulting Services' assessment	<u>Chief Executive Officer's comment</u>
Wood & Grieve Report	'Your information indicates that the current road width of the section (excluding the cul de sac) of Barnard Street from Brockman is 5m in width'	'...this is not correct as it is 6 metres in width. It is noted that they agree that existing width of 6 metres is sufficient for the proposed works and therefore the "minimum works" as outlined in their letter are not required other than the "removal of the redundant section of cul-de-sac pavement and re-kerbing" to create further car parking bays. These works are on the opposite side of the cul-de-sac to Bolrette's property'	The road surface width is 6 metres at the section from the cul-de-sac to Brockman Street and is a minimum of 6.1 metres from the cul-dec-sac to Durlacher Street
Paul Kerle Affidavit – Item 5	'I understand that Council has not produced or made available any detailed plans or specifications for the proposed works, accordingly, the follow statements are without the benefit of such information'	'A detailed plan was produced in November 2010 and as Mr Kerle states he did not have the opportunity to study the plan before he swore this affidavit. The plan satisfies all of the concerns he has raised and is further explained in the comments below'	A plan for the Proposed Works was submitted to Council on 28 April 2010. The plan was publically available in the relevant minutes.

<p>Paul Kerle Affidavit – Item 6.2</p>	<p>'North end- five metres wide between kerbs, terminating with a cul-de-sac fronting the Moss property (Lot 51). The centreline of Barnard Street at the north end appears to be offset from the centre of the road reserve by 2.5 metres to the west. The centre of the cul-de-sac is offset from the road centreline to the east, thus providing room for development of the cul-de-sac'</p>	<p>'The road width is incorrect; the same comments apply as per the previous Wood & Grieve comment'</p>	<p>The pavement width of the north end, referred to by Mr Kerle, is 6 metres. The centreline as indicated by Mr Kerle is offset past the cul-de-sacs</p>
<p>Paul Kerle Affidavit – Item 7 & 8</p>	<p>'The generally accepted requirement for two-way traffic is a six metre wide carriageway, i.e. distance between kerb faces, whereas a five metre width would normally be considered acceptable only for one-way traffic.</p> <p>Conversion of Barnard Street to facilitate two-way traffic, based on the above requirements, would necessitate at the least, widening of the carriageway to six metres, and construction of the roadway south of the</p>	<p>'...not applicable as the road width is already 6 metres'</p>	<p>As previously noted the pavement width of Barnard Street is 6 metres between the kerb faces of Barnard Street.</p>

	<p>cul-de-sac to join with the southern section of Barnard Street. This would also involve removal of kerbing and laying bitumen to accommodate such widening, and incidental work such as re-configuring the kerbing of the cul-de-sac head'</p>		
<p>Paul Kerle Affidavit – Item 9 –</p>	<p>'The existing stormwater system discharges via a grated discharge sump (understood from Council minutes to be a soak well) located at a low point nominally centred in the cul-de-sac. It appears that this arrangement, or adaption's or extensions thereof, could adequately service a re-configured road, subject to drainage design assessments. It therefore follows that current road levels outside Lot 51 could be retained without compromise to maintaining an effective drainage system.</p>	<p>'The grated drainage sump is not solely a soak well but has an existing piped outlet which will be upgraded with the new works'</p>	
<p>Paul Kerle Affidavit – Item 13 –</p>	<p>'Notwithstanding the existence of the cul-de-sac, if the road was to be made suitable for through traffic, other one-way or two-way,</p>	<p>'It is not proposed to alter the kerb line past Lot 51 as it is being treated as a crossover and it is considered that no further works are required</p>	<p>The Council could give consideration in the final design to installing a flush kerb or line marking to delineate the edge of the</p>

	<p>the west side kerb line would require extension in a straight line southward past Lot 51, to delineate the through traffic carriageway. From the documents provided for review, including small scale plans, it appears that the extended kerb line will pass approx 2.5 metres from the property boundary. Definition could be achieved by extending the existing kerb profile, providing a modified lower kerb profile or some other delineation treatment flush with the road surface. Such treatments could be implemented without materially affecting physical access to Lot 51'</p>	<p>to delineate the road edge. This is consistent with many roads onto which there is residential access'</p>	<p>road if it considers it appropriate</p>
<p>Paul Kerle Affidavit – Item 14 –</p>	<p>'The principle issue of concern with this arrangement is that the edge of traffic lane will be 2.5 metres from Lot 51 access points, for both pedestrian and vehicular movements. This situation, in my opinion, will impose a significant loss of amenity and an inherent reduction in safety, in comparison to the current circumstances.</p>	<p>'The pedestrian route is via a footpath on the opposite of the road and the road has been designed to be a low speed environment, the concerns have been addressed in the detailed plan'</p>	

	<p>This issue is, of course, exacerbated by the lack of setback of the access points (personnel gate and garage door) from the boundary. Nevertheless, this situation has been previously accepted/endorsed by Council'</p>		
<p>Paul Kerle Affidavit – Item 15</p>	<p>'In the circumstances, five metres would possibly be an acceptable verge width, requiring realignment of Barnard Street away from Lot 51 to the east, resulting in a significant reconstruction project. The extent to which such treatment may or may not fit with Council's future development vision for Barnard Street and the Town Centre Precincts is clearly a relevant factor'</p>	<p>'The existing verge of 2.5 metres wide is considered adequate in a commercial area and will allow for the construction of a pedestrian footpath should it be considered necessary in the future'</p>	
<p>Paul Kerle Affidavit – Item 17 –</p>	<p>'It is generally accepted that a mix of pedestrian and vehicular traffic has the potential to significantly compromise safety, requiring an approximate level of consideration in planning in which pedestrian safety is paramount. I am not a Traffic</p>	<p>'The council considered this option but decided on balance to allow two way traffic. The proposed works when completed will act as low speed environment service and parking road for both the adjacent shopping, offices and community facilities. Each end of Barnard</p>	

	<p>Management or Town Planning professional. However, restricting vehicular movements and speed I would consider to be prime elements in providing a safe and friendly pedestrian environment. Unrestricted two-way traffic does not readily fit into this scene. Allowing single direction traffic only may be better, but disallowing through traffic (with suitable provision for passage of emergency vehicles) is clearly the best option. The extent to which a pedestrian/vehicle mix is safe is dependent on the potential for conflict and therefore the numbers of pedestrians and vehicles interacting ant any given time'</p>	<p>Street is a T Junction and therefore cross town through traffic will be negligible as both Hughes Street and Knight Terrace will act as the vehicular routes through town. The presence of two raised pedestrian crossings in a road length of approximately 225 metres will mitigate any vehicle speed accumulation'</p>	
<p>Paul Kerle Affidavit – Item 18.1</p>	<p>'It appears that Barnard Street may be converted to through traffic, however to allow two-way traffic would require significant works, as the northern section would need to be widened to at least 6 metres'</p>	<p>'As stated above the existing road width is 6 metres, Therefore, the comment is not valid'</p>	
<p>Paul Kerle Affidavit – Item</p>	<p>'It appears to be possible to carry out the works required to open Barnard Street</p>	<p>"The comments are not valid as the detailed plan addresses all of the issues raised in the</p>	

18.2	without materially affecting the ability to access Lot 51	affidavit'	
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Cr Hanscombe returned to the meeting at 11.25am

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 Ridgley
Seconded Cr McLaughlin

Council Resolution

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$408,518.10 be accepted.

5/0 CARRIEDComment

The schedules of accounts for payment covering -

Municipal fund account cheque numbers 25585 to 25615 totalling \$45,854.56

Municipal fund account electronic payment numbers EFT9952 to EFT10035 totalling \$239,002.87

Municipal fund account for payroll periods ending 11/04/11 to 20/04/11 totalling \$106,491.47

Trust fund Police Licensing for April 2011 totalling \$16,086.20

Trust fund account cheque numbers 000784 to 000786 totalling \$1,083.00

The schedule of accounts submitted to each member of Council on 20 May 2011 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

16 May 2011

SHIRE OF SHARK BAY ORDINARY COUNCIL MEETING 25 MAY 2011 MUNI CHEQUES 25585-25615

Chq	Date	Name	Description	Amount
25585	15/04/2011	SHARK BAY FUEL & SERVICE CENTRE	FUEL TO GO TO CARAVAN & CAMPING SHOW	-137.05
25586	15/04/2011	KEN'S TENDER JOINT	60 SAUSAGES FOR JACQUI TOWELL'S FAREWELL - PICK UP BY BRIAN FRIDAY 1 APRIL 2011	-50.00
25587	19/04/2011	DAVID HOLDEN BUILDING CO	BUILDING QUOTE FOR EMERGENCY SERVICES - DAMPIER/POLAND STS DENHAM	-330.00
25588	19/04/2011	LANDGATE (WA LAND INFORMATION AUTHORITY)	GRV VALUATION	-153.45
25589	19/04/2011	DEPARTMENT OF PREMIER & CABINET	ADVERTISING WA GOVERNMENT GAZETTE FOR DOG REGISTRATION OFFICERS AND RANGERS FOR THE SHIRE OF SHARK BAY	-172.72
25590	19/04/2011	SILVER CHAIN NURSING ASSOCIATION	3 x SENIORS OUTINGS	-188.00
25591	19/04/2011	SHIRE OF SHARK BAY	TRANSFER OF VEHICLE TOYOTA LCRUSR 1DOO577 ACQUIRED 25.03.2011	-15.00
25592	19/04/2011	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-338.53
25593	19/04/2011	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-328.88
25594	19/04/2011	AGEST PTY LTD	SUPERANNUATION CONTRIBUTIONS	-125.26
25595	19/04/2011	AMP CORPORATE SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-238.12
25596	19/04/2011	BT BUSINESS SUPER	SUPERANNUATION CONTRIBUTIONS	-319.14
25597	19/04/2011	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1044.38
25598	19/04/2011	HESTA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-431.44
25599	19/04/2011	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	-253.85
25600	19/04/2011	REST	SUPERANNUATION CONTRIBUTIONS	-737.33
25601	19/04/2011	SHIRE OF SHARK BAY	PAYROLL DEDUCTIONS	-800.00
25602	19/04/2011	SMA SUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-192.59
25603	19/04/2011	WESTSCHEME PTY LTD	SUPERANNUATION CONTRIBUTIONS	-777.32
25604	03/05/2011	TELSTRA CORPORATION LTD	PHONE # 9948 1875	-1730.99
25605	03/05/2011	KEN'S TENDER JOINT	30 SAUSAGES	-25.95
25606	05/05/2011	WESTERN AUSTRALIAN MUSEUM	PRINTING OF ORAL PASTORAL HISTORY BOOK	-9150.00

Chq	Date	Name	Description	Amount
25607	05/05/2011	DR SUE GRAHAM-TAYLOR	BAL OF PAYMENT MADE FOR MANUSCRIPT FOR PASTORAL HISTORY BOOK	-15213.55
25608	05/05/2011	ST JOHN AMBULANCE ASCOC. - SHARK BAY	CASH DONATION - AMBULANCE STRETCHER	-6000.00
25609	05/05/2011	SHIRE OF SHARK BAY	SBSARA HALL CONTRA	-2506.00
25610	06/05/2011	MORAIN PTY LTD	HIRE OF BOAT FOR MOORING REPAIRS	-660.00
25611	06/05/2011	TELSTRA CORPORATION LIMITED	DCEO INTERNET	-59.95
25612	06/05/2011	BLUE REGION TOURISM ORGANISATION INC	ADVERTISING COARAL COAST CAMPAIGN	-55.00
25613	06/05/2011	PRICE MRS L	40 x COPIES OF SHARK BAY DAYS	-240.00
25614	06/05/2011	TELSTRA CORPORATION LTD	ANTENNA - TRANSMITTER	-580.06
25615	06/05/2011	SKINN, WALTER ERNEST	BLINDS TO THE FRONT VERANDA	-3000.00
TOTAL				\$45,854.56

SHIRE OF SHARK BAY ORDINARY COUNCIL MEETING 25 MAY 2011 MUNI EFTS 9952-10035

EFT	Date	Name	Description	Amount
EFT9952	15/04/2011	MITRE 10 SHARK BAY MARINE & HARDWARE	VELSHEDA RIGGING – TURNBUCKLE ETC	-902.78
EFT9953	15/04/2011	GERALDTON TOYOTA	HAND BRAKE	-249.19
EFT9954	15/04/2011	REYNOLDS GRAPHICS (1993) P/L	1 MINUTE SNAPSHOT VIDEO	-440.00
EFT9955	15/04/2011	SHARK BAY BAKERY	30 HOT DOG ROLLS, 2 TOASTER WHITE, 2 TOASTER MULTIGRAIN – BRIAN TO PICK UP FRIDAY 1 APRIL 2011	-43.00
EFT9956	15/04/2011	DERLEE PTY LTD	CRANE HIRE VELSHEDA	-220.00
EFT9957	15/04/2011	FRANCIS, GLENDA KAREN	COATHANGERS, RACKS FOR CARAVAN & CAMPING SHOW	-62.65
EFT9958	15/04/2011	THINK WATER GERALDTON	FREIGHT PLUGS AND PUMPS	-5.00
EFT9959	15/04/2011	JOJUNICA PTY LTD	2 x FIRST AID BACK PACKS	-1658.95
EFT9960	15/04/2011	PURCHER INTERNATIONAL P/L	PRESSURE SWITCH	-88.81
EFT9961	15/04/2011	SHARK BAY FREIGHTLINES	SHED- FREIGHT	-259.33
EFT9962	15/04/2011	SHERIDAN'S FOR BADGES	2 NAME BADGES – J TAYLOR,C SMITH	-72.73

EFT	Date	Name	Description	Amount
EFT9963	15/04/2011	SHIRE OF CARNARVON	DONATION TO LORD MAYORS GASCOYNE FLOOD FUNDING	-1000.00
EFT9964	15/04/2011	TRAVELLERS INFORMATION RADIO	12 MONTHS ADVERTISING ON TRAVELLERS INFORMATION RADIO	-2796.00
EFT9965	15/04/2011	TRUCKLINE PARTS CENTRE	SPRING PACKS	-595.80
EFT9966	15/04/2011	RICHARD TOWELL	EXPENSES REIMB TO R TOWELL FOR STAFF TRAINING IN PERTH	-385.50
EFT9967	15/04/2011	WESTRAC EQUIPMENT PTY LTD	RECOVERY GP	-63.76
EFT9968	15/04/2011	W.A. HINO	LENS INDICATOR	-43.09
EFT9969	15/04/2011	ROBERT O'BRIEN	VELSHEDA	-1800.00
EFT9970	15/04/2011	FAST FINISHING SERVICES	BINDING OF SHIRE OF SHARK BAY'S MINUTES FROM JUNE 09 TO DEC 10	-495.00
EFT9971	15/04/2011	GERALDTON FUEL COMPANY	FUEL BULK 7005 L	-13747.05
EFT9972	15/04/2011	GUARDIAN PRINT	5000 SHIRE OF SHARK BAY WINDOW FACED ENVELOPES	-595.00
EFT9973	15/04/2011	GOLDEN WEST NETWORK	ADVERTISING ON GWN	-440.00
EFT9974	15/04/2011	TOLL IPEC PTY LTD	FREIGHT- STATIONERY	-26.22
EFT9975	15/04/2011	NEAT N' TRIM UNIFORMS P/L	130175WRSBKP BACALL PANT BLACK	-103.00
EFT9976	15/04/2011	PETER MAXWELL HEITMAN	WORK BOOTS AND SHIRTS	-216.82
EFT9977	15/04/2011	PAULS TYRES	NEW TYRE FOR WATER TRAILER	-227.00
EFT9978	15/04/2011	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSO	ADVERTISEMENT OF TOWN SERVICES OFFICER POSITION-GERALDTON GURADIAN 11.03.2011	-215.91
EFT9979	19/04/2011	PRIORITY SHARK BAY PTY LTD	FLIGHT TO CARNARVON ON TUESDAY 12 APRIL RETURN 13 APRIL – C COWELL, P ANDERSON	-460.90
EFT9980	19/04/2011	BAJA DATA & ELECTRICAL	POWER FOR NEW SHED	-1061.50
EFT9981	19/04/2011	SHARK BAY SCHOOL	ROUND 2 DONATIONS AND FINANCIAL ASSISTANCE 201/11	-1500.00
EFT9982	19/04/2011	GRAY & LEWIS	SCHEME AMENDMENT	-564.85
EFT9983	19/04/2011	JOJUNICA PTY LTD	ACCOMMODATION AND MEALS IN GERALDTON FOR TWO SES PERSONNEL	-1476.86
EFT9984	19/04/2011	MINTER ELLISON	60-1448206 LEGAL EXPENSES	-5311.90
EFT9985	19/04/2011	PRESTIGE INSTALLATIONS (WA)	SUPPLY AND INSTALLATION OF WALL SPLIT	-3976.50

EFT	Date	Name	Description	Amount
EFT9986	19/04/2011	PTY LTD WA LOCAL GOV SUPERANNUATION PLAN P/L	FUJISTU (OPTION 2) SUPERANNUATION CONTRIBUTIONS	-7202.93
EFT9987	20/04/2011	AUSTRALIAN TAXATION OFFICE	BAS APRIL 2011	-41295.00
EFT9988	27/04/2011	CHERYL COWELL	MEETING ATTENDANCES	-1190.00
EFT9989	27/04/2011	JOHN JOSEPH HANSCOMBE	COUNCIL MEETING APRIL 2011	-300.00
EFT9990	27/04/2011	JOE MCLAUGHLIN	MEETING ATTENDANCE	-300.00
EFT9991	27/04/2011	DARREN PEPWORTH	MEETING ATTENDANCE	-300.00
EFT9992	27/04/2011	GREGORY LEON RIDGLEY	MEETING ATTENDANCES	-300.00
EFT9993	27/04/2011	BRIAN WAKE	MEETING ATTENDANCES	-300.00
EFT9994	03/05/2011	SHARK BAY BAKERY	10 hot dog rolls, 1 loaf white bread	-13.00
EFT9995	03/05/2011	BRIAN JOHN GALVIN	WORKS MANAGER PHONE	-764.99
EFT9996	03/05/2011	FASCINE LODGE	1 NIGHT ACCOMMODATION – TUES12 APRIL- FOR P ANDERSON, C COWELL, M PRIOR	-375.01
EFT9997	03/05/2011	JAMES MCKECHNIE	PROJECT MANAGEMENT CONSULTANCY	-10179.39
EFT9998	03/05/2011	NICKO LANDSCAPING	PAINT AND PATCH CEILING TO PENSION UNIT 3, PAINT WALL IN UNIT 3	-336.00
EFT9999	03/05/2011	NEVERFAIL SPRINGWATER	WATER	-24.65
EFT10000	03/05/2011	SHARK BAY COMMUNITY RESOURCE CENTRE	CONFERENCE ROOM HIRE – P TIGGEMANN/ANGELA ANSON – HALF DAY	-30.00
EFT10001	05/05/2011	PAUL JAMES MILLARD	P MILLARD TRUCK LICENCE REIMBURSEMENT	-85.70
EFT10002	05/05/2011	RED CROW DESIGN & FABRICATION	PARTIAL PAYMENT – DESIGN AND CONSTRUCTION OF CARPARK ENTRY STATEMENT	-16500.00
EFT10003	05/05/2011	PRIORITY SHARK BAY PTY LTD	FLIGHT TO CARNARVON & RETURN TUESDAY 19 TH APRIL 2011- GREG RIDGLEY, PAUL ANDERSON	-570.90
EFT10004	05/05/2011	BEST WESTERN HOSPITALITY INN CARNARVON	ACCOMMODATION AND MEALS FOR G RIDGLEY, P ANDERSON, M PRIOR FOR TUESDAY 19 TH APRIL 2011- BOOKING # 139673	-448.00
EFT10005	05/05/2011	CHAMBERLAIN RUSSELL	RENT – 39 DURLACHER STREET	-1011.90
EFT10006	05/05/2011	THE FLOWER POT	PROVISION OF FLOWER WREATH BEING	-80.00

EFT	Date	Name	Description	Amount
			FOR ANZAC DAY – TO BE COLLECTED BY A SHIRE REPRESENTATIVE ON 20/21	
EFT10007	05/05/2011	HORIZON POWER-SBIC	SBIC ELECTRICITY – MONTHLY ACCOUNT	-5907.99
EFT10008	05/05/2011	NICKO LANDSCAPING	WEEDING AND PLANTING REPLACEMENT	-392.00
EFT10009	05/05/2011	NEVERFAIL SPRINGWATER	WATER	-24.65
EFT10010	05/05/2011	PROFESSIONAL PC SUPPORT	1.5 HOURS LABOUR – PHONE & REMOTE SUPPORT WITH RICHARD, TO FIX MALWARE ON SERVER THAT WAS SENDING OUT SPAM EMAILS	-195.00
EFT10011	05/05/2011	RICHARD CLAUDE MORONEY	CLEAN UP AND REMOVE RUBBISH AROUND SBIC	-25.00
EFT10012	05/05/2011	SHARK BAY CLEANING SERVICE	FISH CLEANING FACILITIES X 2	-4997.85
EFT10013	05/05/2011	SUNNY SIGN COMPANY	R FOR R SIGNS	-297.00
EFT10014	06/05/2011	ART ON THE MOVE	MEMBERSHIP	-220.00
EFT10015	06/05/2011	CUMMINS SOUTH PACIFIC P/L	HYD FILTER	-390.76
EFT10016	06/05/2011	GERALDTON INDUSTRIAL SUPPLIES	DRIVE BELT	-174.28
EFT10017	06/05/2011	GERALDTON MOWER & REPAIRS SPECIALISTS	CHAIN .053	-226.00
EFT10018	06/05/2011	MITRE 10 SHARK BAY MARINE & HARDWARE	KEYS	-9.00
EFT10019	06/05/2011	RAY WHITE REAL ESTATE SHARK BAY	RENT ON 34 HUGHES ST DUE 7 th OF EACH MONTH	-2125.00
EFT10020	06/05/2011	SHARK BAY CLEANING SERVICE	ANNUAL CLEANING CONTRACT FOR SBIC 2010-11	-9502.18
EFT10021	06/05/2011	SHARKBAY EARTHMOVING	FOR APRIL	-9285.84
EFT10022	06/05/2011	SHARK BAY CAR HIRE	CAR HIRE TO TRANSPORT DOCTOR FROM AIRPORT TO SILVER CHAIN AND RETURN	-440.00
EFT10023	06/05/2011	SITE WARE DIRECT	FLYING JECKET XL	-517.77
EFT10024	06/05/2011	LOTTERIES COMMISSION OF WESTERN AUSTRALIA	OVERPAYMENT BY LOTTERWEST	-16500.00
EFT10025	06/05/2011	BAJA DATA & ELECTRICAL SERVICES	CEO'S HOUSE BOSCH DISHWASHER	-964.70
EFT10026	06/05/2011	HORIZON POWER-STREET	201 LIGHTS	-2244.53

EFT	Date	Name	Description	Amount
		LIGHTING		
EFT10027	06/05/2011	TOLL IPEC PTY LTD	FREIGHT- BOOKS	-57.81
EFT10028	06/05/2011	MCLEODS BARRISTERS AND SOLICITORS	28194 LEGAL EXPENSES	-621.51
EFT10029	06/05/2011	MIDWEST FIRE PROTECTION SERVICE	QUARTERLY SERVICE	-275.00
EFT10030	06/05/2011	MITRE 10 SHARK BAY MARINE & HARDWARE	25KEYS FOR COMMUNITY GYM	-101.25
EFT10031	06/05/2011	MALIBU NOMINEES	MAINTENANCE GRADE USELESS LOOP RD	-58418.05
EFT10032	06/05/2011	NEW SOUTH BOOKS	9 x WOMAN OF COURAGE	-188.73
EFT10033	06/05/2011	WA NATURALLY PUBLICATIONS	50 SHARK BAY: TWIN BAYS ON THE EDGE	-1210.50
EFT10034	06/05/2011	PURCHER INTERNATIONAL P/L	4 x 20L ADD BLUE	-145.20
EFT10035	06/05/2011	SHARK BAY TAXI SERVICE	SHIRE/OVERLANDER RUN	-832.70
TOTAL				\$239,002.87

SHIRE OF SHARK BAY ORDINARY COUNCIL MEETING 25 MAY 2011 TRUST CHEQUES 784-786

Chq	Date	Name	Description	Amount
784	13/04/2011	SHIRE OF SHARK BAY	GYM KEYS NOT RETURNED	-660.00
785	14/04/2011	SHIRE OF SHARK BAY	KEYS NOT RETURNED	-50.00
786	02/05/2011	SHIRE OF TOODYAY	DONATION TO TOODYAY BUSH FIRE RELIEF FUND	-373.00
TOTAL				\$1,083.00

12.2 FINANCIAL REPORTS TO 30 APRIL 2011Author

Accountant

Disclosure of Any Interest

Nil

Moved Cr McLaughlin

Seconded Cr Ridgley

Council Resolution**That the monthly financial reports to 30 April 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 **30 April 2011** are attached.

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Voting Requirements

Absolute Majority Required.

Date of Report

19 May 2011

12.3 DONATIONS AND FINANCIAL ASSISTANCE PROGRAM

FI100

Author

Accountant

Disclosure of Any Interest

Declaration of Interest: Cr Ridgley

Nature of Interest: Impartiality Interest as member of VMR and Film Club

Declaration of Interest: Cr McLaughlin

Nature of Interest: Impartiality Interest as member of VMR

Declaration of Interest: Cr Hanscombe

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

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Secretary and Volunteer of St John's Ambulance

Moved Cr Hanscombe

Seconded Cr Wake

Council Resolution

a) That Council approve the following financial assistance for round 1 of the 2011/2012 Donations and Financial Assistance Program.

- 1. An amount of \$4,680 is granted to the Denham Crafters to assist with venue hire, seniors Christmas function, purchasing equipment and craft materials**
- 2. An amount of \$410 is granted to the Shark Bay Bridge Club to assist with photocopying and venue hire.**
- 3. An amount of \$1,835 is granted to the Boolbardie Country Golf Club to assist with hosting the Denham Open and upgrading of tee boxes.**
- 4. An amount of \$480 is granted to the Denham Playgroup to assist with venue hire.**
- 5. An amount of \$2,200 is granted to the Shark Bay Film Club to assist with photocopying, venue hire and New Years Eve celebrations.**
- 6. An amount of \$4,740 is granted to the Shark Bay Sports Association to assist with venue hire, insurance cover, coaching clinics and a community event.**
- 7. An amount of \$2,045 is granted to the Shark Bay P&C Association to assist with venue hire, purchasing equipment and the Canberra Camp.**
- 8. An amount of \$6,000 is granted to Yadgalah Aboriginal Corporation to assist with bringing The Justice Crew to Denham to conduct workshops and a performance, on the proviso that other funding applications are successful.**

Cr McLaughlin left the meeting at 11.59am and returned to the meeting at 12.00noon

5/0 CARRIED

Moved Cr Ridgley
Seconded Cr Hanscombe

Reason: Council noted that the following applications were received late but considered supporting these applications as they are worthwhile local causes.

Council Resolution

b) That Council accept the following late applications for round 1 of the donations and financial assistance program received after the advertised close off date.

- 1. An amount of \$3,500 is granted to Silverchain Shark Bay Seniors to assist with seniors outings.**
- 2. An amount of \$4,500 is granted to Shark Bay Speedway to assist with the holding of the 24th Far Western Speedway Championship.**
- 3. An amount of \$4,500 is granted to St John ambulance – Denham to assist with the holding of a Gala Ball fundraising event.**
- 4. An amount of \$1,200 is granted to Volunteer Marine Rescue Shark Bay to assist with the purchase of mobile refuelling equipment.**

5/0 CARRIED

Background

A total of twelve applications have been received for the Shire of Shark Bay Donations and Financial Assistance grants round 1 for 2011-2012.

The purpose of these donations is to encourage community based organisations to provide services and projects to enhance the development of the Shark Bay community.

The Shire of Shark Bay Financial Assistance/donation policy is as follows.

6.10 Financial Assistance/Donations

(1) Objective

To provide an equitable means by which community groups and organisations can access Council funds for their future development.

(2) Scope

To provide a strategic and equitable approach to the method of releasing the financial assistance/donation funds that is transparent and accountable to the community. Total financial assistance/donation funding available to community groups and organisations is \$60,000. Although applicants can apply for funding under different areas, no individual applicant is eligible for more than 10% of the total financial assistance/donation funding.

(3) Categories and Criteria

In establishing its annual financial assistance/donations budget, Council shall apply the following categories and criteria –

Photocopying Donation Contra	Annual allocation of \$3,000
Applicants can apply for no more than 25% of the annual allocation.	
Hall Donation Contra	Annual allocation of \$2,500
Applicants can apply for no more than 10% of the annual allocation.	
Bus Hire Donation Contra	Annual allocation of \$4,000
Applicants can apply for no more than 25% of the annual allocation.	
Cash Donation	Annual allocation of \$5,000
Applicants can apply for no more than 25% of the annual allocation.	
Sporting Club Assistance	Annual allocation of \$6,000
Applicants can apply for no more than 25% of the annual allocation for cash donations or no more than 50%.of annual allocation for in-kind donations (ie Shire plant or labour hire).	
Community Events	Annual allocation of \$18,500
Applicants can apply for no more than 25% of the annual allocation for cash donations or in-kind donations (ie Shire plant or labour hire).	
Youth Projects and Programs	Annual allocation of \$5,000
Applicants can apply for no more than 25% of the annual allocation for Youth Projects or no more than 50% of annual allocation for Youth Programs.	
Senior Projects and Programs	Annual allocation of \$5,000
Applicants can apply for no more than 25% of the annual allocation for Senior Projects or no more than 50%.of annual allocation for Senior Programs.	
Historical Projects Donation	Annual allocation of \$5,000
Applicants can apply for no more than 50% of the annual allocation.	
Business Associations Donations	Annual allocation of \$6,000
Applicants can apply for no more than 50% of the annual allocation.	

(4) Timing and Donations Review Panel

In March and September of each year, Council will invite requests for financial assistance/donations. This will be done by public advertisement. The Donations Review Panel will assess each application based on the Guidelines and report to the full Council at the end of April and November respectively for endorsement of the Panel's recommendations. Applicant will then be advised in May or December if they are successful or unsuccessful.

The Donations Review Panel shall comprise of the Chief Executive Officer, the Finance and Administration Manager and Councillor representative.

(5) Selection Criteria for Donations Review Panel

In determining annual financial assistance/donations, the Donations Review Panel will apply the following criteria-

Applicant must be a non-profit group or organisation.

Applicant must ensure that the local community will benefit from the financial assistance/donation.

Groups or organisations must be an elector or operate in Shark Bay and Gascoyne District with preference to electors of the Shire of Shark Bay.

Financial assistance/donation requests previously funded will be given low priority.

No group or organisation will receive more than guideline percentage of the total financial assistance/donation category expense budget.

Cash donations of \$1000 or more require an annual acquittal.

Applicants must be able to demonstrate attempts to have source other relevant funding.

No application will be considered outside of the allocated time frames.

All submissions will be in respect of the determined financial year's budget only.

Groups and organisations that demonstrate their own fund raising attempts will be favourably considered.

Requests for financial assistance/donations will not be considered outside of this policy unless deemed to be exceptional circumstances. The Chief Executive Officer will determine whether or not an exceptional circumstance exists.

(6) Operation of current Policy Clauses relevant to Donations

Policy 2.3 Donations of Work to Organisations

(1) Council plant and equipment may be used by sporting organisations and other local non-profit organisations/clubs at the discretion of the Chief Executive Officer, free of charge, including fuel, outside normal working hours where the plant and a Council operator are available. The borrowers are required to arrange remuneration of the operator.

(2) The donations (or waiving charges for Council's facilities) shall be accounted for on a contra entry basis. Decisions for waiving of charges shall be at the discretion of Council only.

Policy 6.1 Donations and Grants

(1) That all requests for donations and grants be decided by Council with preference to those of a local nature, the Salvation Army Red Shield Appeal and natural disaster appeals.

(2) Contributions to regional organisations, such as the Gascoyne Tourist Association, Gascoyne Royal Show display, etc, shall take into account, amongst other things, the relevant populations and revenues of the Shires contributing.

The Financial Assistance/Donations Policy supersedes any donations previously made under Policy 2.3 and Policy 6.1. Applications by organisations and situations not covered in the new policy but covered under previous Policies will be also considered by the Donations Review Panel.

Comment

Council has received twelve applications for the current round of funding. Four applications were received outside the advertised time frame from the following organisations Shark Bay Seniors (Silverchain), Shark Bay Speedway, St John Ambulance – Denham and Volunteer Marine Rescue Shark Bay. All of the late applications are considered to be bringing ongoing benefits to the community between now and the release of funding for round 2.

All applications are from established community groups that are continuing to provide activities and events for the benefit of the community. The details of the funding requests received for this round are as follows:

Organisation	Purpose	Amount
Denham Crafters	Photocopying	\$ 200
	Venue hire	\$ 480
	Bus Hire	\$1,000

	2 x Trestle Tables	\$ 120
	Sewing Machine	\$ 800
	Craft Materials	\$1,080
	Seniors Christmas Function	\$1,000
Total		\$4,680
Shark Bay Bridge Club	Photocopying	\$ 200
	Venue hire	\$ 210
Total		\$ 410
Boolbardie Country Golf Club	Bus Hire	\$ 130
	Assist upgrade of tee boxes	\$1,000
	Assist hosting Denham Open	\$ 700
Total		\$1,835
Denham Playgroup	Venue hire	\$ 480
Total		\$ 480
Shark Bay Film Club	Photocopying	\$ 300
	Venue Hire	\$ 400
	Assist New Years Eve Celebration	\$1,500
Total		\$2,200
Shark Bay Sports Association	Photocopying	\$ 200
	Venue Hire	\$ 800
	Assist Insurance Cover	\$1,900
	Laser Skirmish Community Event	\$1,600
	Coaching Clinics	\$ 240
Total		\$4,740
Organisation	Purpose	
Shark Bay P&C Association	Venue Hire	\$ 375
	2 x Shade Shelters	\$1,158
	Canberra Camp Jumpers	\$ 512
Total		\$2,045
Yadgalah Aboriginal Corporation	Venue Hire	\$ 450
	Bus Hire	\$ 150
	Assist Justice Crew Workshops	\$5,400
Total		\$6,000
Applications received after the advertised close off date.		
Organisation	Purpose	Amount
Silverchain Shark Bay Seniors	Bus Hire	\$1,000
	Seniors Outings	\$2,500
Total		\$3,500
Shark Bay Speedway	Bus Hire	\$ 250
	Marquee Hire	\$1,250
	Assist Far Western Event	\$3,000
Total		\$4,500
St John Ambulance – Denham	Assist Gala Ball Fundraiser	\$4,500
Total		\$4,500

Volunteer Marine Rescue	Assist mobile refuelling plant	\$1,200
Total		\$1,200

Legal Implications

Nil

Policy Implications

Shire of Shark Bay Policy Manual section 6.10 Financial Assistance/Donations.

Financial Implications

An amount of \$60 000 will be included in the 2011/12 Council budget for the Shire of Shark Bay Donations and Financial Assistance Program.

If Council approves the Round 1 applications as recommended an amount of \$36,090 is to be allocated towards this round of funding. There will be a remaining amount of \$23,910 for round 2 that will open in October 2011.

Strategic Implications

- Provide services to enhance the lifestyle of the Shark Bay community.
- Provide educational and unique experiences to the community of Shark Bay.
- To build and develop the capacity of community organisations and groups.

Voting Requirements

Simple Majority Required.

Date of Report

16 May 2011

Moved Cr Hanscombe
Seconded Cr Ridgley

COUNCIL RESOLUTION

That Council suspend Standing Orders.

5/0 CARRIED

Moved Cr Ridgley
Seconded Cr Wake

COUNCIL RESOLUTION

That Council resume Standing Orders.

5/0 CARRIED

13.0 TOWN PLANNING REPORT

13.1 DEVELOPMENT APPLICATION 3/2011 – COBURN ZIRCON PROJECT

P2005

Author

Manager Regulatory Services

Disclosure of Any Interest

Declaration of Interest: Cr Wake

Nature of Interest: Proximity/Financial Interest – Mine on Pastoral Lease Shareholder

Cr Wake left the meeting at 1.43pm

Moved Cr Ridgley
Seconded Cr McLaughlin

Council Resolution

That Council advise the proponent Mr David Harley on behalf of Gunson Resources Limited, that in relation to Development Application 3/2011 it grants conditional approval to establish an extractive industry/mine site with long term accommodation and other associated infrastructure to support and operate the project upon Lease 311/441 Coburn Road within the Shire of Shark Bay subject to:

- 1. To be used for the purpose of the Coburn Zircon Mineral Sands Project Extractive Industry being a mine site with associated infrastructure.**
- 2. To be developed in accordance with the endorsed plan.**
- 3. Compliance in all respects with the Building Regulations 1989 (as amended). Two sets of working drawings and specifications are required to be submitted with the building application.**

4. The layout of the site and the size of the proposed buildings and works shown on the endorsed plan shall not be altered for any reason without the consent of the Shire's Planning Officer.
5. The consent of Council being sought and obtained prior to any change of use of the premises.
6. All exterior metal cladding, including the roof, shall be of patent pre-treated finish, such as Colorbond, to the satisfaction of the Shire's Planning Officer.
7. The submission of an overall landscape and planting plan for the approval of the Shire's Planning Officer prior to the release of the Building Permit.
8. The use hereby permitted shall comply with the definition of "A" Use/Zoning Schedule as contained in the Shire of Shark Bay's Town Planning Scheme No. 3 (as amended).
9. Objections/submissions will be received by the Shire of Shark Bay in relation to the Extractive Industry/Mine Site proposal until 4.00 pm Wednesday 18 May 2011. Any objections/submission received by or up to that period will be tabled at the Council meeting on the 25 May 2011 and considered.
10. No advertising sign shall be erected without the further approval of the Shire of Shark Bay.
11. All landscaping and site works to be completed prior to the occupation of the premises.
12. Compliance with all aspects of the *Health Act 1911* (as amended).
13. Compliance with Council's and the Department of Environmental Protection's Waste Disposal requirements.
14. The driveways, crossings and parking areas shall be constructed, sealed and drained in accordance with plans and specifications approved by the Shire's Engineering Officer.
15. Access to the site from the North West Coastal Highway to be constructed to the satisfaction of Main Roads Western Australia and Condition 11 of the Miscellaneous Licence 09/21 covering the proposed road.

This approval is valid for two (2) years from the date of approval. All conditions of approval are required to be met within this time period.

4/0 CARRIED

Correspondence from Gunson Resources Limited dated 18 May 2011 REF: C1 E1.1, Development Application 3/2011, was tabled and considered.

Précis

At an ordinary meeting of the Shark Bay Shire Council held on the 20 April 2011, Council at item 13.1 considered Development Application 3/2011 on behalf of Gunson Resources Ltd to establish a mine site with long term accommodation and other associated infrastructure to support and operate the project on lease 3114/441 Coburn Road and resolved;

That Council advise the proponent Gunson Resources Limited that "In Principal" support for development application 3/2011 is granted pending due

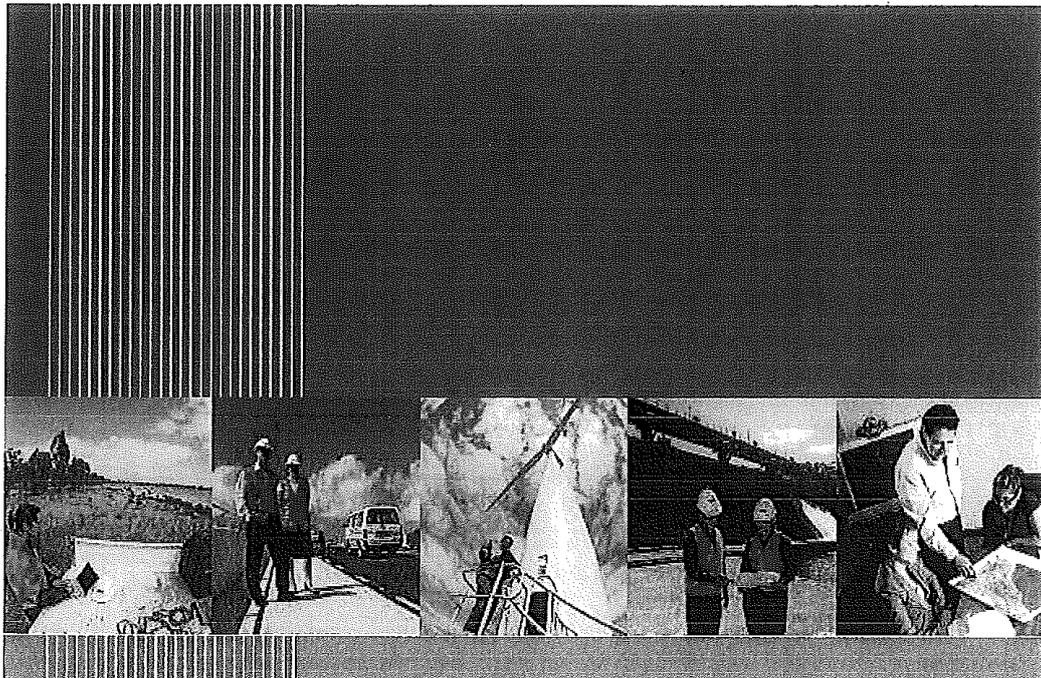
process of advertising in accordance with the provisions of Town Planning Scheme No. 3 (as amended) and further consideration by Council after the completion of that process.

That Council administration staff pursue discussion with Gunson Resources Limited in regards to establishment of a road connecting the mine site to the Useless Loop Road and housing options in the Denham Townsite and sourcing employees.

This report now considers Development Application 3/2011 and recommends conditional approval.

Background

As previously advised this development has already been subject to a Public Environmental Review via Environmental Protection Authority Assessment No. 1491



Report

Application for Planning Approval for the Coburn Zircon Project

15 MARCH 2011

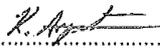
Prepared for
Gunson Resources Limited
Level 1, 985 Wellington Street
WEST PERTH WA 6005

42907635

URS

Coburn Zircon Project – Application for Planning Approval

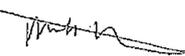
Project Manager:


.....
Karen Arlyaratnam
Associate Environmental
Scientist

URS Australia Pty Ltd

Level 3, 20 Terrace Road
East Perth WA 6004
Australia
T: 61 8 9326 0100
F: 61 8 9326 0296

Principal-In-Charge:


.....
Mark Goldstone
Senior Principal
Environmental Scientist

Date: 15 March 2011
Reference: 42907635/TEG0176/
0
Status: Final

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Coburn Zircon Project - Application for Planning Approval

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Appendices

Appendix A	Shire of Shark Bay Form for Application for Planning Approval
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Coburn Zircon Project - Application for Planning Approval

Abbreviations

Abbreviation	Description
BOD	Biochemical Oxygen Demand
DEC	Department of Environment and Conservation
DFS	Detailed Feasibility Study
DIA	Department of Indigenous Affairs
DMP	Department of Mines and Petroleum
DMU	Dozer Mining Units
DoW	Department of Water
DRF	Declared Rare Flora
ELA	Exploration Licence Application
EMP	Environmental Management Plan
EP	Estimated Persons
EPA	Environmental Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
FESA	Fire and Emergency Services Authority
HDPE	high-density polyethylene
HM	heavy minerals
HMC	heavy mineral concentrate
IR	Industrial Relations
KV	kilovolts
kVa	kilovolt amperes
kWe	kilowatt-electric
LNG	Liquefied Natural Gas
LPG	Liquid Petroleum Gas
MRWA	Main Roads Western Australia
MSP	Mineral Separation Plant
MW	megawatts
NWCH	North West Coastal Highway
OH&S	Occupational Health and Safety
PER	Public Environmental Review
PWD	process water dam
RO	reverse osmosis
SBWHP	Shark Bay World Heritage Property
SEWPC	Department of Sustainability, Environment, Water, Population and Communities
UV	ultra-violet
WA	Western Australia
WCP	Wet Concentrator Plant
WWTP	waste water treatment plant



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Coburn Zircon Project - Application for Planning Approval

1

Introduction

1.1 The Proponent

The Proponent for the Coburn Zircon Project (the Project) is:

Gunson Resources Limited
Level 1, 985 Wellington Street
West Perth WA 6005

Contact:

Mr David Harley
Tel: (08) 9226 3130
Fax: (08) 9226 3136
Email: harley@gunson.com.au

The contact person for the environmental component of the Project is:

Ms Karen Ariyaratnam
URS Australia Pty Ltd
Level 3, 20 Terrace Road
East Perth WA 6004
Tel: (08) 9326 0100
Fax: (08) 9326 0296
Email: karen_ariyaratnam@urscorp.com

1.2 Project Objectives

This Application for Planning Approval document has been prepared for the purpose of obtaining approval for the development of the Project from the Shire of Shark Bay Council as required under the Shire of Shark Bay Town Planning Scheme No. 3. The Form of Application for Planning Approval is attached as Appendix A.

1.3 Description of Proposal

1.3.1 Overview

Gunson Resources Limited (Gunson) is developing the Coburn Zircon Project in the Shark Bay district of Western Australia (WA), approximately 250 km north of Geraldton and 84 km southeast of Denham (Figure 1). The Project Area is located immediately east of the Shark Bay World Heritage Property (SBWHP) and the Project will comprise the mining and processing of a heavy mineral sand deposit approximately 18 km long, up to 3 km wide and between 10 m and 40 m thick.

The Project was assessed as a Public Environmental Review (PER) under Part IV of the Western Australian *Environmental Protection Act 1986*. In addition, the Project is considered to be a "controlled action" under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The environmental assessment was conducted in accordance with the bilateral agreement between the Commonwealth of Australia and WA, meaning that the Commonwealth accredited the WA environmental impact assessment process.

The PER (URS, 2005) was issued in July 2005 for an eight-week public review period and the Report and Recommendations of the WA Environmental Protection Authority (EPA) was published as EPA Bulletin 1211 in December 2005. Environmental approval for the Project was granted by the State

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Coburn Zircon Project - Application for Planning Approval

1 Introduction

Minister for the Environment in May 2006 (Ministerial Statement No. 723) and the Commonwealth Minister for Environment and Heritage in July 2006.

The Project comprises the construction, operation, rehabilitation and closure of:

- Access roads and haul roads.
- Borrow pits.
- Infrastructure hardstands.
- Power plant, power lines and hydrocarbon storage area.
- Accommodation village (village).
- Offices, workshop and store with car park.
- Wastewater treatment plant (WWTP).
- Landfill.
- Water supply bores and pipelines.
- Reverse osmosis (RO) plant.
- A series of mining pits. All pits will be backfilled with tailings and overburden.
- A 2,200 tonnes per hour (tph) Wet Concentrator Plant (WCP).
- A 30 tph Mineral Separation Plant (MSP) that consists of wet and dry mineral separation sections.
- A 75 m x 75 m lined process water dam (PWD).
- Mining contractor compound.
- Vehicle wash down bay.

The key characteristics of the Project as approved by the WA Minister for the Environment are summarised within Table 1-1. However, it should be noted that Gunson submitted a Section 45C Application to the EPA in December 2010 to amend the key characteristics table of the Project. These are also provided in Table 1-1.

Table 1-1 Key Characteristics of the Project

Aspect	Approved Project as defined in Ministerial Statement No. 723	Description of proposed change to the Project in Section 45C Application
Project Life	Approximately 12 years	Approximately 18 years
Number of Pits	Nine pits	Not more than nine pits
Rate of Mining	Approximately 2,300 tph for the first two years, increasing to 4,600 tph in Year 3 (~15 million tpa for Years 1 and 2, and 30 million tpa for Years 3 to 12)	Approximately 2,300 tph for the first two years. Not more than 4,600 tph from Year 3 (~18 million tpa for Years 1 and 2, and not more than 36 million tpa from Year 3)
Mining Method	Bulldozers*	Bulldozers and in-pit screening modules
Estimated Footprint of Disturbance	Approximately 3,695 hectares	Approximately 3,695 hectares (different boundary within Project Area)
Rate of Processing	Approximately 2,200 tph for the first two years increasing to 4,400 tph in Year 3 (~140,000 tpa of Heavy Mineral Concentrate from Year 1 increasing to 280,000 tpa from Year 3)	Approximately 2,200 tph for the first two years. Not more than 4,400 tph from Year 3 (~145,000 tpa of Heavy Mineral Product from Year 1, and not more than 300,000 tpa from Year 3)

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Table 1-1 (continued)

Aspect	Approved Project as defined in Ministerial Statement No. 723	Description of proposed change to the Project in Section 45C Application
Estimated Volume of Tailings	2,180 tpa for each 2,200 tpa concentrator	Approximately 2,180 tpa for the first two years. Not more than 4,360 tpa from Year 3
Volume of Process Water	Up to 18 GL/annum at full production	Not more than 12 GL/annum for the first two years. Not more than 18 GL/annum from Year 3
Estimated Total Volume of Refined Product	Ilmenite – 1,400 kt HiTi – 380 kt Zircon – 660 kt	Ilmenite – 1,550 kt Zircon – 730 kt Rutile – 169 kt Leucoxene – 97 kt

Note: tpa – tonnes per hour, tpa – tonnes per annum, GL/annum – Gigalitres per annum, kt – kilo tonnes

1.3.2 Land Tenure and Ownership

Gunson has spent approximately \$20 million on the Project since its inception in 1999 and all Project tenements are wholly owned by Gunson (Table 1-2). The Project comprises seven approved mining leases (M09/102, M09/103, M09/104, M09/105, M09/106, M09/111 and M09/112), three approved exploration licences (E09/939, E09/940 and E09/941), one approved miscellaneous licence (L09/21) and a total of five exploration licence applications (ELA09/942, ELA09/943, ELA09/944, ELA09/957 and ELA09/1695). The area covered by this tenement complex is approximately 1,195 km².

Exploration of the area covered by the approved mining leases and exploration licences has been in progress since 1999. Gunson submitted a Mining Proposal to the Department of Mines and Petroleum (DMP) in December 2010 and received approval from the DMP for the construction phase in February 2011. Table 1-2 provides the detail of each of the tenements.

Table 1-2 Gunson Tenement Ownership

Tenement	Area (km ²)	Grant/ Application Date	Notes
E09/939	98.0	18 June 1999	1
E09/940	98.0	18 June 1999	1
E09/941	179.0	18 June 1999	1
ELA 09/942	196.0	12 May 1998	2
ELA 09/943	61.6	12 May 1998	2
ELA 09/944	176.4	15 May 1998	2
ELA 09/957	196.0	21 July 1998	2
ELA 09/1695	110.5	25 August 2009	2
M09/102	9.98	25 October 2004	-
M09/103	9.99	25 October 2004	-
M09/104	9.99	25 October 2004	-



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Table 1-2 (continued)

Tenement	Area (km ²)	Grant/ Application Date	Notes
M09/105	10.0	25 October 2004	-
M09/108	10.0	25 October 2004	-
M09/111	9.99	14 July 2005	-
M09/112	9.90	14 July 2005	-
L09/21	9.55	8 January 2007	3

Notes:

- 1 No mining (exploration) conditions on portions overlapping the Shark Bay World Heritage Property.
- 2 Exploration Licence Application (ELA).
- 3 Infrastructure tenement for mine access road. There is an agreement in place with underlying pastoral lessee (Meadow Station) at the eastern end.

In addition to the mining tenements outlined above, Gunson purchased the Coburn pastoral lease 3114/441 in April 2005, which covers most of the proposed mining area and the majority of the access road linking the mining area to the North West Coastal Highway (NWCH). The total area of the Coburn pastoral lease is 1,007 km². Approximately 2.5 km of the initial section of the access road abutting the NWCH traverses the Meadow Pastoral Lease.

Ownership of the Coburn pastoral lease enabled Gunson to provide an area to the east of the Project Area as a conservation offset. This 42 km² offset area was agreed with the WA Minister for the Environment in March 2006.

There are two registered native title claims covering the Project Area. A native title agreement covering mining activities on the southern half of the mining area was signed with the Nanda People in September 2004. Discussions have also been held with the Malgana People concerning an agreement to cover mining in the northern area, however, as it will take at least seven years for mining to reach the Malgana claim area, negotiations have been deferred.

Construction Activities

2.1 Clearing and Construction Activities

Pre-production earthworks will be required to prepare areas for construction of the WCP, MSP, power plant, village, offices, workshop, store and amenities (Figure 2). These earthworks will include clearing and stockpiling vegetation and topsoil close to where it was removed.

All sites will require earthworks for levelling. This will primarily be conducted by cut and fill to minimise earthworks, but some areas may require removal and stockpiling of material.

Other areas to be cleared of vegetation include areas for mining, overburden stockpiling, PWD, initial clay fines settling area, initial sand tailings disposal, mineral concentrate stockpiles and the mining contractor's compound.

The estimated area required for each facility during the construction phase is provided in Table 2-1.

Table 2-1 Indicative Area of Disturbance for Construction

Infrastructure	Area (ha)
Access Road, Haul Roads and Access Tracks	178
MSP, Power Plant, PWD, Office, Workshop, Stores, RO Plant and Wash Down Bay	23
Village	3
Initial Mining Area (including WCP site, mining starter pit, laydown areas, initial overburden and tailings area, and contractor compound)	63
Calcrete and Clay/Sand Borrow Pits	41
Landfill	2
Total	310

Source: Gunson Resources (2009)

2.2 Construction Works

The early works for the Project comprise the sourcing of water, excavation of calcrete borrow pits and clay/sand borrow pits, construction of the access road from the NWCH, construction of two main infrastructure hardstands, construction of the village and construction of the landfill.

2.2.1 Water Supply for Construction

Water will be required during the construction phase of the Project, primarily for road construction, dust suppression and domestic use. Table 2-2 presents the approximate quantities of water required during construction activities.

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Table 2-2 Quantities of Water Required during Construction

Activity	Estimated Volume (kL per day)
Access Road Construction	2,000
Village Construction	360
Dust Suppression	600

During construction of the Project, water will be sourced from the following bores:

- CPB1.
- CPB14.
- CPB16 (proposed bore for the construction of the access road, to be located east of the Coburn homestead).
- No. 7 bore.
- No. 8 bore.
- No. 14 bore.
- Brockman No. 1.
- Meadow No. 8.

Gunson has received a groundwater licence from the Department of Water (DoW), GWL 159157(2), for a staged groundwater allocation. The licence application allows for an allocation of 600,000 kL (0.6 GL) for the first phase of construction. The application for the construction of CPB16 has been submitted to the DoW.

2.2.2 Borrow Pits

The mine access road will be constructed within miscellaneous licence L09/21 (Figure 3). Material for the construction of the access road will be sourced from borrow pits. Up to 200,000 m³ of calcrete and 65,000 m³ of clay/sand will be required for construction. It is envisaged that the borrow pits will be up to 3 m in depth and the combined area of disturbance will be approximately 40.8 ha.

Locations of the seven calcrete and six clay/sand borrow pits within miscellaneous licence L09/21 are shown in Figure 3.

Targeted searches for Declared Rare Flora and Priority Flora in the borrow pit, landfill and village areas will be conducted prior to ground-disturbing activities.

2.2.3 Access Road

Access to the mine site will be gained from the NWCH, approximately 15 km north of the Billabong Roadhouse. The proposed access road will be constructed alongside the existing Coburn Road which is listed by Main Roads Western Australia (MRWA) as a Shire road. Culverts and drains will discharge storm water away from the road onto the existing Coburn Road, which lies below ground level in most places. Gunson is currently in discussions with the Shire regarding options for the tenure of Coburn Road.

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The speed limit for the access road will vary between 70 to 90 km/hr. It is anticipated that the construction of the access road will commence with the western section through the dunes in May 2011, with the remaining sections of the road expected to be completed by approximately November 2011.

The access road will be constructed to the following specifications:

- It will be approximately 43 km long from the NWCH to the mine office/power plant, with an additional 2 km southern branch to the village (Figure 3).
- The road will be constructed from bitumen with a 10 mm prime seal and a maximum width of 8 m, plus a 1 m unsealed shoulder on each side of the road.
- The depth of the basecourse from the NWCH to 2 km west of No. 7 Bore will be 200 mm, whilst the basecourse through the sand dune country (2 km west of No. 7 Bore to 800 m southwest of the power plant) will be 275 mm deep.
- The road will be constructed approximately 45 cm above ground level with table drains at 300 mm below ground level.
- Table drain offshoots, perpendicular to the road, will be installed every 500 m and will be 15 m long.
- The eastern section of the road from the NWCH to the Coburn Homestead will drain into the existing Coburn Road. The Coburn Road will be bunded to prohibit access and facilitate run-off water storage.
- Cleared material and debris will be spread along sand batters to reduce erosion.
- Road safety signs, white posts and two cattle grids will be erected in the appropriate locations, as required.

Gunson is consulting with MRWA on the final design for the intersection of the access road with the NWCH. MRWA has nominated the location of the intersection to be approximately 200 m north of the current Coburn Road intersection. Lighting at the intersection will be provided by four solar powered pole lights.

2.2.4 Infrastructure Hardstands

During the initial phase of construction, two hardstands will be constructed. The first will be the initial WCP hardstand site constructed at the end of the 6.5 km unsealed access road (Figure 2). The WCP hardstand will occupy an area of approximately 300 x 300 m, with a compacted basecourse to a thickness of approximately 275 mm.

The WCP comprises a series of processing modules that will be moved as the mining operations progress northwards. The WCP would be moved forward approximately 1 to 2 km every one to two years.

The second main hardstand will be constructed to accommodate the power plant and MSP facilities at the end of the 43 km sealed main access road (Figure 2). This hardstand will occupy an area of approximately 300 x 350 m with a compacted basecourse to a thickness of approximately 275 mm.

The MSP will be a facility designed to process Heavy Mineral Concentrate (HMC) from the WCP. It will comprise a wet section and dry section to separate the concentrate into market acceptable ilmenite, zircon, rutile and leucoxene products.

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2.2.5 Initial Construction Accommodation

The contractors responsible for the initial construction activities such as the mine access road and water supply will be accommodated at nearby roadhouses on the NWCH and the Coburn homestead.

2.2.6 Accommodation Village, Offices and Infrastructure

It is expected that the construction workforce will be sourced primarily from Carnarvon, Denham and Geraldton. Professional and specialised staff will be recruited from around Australia. The estimated construction workforce will total approximately 100 personnel and the operation workforce will total 128 personnel.

It is proposed that the operation workforce will operate under a drive-in/drive-out roster, with employees being supplied with on-site accommodation at the village. In addition to the full-time workforce, additional engineering personnel will be required on a regular basis to carry out scheduled shutdown maintenance. Daily air services between Perth and Geraldton allow day visits to the operation.

The preliminary layout of the village is presented as Figure 4 and will include 32 four-person accommodation units including cyclone tie downs, with individual ensuites. Accommodation units will be arranged in four unit clusters joined by 2 m wide continuous verandas over stabilised limestone paths.

The common facilities area will comprise the following group of transportable buildings separated by a landscaped and paved outdoor recreation area:

- One administration office, combining reception, village managers' office and general office. A 2 m wide veranda will be constructed on the northern elevation.
- One freestanding kitchen and dining facility capable of accommodating 70 persons per sitting.
- One amenities building comprising male and female toilets with common lobby.
- One open plan recreation area and television/reading room.
- Sick bay and shop.
- One gym/store/linen store.
- Two separate laundry units to support a 128 person village.

It is planned to construct a multi-purpose sports court facility, fenced on all sides to a height of 3 m. The playing surface will be formed in concrete and surfaced with an approved synthetic grass or equivalent product with ultra-violet (UV) protection. Lighting will be provided to facilitate night sports.

Screened drying areas will be supplied that include clothes lines.

Waste water generated at the village will be treated in a 150 Estimated Person (EP) sized WWTP. The WWTP will comply with Local Government and Department of Health regulations.

Power supply to the village will be from the Coburn power plant, however until the plant is operational the village will be supplied by a separate 750 kilovolt ampere (kVa) portable generator.

The buildings and infrastructure for the proposed village and workshop area will be constructed to withstand the climate prevailing in the Shark Bay district. Buildings will be designed in accordance with the relevant Australian Standards and regulations.

A workshop, office and stores area will be located east of the MSP and power plant, as shown on Figure 5. It will incorporate:

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- One office unit (approximately 324 m²) containing 20 offices (10 private and 10 open plan), reception, meeting/induction/training room, tea room/kitchen and toilets. A free standing external roofed lean-to will be provided for the housing of a standard sized ambulance.
- One stores area (approximately 400 m²) with concrete floor containing two offices in an open plan with allowances for forklift movement. A nominal 2,025 m² laydown area fenced by 2.1 m high barbed wire fence and 6 m wide gates will be located behind the store.
- One workshop (approximately 240 m²) with concrete floor.

It is anticipated that the construction of the village will commence in July 2011 and completed by approximately October 2011. Construction of the offices and workshops is anticipated to commence in August 2011 and be completed by November 2011.

2.2.7 Reverse Osmosis Desalination Plant

Bore water will be refined by a RO plant located near the office and workshop area to supply potable water to storage tanks serving the village, WCP, MSP, office and workshop facilities (Figure 5).

The RO plant will produce approximately 1,100 kL/day of potable water and will be fed by a float valve-filled raw water storage tank. RO water produced will be stored in a 500 m³ capacity MSP RO water tank, which supplies the MSP, along with four smaller 150 m³ capacity tanks at the village, administration facilities, WCP and mining contractor's compound. The village RO water tank will be supplied by dedicated pumps. Due to the WCP and mining contractor compound relocating as mining progresses northwards, these facilities will have RO water trucked to them by a 15 m³ water cart trailer and stored in separate RO water storage tanks. An estimated single trailer per day is required to meet the RO requirements in both of these areas.

Brine water discharge from the RO plant will be pumped to the PWD located adjacent to the MSP, where it will be diluted with bore water. The RO plant will be constructed and operated in accordance with DMP and Department of Environment and Conservation (DEC) regulations, and with the standard design requirements including the installation of isolation valves, air bleed valves and scour valves in the system.

Power for the RO plant will come from the main distribution board at the power plant.

It is anticipated that the RO plant will be constructed in July 2011 and completed by approximately August 2011.

2.2.8 Power Plant

One diesel generator with a capacity of approximately 1.7 megawatts (MW) will be installed to provide site power during the construction phase (Figure 5). However, for the operational phase of the Project, the calculated maximum electrical load is 8,050 kilowatt-electric (kWe), with an average load of approximately 7,250 kWe. This will be supplied by a site power plant operating on natural gas which is intended to be delivered via a lateral pipeline connected to the Dampier to Bunbury Natural Gas Pipeline.

The power plant will consist of a number of independent generating sets connected to a common 11 kilovolt (kV) busbar and will be positioned adjacent to the MSP. The total number of generators will be governed by a minimum operating philosophy of N+1, where N equals the number of generators



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required to be in operation at any one time to cope with maximum demand. This will ensure maximum reliability of the power supply.

Gunson will be seeking approval for the installation of the lateral gas pipeline when construction details are finalised. In the meantime, Liquefied Natural Gas (LNG) is to be used in place of the piped gas at the start of operations until approvals have been obtained. In this instance, LNG will be stored in approved storage facilities in close proximity to the power plant (Figure 5). The LNG storage facility will be constructed and operated in accordance with relevant Australian Standards and government regulations.

A separate standby (emergency) diesel generator rated to approximately 750 kW will be installed remote from the power plant to provide local back-up power for the village. This will allow continued operation of critical village services in the event of a power failure.

2.2.9 Power Distribution

Overhead power lines will be constructed to distribute electricity to the various project loads. The operating voltage for the lines will be 11 kV for the village and MSP, and 33 kV for the WCP due to the longer transmission distance. Overhead conductor sizes will be selected to meet the future power transmission requirements. Power poles will be of steel construction designed to withstand the maximum prescribed wind loading at the Project site.

The power line supplying the WCP will generally run parallel to the mine access road and power requirements for mining and slurry pumping equipment will be accessed from different points along this line as required.

A separate line from the power plant will supply power to the administration office, workshop and village. Power supply for the process water bores will also be sourced from the overhead power lines, as required.

In conjunction with the overhead power lines, an optical fibre cable will be installed to establish the communications system backbone for the Project site. This optical fibre system will be used to support the telephone and IT systems in the office, process areas and village, as well as the remote process control requirements at the process water bores.

2.2.10 Sewage and Grey Water

Waste water generation will occur at various locations around the site, namely the village, offices, WCP and workshops. Each location requires a suitable treatment system coupled with a WWTP.

There will be a low volume of waste generated from site personnel from the crib rooms and ablutions on the mine site. There will typically be a total of 100 personnel on the site during the construction stage. It is anticipated that each of these personnel will generate 10–50 L of wastewater per day as a result of flushing toilets and washing.

Waste water generated by the village will be treated in an Ecomax 150 EP WWTP or similar, to comply with Local Government and Department of Health standards and regulations. The liquid waste is initially directed into the anaerobic chambers in the waste water treatment plant system. From the anaerobic chambers, the waste water is diverted to an Ecomax cell, where the water flows through a filter media that is designed to absorb pollution and kill bacteria. Any water leaving the cell is removed through evaporation or sub-surface drip irrigation.

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The final effluent from the Ecomax or similar systems meets or exceeds the WA EPA specification for nutrient removal systems, and meets the National Health and Medical Research Council Guidelines for reclaimed effluent. The effluent is clear, colourless and odourless, has ultra low phosphorous levels, low ammonia levels, low nitrate levels and the Biochemical Oxygen Demand (BOD) levels is likely to meet drinking water standards.

Outfall from other smaller WWTPs at the office, WCP and workshop will be pumped to locally landscaped areas or to sub-surface drip irrigation located away from the facility being serviced. These smaller stand-alone systems will be based on the proprietary "Envirocycle" system or similar, and will be designed with contingency to accommodate additional loading due to maintenance days or similar.

2.2.11 Car Parking

A car park with approximately 80 bays will be established at the entrance to the village (Figure 4). Each individual car bay will be approximately 5.5 m x 2.5 m.

Car parking bays will also be situated at the site office and workshop.

2.3 Other Facilities

2.3.1 Landfill

A landfill approximately 120 m x 150 m will be established to the north of the village for domestic waste such as general refuse, green waste and putrescibles (Figure 2). The landfill area of approximately 2 ha will be fenced to discourage native and feral animals from entering the area.

It is anticipated that the landfill will be constructed in September 2011, with the design based on the DEC recommendations and managed in accordance with the Environmental Protection (Rural Landfill) Regulations 2002. The Bellan Cage system is being considered for the Project, with further discussion required to assess its suitability for the location and size of the landfill.

Minimising the quantities of materials going to landfill will result in a reduction of clearing required for landfill. For example, wastes unsuitable for disposal at the on-site landfill will be collected by appropriate contractors and disposed to appropriately licensed landfills, waste disposal or recycling facilities, where possible.

2.3.2 Process Water Dam

A PWD will be constructed adjacent to the power plant and MSP (Figure 5). The dam will be approximately 75 m x 75 m and will hold approximately 20,000 kL of water. The dam will be excavated to a depth of approximately 4 m and lined with a high-density polyethylene (HDPE) liner. Approximately 22,000 m³ of earth will be excavated from the site to construct the dam. During excavation of the site, topsoil will be stored separately for rehabilitation purposes. Subsoil will be stockpiled and, where practical, will be used for construction of the dam walls or road making.

Process water required for operations will be pumped from the borefield and stored in the lined PWD. The dam will offer 29-hour capacity based upon steady state water consumption, should a single bore pumping system fail. Excess water produced by the MSP, including waste water from the RO plant, will be directed to the PWD, where it will be diluted with bore water and re-used in the process. The

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process water pump transfers water from the PWD to the WCP over a distance of approximately 7 km to replenish the process water tank at the WCP.

Water levels in the PWD and the process water tank will be transmitted to the MSP control room to enable the prevention of overflow at the PWD and the plant. Variable speed drives will be installed to control the pumping rates at the process water bores and PWD. In addition, a pressure valve system will be installed, which is designed to shut the flow should the pipes be damaged.

2.3.3 Haul Roads & Access Tracks

Internal roads branching off the sealed main access road will be constructed with unsealed surfaces. An unsealed haul road approximately 6.5 km x 10 m will be constructed from the end of the bitumen sealed road at the workshop and office area to the initial WCP site. A 1.5 km x 10 m unsealed access track will also be constructed from the end of the bitumen sealed road to proposed water bore, CPB3 (Figure 2).

Other access tracks include access to the additional water bores and landfill. The roads will be cleared, graded and regularly maintained. Heavily trafficked site roads will be constructed with basecourse material for durability. As the mine path progresses, additional roads will be constructed as access is required. The speed limit on internal roads will vary between 30 to 50 km/hr.

2.3.4 Mining Contractor Compound

The mining contractor compound will initially be located between the southern two mining pits A and B (Figure 2) along the internal pit access road and relocated as mining advances northward. The size of the compound will be approximately 200 m x 200 m, to allow for heavy earthmoving machine parking, light and heavy vehicle maintenance workshops and contractors offices and amenities.

2.3.5 Fuel Storage

As discussed in Section 2.2.8, the power supply for the construction phase of the Project will be dependent on diesel, which will be trucked to site from Geraldton.

Diesel will be initially stored in approved storage facilities in close proximity to the power plant, before being stored in the mining contractor's compound during operations. The diesel storage facilities will be constructed in accordance with the Australian Standards (AS1940-2004). The diesel storage tanks will be doubled-skinned or constructed within self-bunded containment structures.

Liquid Petroleum Gas (LPG) will be stored in controlled locations in close proximity to the village.

2.3.6 Vehicle Wash Down Bay

A vehicle wash down bay will be established alongside the main access road, approximately 100 m east of the administration office and store area (Figure 5). Use of the wash down bay will assist in preventing the introduction and spreading of weed species within the Project Area.

The wash down bay would consist of a drive-over wheel and undercarriage vehicle wash system and water treatment system. The wash down water will be captured and treated in a Clearmake, or similar, waste water treatment and recycling system. The system is designed to remove silt, oil and grease from the water, then filter and disinfect the water, making it safe to reuse for vehicle wash down. The

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system would be designed to comply with Local Government, EPA and Occupational Health & Safety requirements.

2.3.7 Fire Protection

Fire water for the village, workshop, office and stores will be stored in tanks situated near these facilities. Pressurised water will be supplied to a dedicated fire ring main. A fire fighting system consisting of hose reels and fire extinguishers will service the village and workshop, office and stores areas. All fire fighting systems and equipment will comply with local regulatory and Fire and Emergency Services Authority (FESA) requirements. A fire truck will service the entire site. Gunson will ensure that suitably trained personnel are available to use this equipment in the event of a fire.

2.3.8 Airstrip

A small existing airstrip located immediately west of Coburn homestead is under investigation for upgrading for use by small and emergency aircraft only.

2.4 Landscaping

Areas surrounding the buildings will be landscaped in an effort to improve the visual amenity of the village, with a longer term view of providing both shade and windbreaks. To achieve the above objectives, a landscape plan will be implemented which will incorporate soil conditioning, selection and planting of local native species to be reticulated with the grey water.

2.5 Timing

Table 2-3 presents the anticipated commencement and completion dates for construction activities.

Table 2-3 Anticipated Timing for Construction Activities

Construction Activity	Commencement	Completion
Access road & hardstands	May 2011	November 2011
Village	July 2011	October 2011
Offices/workshops/car parks	August 2011	November 2011
Landfill	September 2011	September 2011
RO plant	July 2011	August 2011
WCP, MSP	October 2011	February 2013

During the construction period, early works through to construction of the WCP, MSP and associated infrastructure, construction activities will occur during daylight hours, seven days a week.



Operational Activities

3.1 Mining and Mineral Processing

3.1.1 Clearing and Earthworks

The majority of pre-mining earthworks will be associated with the initial pit development. Initial clearing of the pit will cover an area of approximately 400 m by 350 m. The proposed layout for initial pit development is shown in Figure 2. It is anticipated that steady state mining will commence in the first quarter of 2013 and will continue for approximately 18 years.

Overburden from the initial pit development will be placed off the mining path. The stockpiles will vary in size depending on the width of the pit and the area/volume available for stockpiling. The stockpile areas will be cleared and stripped of topsoil. After placement of the overburden, the areas will be shaped to match the surrounding contours and the topsoil returned as part of the rehabilitation process. The topsoil/vegetation will be removed from the borrow pits which will also be contoured and rehabilitated.

3.1.2 Mining, Wet Separation and Tailings Return

Mining of the Amy Zone ore body will be carried out using a conventional dry strip mining method using two Dozer Mining Units (DMU), which alternately supply feed to the WCP.

Bulldozers will push the ore into two movable DMUs operating alternately. The ore is conveyed into a feed box positioned at the head of a double deck screen, where it is slurried before being distributed over the screen surface. Material greater than 3 mm is discarded as oversize off the back of the screen and this material remains in the pit or is used to construct roads within the pit. The undersize is pumped as a slurry to the WCP surge bin via a series of booster pumps.

When the distance between the DMUs and the WCP exceeds the capability of the pumping units, the WCP will be relocated.

The mining rate will be approximately 2,300 tph. After removal of the oversize, the WCP throughput will be approximately 2,200 tph. The plant comprises a series of six spiral stages that remove silica and other lighter specific gravity minerals, allowing valuable heavy minerals (HM) to be concentrated to 90% HM. The HMC produced is stockpiled and allowed to drain before being trucked to the MSP located adjacent to the power plant (Figure 5).

Sand tailings and clay fines (slimes) from the WCP will be returned to the mined-out area(s) behind the DMUs as the mining operation moves forward. Water recovered from the tailings through the use of cyclone stackers, will be recycled to the mining and wet concentrating processes.

Mining will commence at the southernmost pit (Figure 2) and infrastructure will be progressively relocated as mining proceeds at approximately one to two kilometres per annum.

This mining system may be duplicated from Year 3 of the mine life, with the duplication of the mining and concentrator equipment.

Relocatable facilities will be provided at the WCP consisting of a maintenance office, production/day crew office, crib room, toilet block, workshop and equipment storage area.



3 Operational Activities

3.1.3 Mineral Processing

The MSP will be a fixed facility designed to treat approximately 30 tph of HMC from the WCP, and will be located adjacent to the power plant (Figure 5).

The MSP consists of five processing circuits, two wet and three dry. The wet circuits utilise gravity separation equipment - spiral separators, concentrating tables, up-current classifiers and attritioners to remove silica and low specific gravity minerals from the economic higher specific gravity minerals. The dry circuits utilise gas as the heat source and a combination of magnetic and electrostatic separation to produce ilmenite, rutile, leucoxene and zircon products.

Tailings from the MSP will be dewatered and returned to the mine void. Tailings water will be pumped to the PWD and re-used.

All products will be stored in separate product bins prior to being trucked to Geraldton for export.

A laboratory building will also be installed adjacent to the MSP facility. This will consist of a single 12 m x 6 m building which will be air conditioned with potable water connection point.

A weighbridge and adjoining hut will be installed adjacent to the MSP to record truck weights and movements.

3.2 Water Supply for Operations

During the operational phase of the Project, water will be required for the transportation of ore from the pit and for mineral concentrating. As discussed in Appendix D of the PER (URS, 2005), the volume of water required will depend on a range of factors, including:

- Operational factors such as:
 - the capacity of, and type of liner used for, the PWD.
 - sand tailings strategies.
 - clay fines (slimes) management strategies.
 - in-pit water management.
- The fines content of the sand tailings and superficial formations.
- The hydraulic conductivity of the disposed tailings and the *in situ* superficial groundwater formations.
- The hydraulic conductivity of the shallow Toolonga Calcilutite Formation beneath the ore body, and the structure and form of the Toolonga Calcilutite contact.
- Climatic factors such as evaporation rates.
- The effectiveness of tailings water recovery, which in turn will depend on the thickness of sand beneath the pit floor and the rate of sand-stacker advance.

During the operational phase, process water will be sourced from groundwater pumped from production bores, pit dewatering bores and in-pit sumps. The volume of process water required is expected to be not more than 12 GL/annum for the first two years of the Project life. Three to four bores, each supplying approximately 100 L/second, will be required during this period.

The volume of process water required will increase when full production is reached after Year 2. Up to 10.4 GL/annum of water will be required under an optimal tailings drainage configuration, but not more than 18 GL/annum may be required if non-optimal conditions occur.

Coburn Zircon Project - Application for Planning Approval

3 Operational Activities

The production bores will pump continually to a lined PWD. The PWD will hold sufficient water for approximately 29 hours of plant operation should all three bores fail. Separate dam pumps will supply raw water for process purposes, sewage systems and for further refinement for domestic use to a number of separate and smaller storage tanks located adjacent to major facilities such as the village, offices, mining contractor workshop, the WCP, the power plant and the MSP.

Potable water for the village and mine office/workshop complex will be treated on-site through the RO plant, with the waste water from the RO plant being discharged into the PWD for re-use.

3.3 Vegetation and Topsoil Return After Mining

Vegetation will be cleared and topsoil stripped on a periodic basis immediately ahead of the mine face, then placed immediately behind the mine operations onto areas previously prepared for rehabilitation, however some stockpiling will be required for the initial mine pit.

Direct return of topsoil will increase the potential success of the revegetation programme as it will prevent or reduce the amount of biological deterioration in the soil. The topsoil (top 10 cm) will contain the majority of the viable seed store, and also a large amount of vegetation. Scrapers or similar will generally be used to clear and return vegetation and topsoil.

Direct return of vegetation from cleared areas to the rehabilitation sites behind the mine, will decrease the drag force exerted by the flow of air over the ground, which will decrease the potential for wind erosion.

Rehabilitation will occur periodically during the year with most rehabilitation activities to occur in the months of April/May, when wind speeds are decreased, and prior to the onset of the rainy season. Results from the Rehabilitation Benchmarking Study (see Appendix E of the PER) indicate that rain has the ability to compact the soil surface. This compaction was generally in the form of a thin surface crust that would assist in the reduction of wind erosion. Rainfall will also result in seed germination and growth of early colonisers that will further stabilise the soil surface.

In other areas to be cleared of vegetation and topsoil but not mined, the vegetation and topsoil will be pushed into separate stockpiles and the topsoil will be seeded to allow it to retain a seed bank and micro-organisms, and decrease wind erosion potential. This vegetation and topsoil will be returned to the sites from where it was removed once use of that area has finished.

URS

Health, Safety and Environmental Management

4.1 Health & Safety

During construction, all contractors will be required to comply with AS4801 (Standard for Safety Management Systems) as a minimum. They must also be able to demonstrate compliance with the Environment, Health and Safety Project Management Plan as documented in Gunson's Detailed Feasibility Study (DFS).

The Managing Contractor, in conjunction with Gunson, will be responsible for developing a safety policy during the initial phase of the Project. This policy will set out guidelines for the Project safety procedures and the safety targets for the Project. Particular emphasis will be placed on site attendance of project personnel and the occupation of the site by the construction team and various contractors.

As detailed in the DFS, the policy will address the following issues:

- The legislative responsibilities of Gunson and the Managing Contractor under the *Occupational Safety and Health Act 1984*.
- The legislative responsibilities of contractors under the *Occupational Safety and Health Act 1984*.
- The legislative responsibilities of employees under the *Occupational Safety and Health Act 1984*.
- The establishment of safety protocols and management systems required by the *Occupational Safety and Health Act 1984* and how they will be practically implemented to suit the needs of the Project.
- Any Industrial Relations (IR) issues that need to be addressed as part of the overall safety management program.

All new employees attending site will be required to complete the necessary Gunson site induction programmes.

The Managing Contractor will employ an experienced Safety Manager for the term of the Project. The Safety Manager will be responsible for implementing the Project's safety policy, developing procedures in conjunction with the Construction Manager, and implementing the provisions of the *Occupational Safety and Health Act 1984*. This will include enforcing all safety procedures and rules on the construction site and organising regular communications with contractors to ensure adherence to policy, procedures and rules.

Contractors will be required to support the Project's safety protocols, provide individual safety management plans, perform Job Safety Analysis and ensure their employees are provided with Personal Protective Equipment to the standard defined by the overall site policy.

Contractors must also provide a nominated individual at supervisory level, who has received adequate training in Occupational Health and Safety (OH&S) and who will be responsible for safety procedures within the contract.

Contractors will be required to provide adequately equipped First Aid kits and have at least one formally qualified First Aid person on each shift to administer minor injuries not requiring medical attention from a doctor. In the event of a more serious injury, Gunson will make available site First Aid facilities and personnel to all Project related employees.

The Managing Contractor's Project Manager will ensure that adequate records are kept of all safety incidents, irrespective of whether First Aid is required. The Safety Manager will report Lost Time Injury Frequency Rate, Disabling Injury Frequency Rate and Medically Treated Injury Frequency Rate, along with severity information, on a weekly basis as a minimum.



4 Health, Safety and Environmental Management

4.2 Environment

All contractors will be made aware of the site environmental conditions and constraints at the time of induction. Gunson's environmental staff will audit site works on a periodic basis to identify issues of concern or non-conformance with site environmental policies and procedures.

A series of management plans have been prepared for the Project and these are known collectively as the Environmental Management Plan (EMP). The purpose of the EMP is to provide measures to prevent or mitigate potential impacts to the environment and heritage values during construction and operation of the Project. The EMP comprises the following management plans, which have been reviewed by the relevant government authorities and have been approved by the EPA:

- Progressive Rehabilitation Programme.
- Priority Flora, Flora and Vegetation Management Plan.
- Declared Rare Flora Management Plan.
- Fauna Management Plan.
- Bush Fire Management Plan.
- Dust Management Plan.
- Solid and Liquid Waste Management Plan.
- Hydrocarbon Management Plan.
- Radiation Management Plan.
- Aboriginal Heritage Management Plan.
- Preliminary Closure Plan.

In addition, a Groundwater Mounding Management Plan has been prepared and submitted to the EPA for approval.

Contractors must be able to demonstrate compliance with the EMP in all tender documentation.

4.3 Regulator Contacts

The Shire of Shark Bay has requested a list of the major contacts Gunson and URS have been liaising with for the Project. These are as follows:

- Amy White: Office of the Environmental Protection Authority - Statement Management Branch
Ph - 6467 5423
- Jacqueline Lane: Office of the Environmental Protection Authority - Proposal Implementation
Monitoring Branch
Ph - 6467 5119
- Stephen Lance: DMP Environment Section
Ph - 9222 3504
- Melissa Cundy: DEC (Geraldton)
Ph - 9921 5955
- Ernie Reynolds: Main Roads WA (Network Manager)
Ph - 9941 0777
- Brian Lloyd: Department for Planning and Infrastructure, Pastoral Land Business Unit
Ph - 9347 5009.

During the stakeholder consultation process, Gunson has identified and consulted with the following stakeholders:

Coburn Zircon Project - Application for Planning Approval

4 Health, Safety and Environmental Management

- Department of Sustainability, Environment, Water, Populations and Communities (formerly the Department of Environment, Water, Heritage and the Arts).
- DEC.
- EPA.
- DMP (formerly Department of Industry and Resources).
- Department of Indigenous Affairs (DIA).
- Department of Agriculture and Food.
- Shire of Shark Bay.
- City of Geraldton.
- SBWHP Scientific Advisory Committee.
- SBWHP Community Consultative Committee.
- Gascoyne Development Commission.
- Mid-West Development Commission.
- Conservation Council of WA.
- The Wildflower Society of Western Australia.
- FESA.
- Adjoining pastoral lease holders.
- Yamatji Land and Sea Council.
- Nanda Aboriginal Working Group.
- Malgana Aboriginal Working Group.
- Other Aboriginal people with an interest in the area.

Gunson will continue the consultation process throughout the construction, operation and decommissioning phases in accordance with its Sustainability Policy.

URS

Coburn Zircon Project - Application for Planning Approval

5

References

Gunson Resources Limited (2009) *Revised Disturbance Area NSCA 2*. Internal Memorandum dated 21 December 2009.

URS Australia Pty Ltd (2005) *Coburn Mineral Sand Project Public Environmental Review*. Prepared by URS Australia Pty Ltd for Gunson Resources Limited, July 2005.

URS

Coburn Zircon Project - Application for Planning Approval

6

Limitations

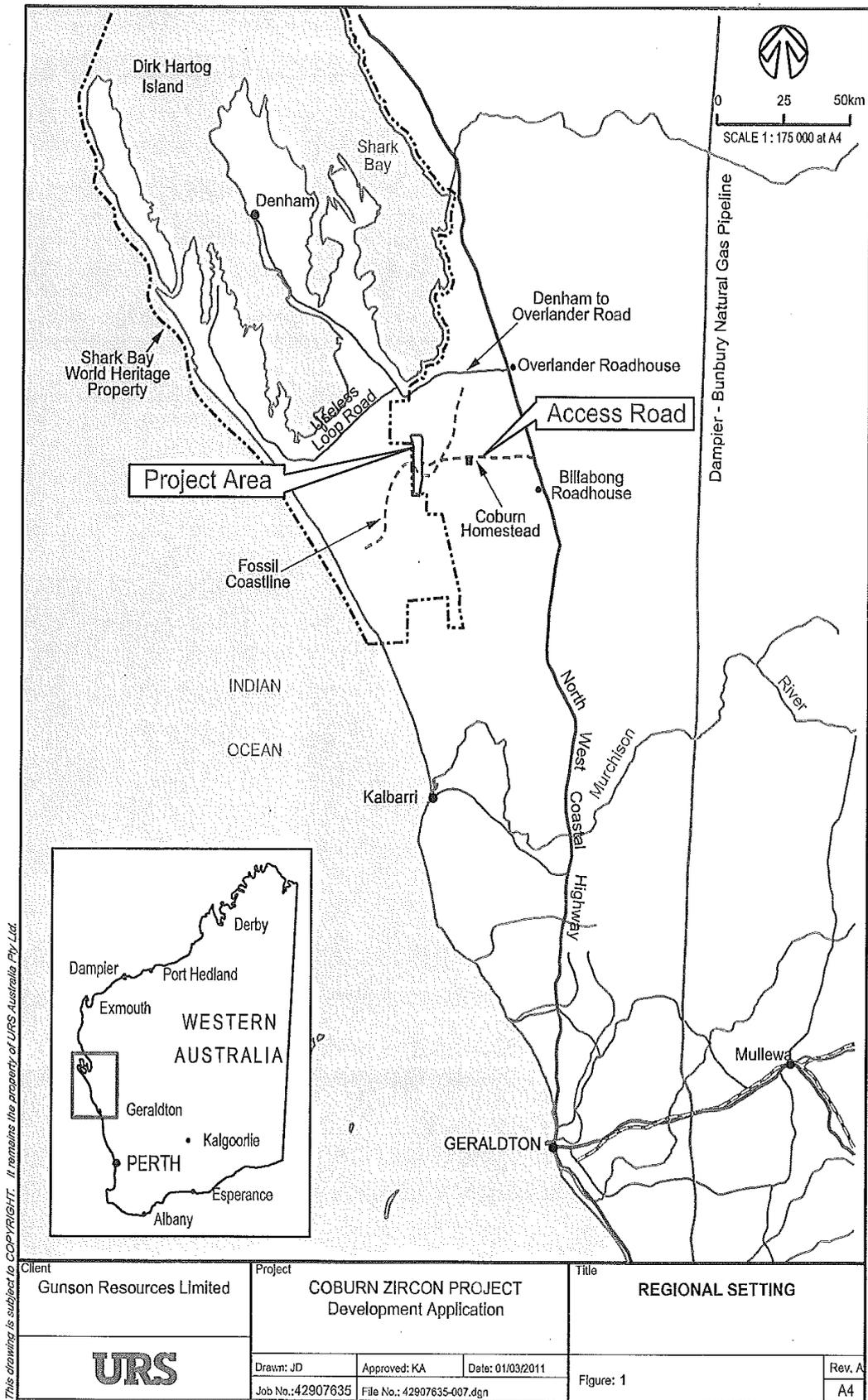
URS Australia Pty Ltd (URS) has prepared this report in accordance with the usual care and thoroughness of the consulting profession for the use of Gunson Resources Limited and only those third parties who have been authorised in writing by URS to rely on the report. It is based on generally accepted practices and standards at the time it was prepared. No other warranty, expressed or implied, is made as to the professional advice included in this report. It is prepared in accordance with the scope of work and for the purpose outlined in the Proposal dated 14 September 2010.

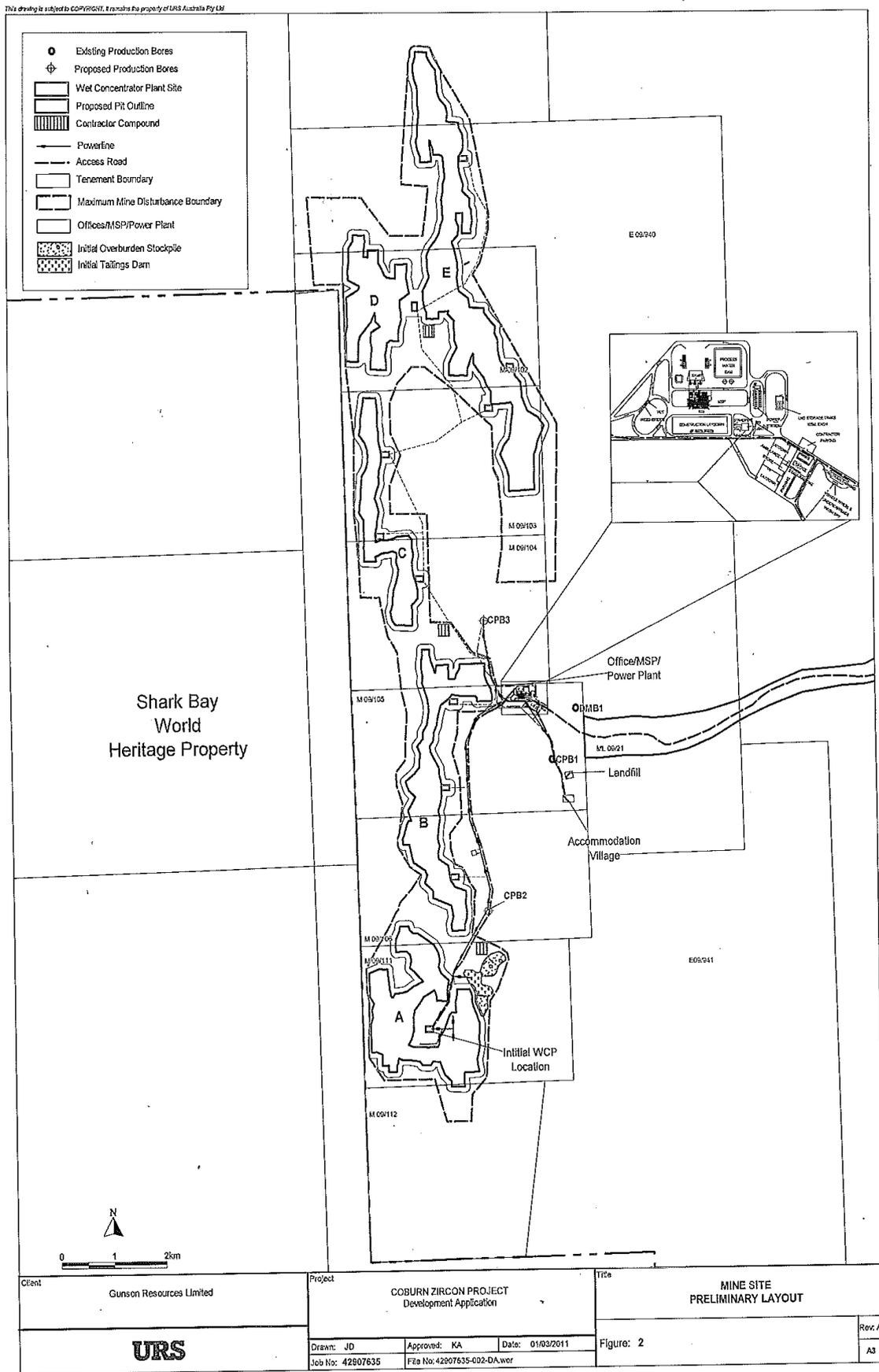
The methodology adopted and sources of information used by URS are outlined in this report. URS has made no independent verification of this information beyond the agreed scope of works and URS assumes no responsibility for any inaccuracies or omissions. No indications were found during our investigations that information contained in this report as provided to URS was false.

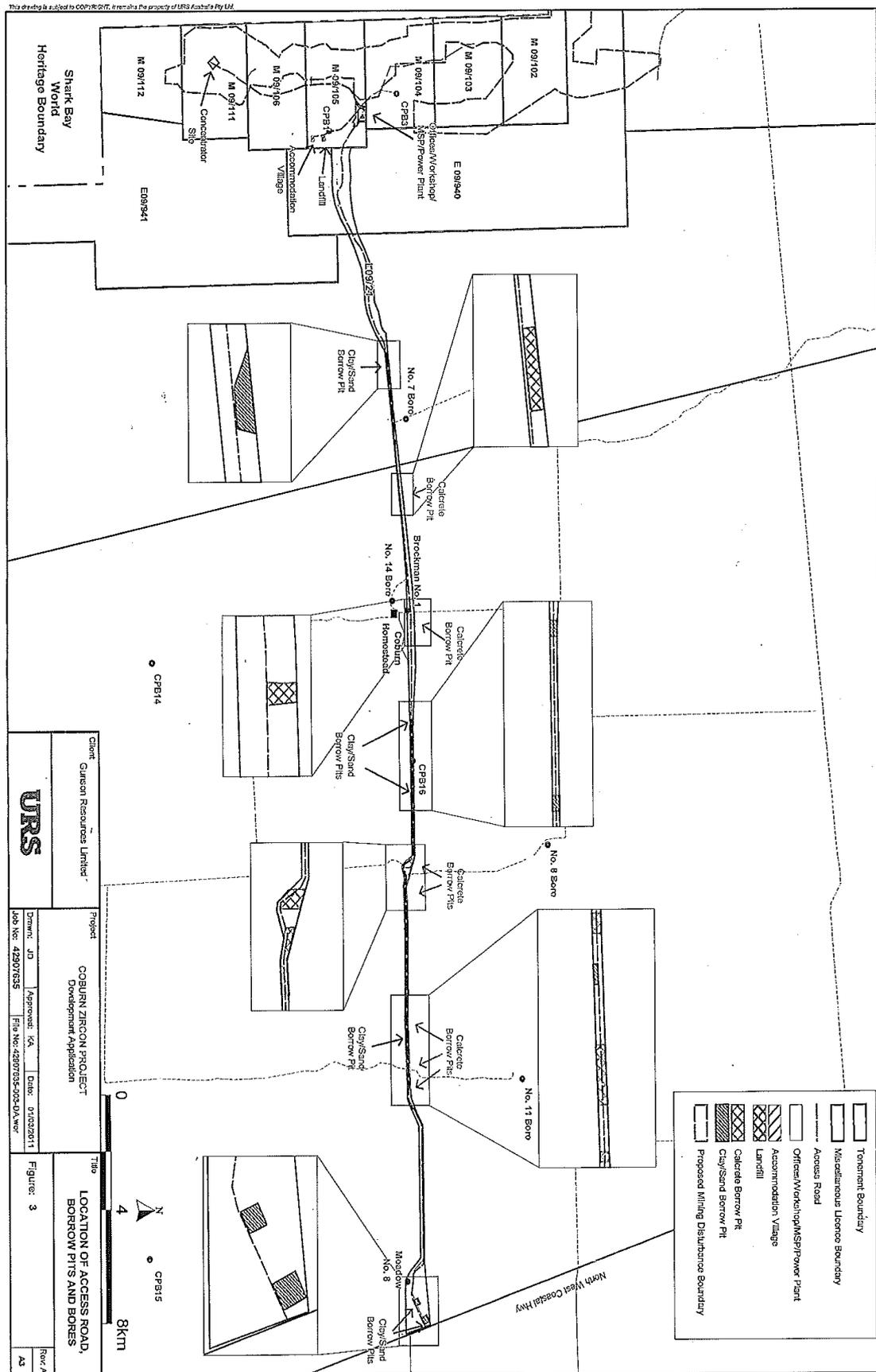
This report was prepared between 24 December 2010 and 15 March 2011 and is based on the information reviewed at the time of preparation. URS disclaims responsibility for any changes that may have occurred after this time.

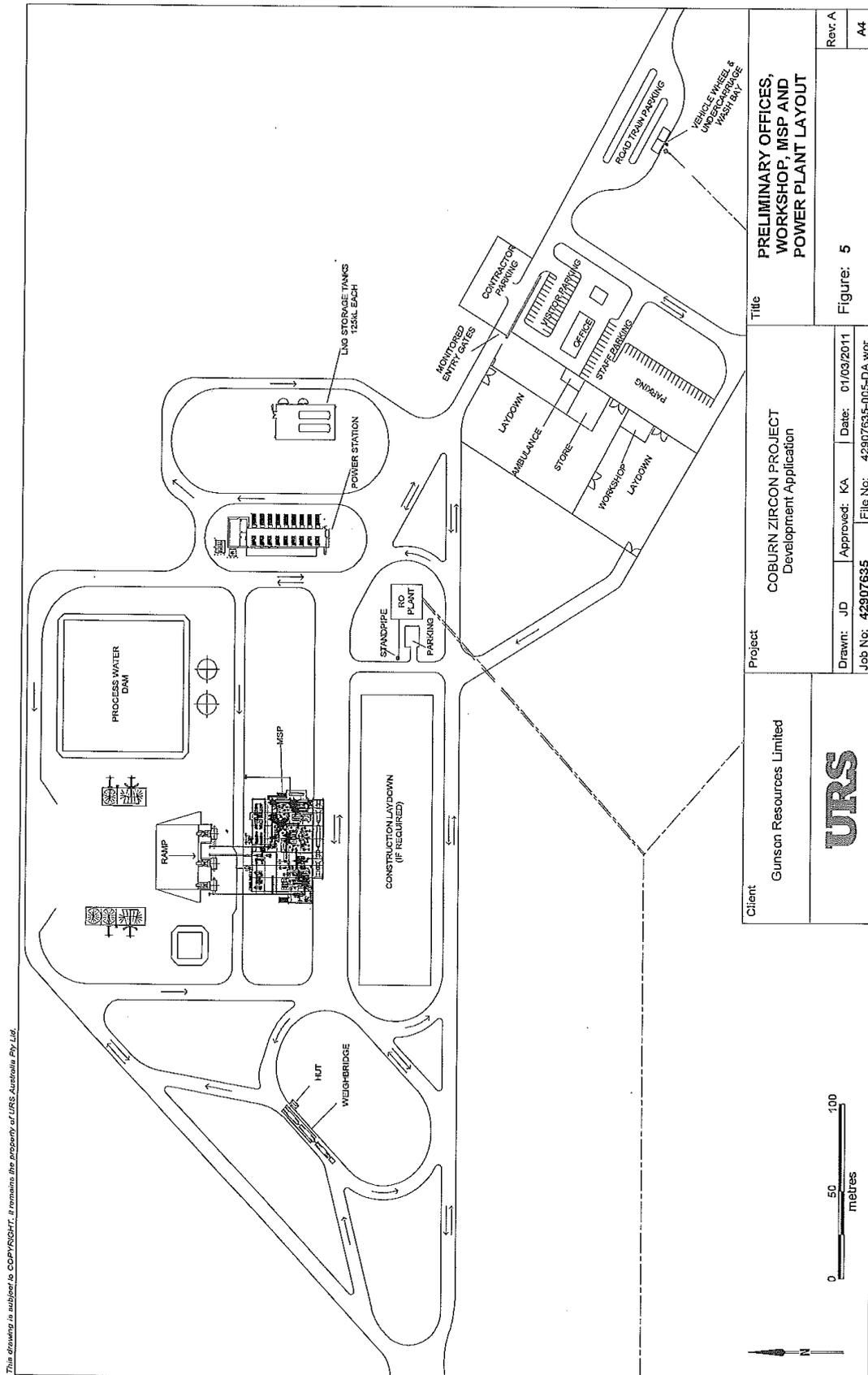
This report should be read in full. No responsibility is accepted for use of any part of this report in any other context or for any other purpose or by third parties. This report does not purport to give legal advice. Legal advice can only be given by qualified legal practitioners.

URS









Comment

Confirmed at Council meeting 29 June 2011 Signed By the President Cheryl Cowell

Many of the development issues/concerns/potential environmental impacts have already been addressed through the Public Environment Review but it is equally important through this process that the conditions of approval applied to this development actually occur on the ground in accordance with the approval. This relates to the development of all the onsite infrastructure in accordance with the approved development application.

One of the major issues in addressing this proposal was the interaction of the proposed mine access road with the North West Coastal Highway. This is being addressed by Main Roads in Carnarvon and will form Condition 11 of Miscellaneous Licence 09/21 covering the proposed road.

The advertising period required for this project does not officially conclude until 4.00 pm on Wednesday 18 May 2011. If any objections/submissions are received by or up to that period they will be tabled at the Council meeting on the 25 May 2011. At the time of compiling this report no objections/submissions had been received.

Legal Implications

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

Policy Implications

All relevant policies pursuant to the Town Planning Scheme

Financial Implications

Sound economic development within the region

Strategic Implications

Major industry within the region but unfortunately given the distance from Denham the opportunities associated with the development may be limited

Voting Requirements

Simple Majority Required

Date of Report

13 May 2011

Cr Wake returned to the Council Chamber at 2.00pm

13.2 STRATA PLAN NO. 63060 – TRADEWINDS HOLIDAY ACCOMMODATION 91 – 93 KNIGHT TERRACE DENHAM

P1020

Author

Manager Regulatory Services

Disclosure of Any Interest

Declaration of Interest: Cr Ridgley

Nature of Interest: Proximity Interest as Lease shop at Tradewinds

Cr Ridgley left the Council Chamber at 2.01pm

Confirmed at Council meeting 29 June 2011 Signed By the President Cheryl Cowell _____

Moved Cr McLaughlin
Seconded Cr Hanscombe

Council Resolution

That the proponent Deacon Nominees Pty Ltd be advised that Council is prepared to grant conditional approval to the Tradewinds Holiday Accommodation being Strata Titled in accordance with the *Strata Titles Act 1985* and in compliance with Strata Plan No. 63060 and its accompanying Management Statement subject to:

“The current development situated at 91-93 Knight Terrace Denham and operating as the Tradewinds Holiday Accommodation being currently in compliance with the Shire of Shark Bay Town Planning Scheme No. 3, The Building Code of Australia, The Public Health Act and its associated provisions and other regulatory controls and policies administered by the Shire.”

Cr Hanscombe left the meeting at 2.08pm and returned at 2.09pm.

4/0 CARRIED

Précis

Deacon Nominees Pty Ltd have lodged Strata Plan No. 63060 and a Management Statement for Councils assessment and consideration of approval.

This report details the Strata Plans and the Management Statement and recommends conditional approval.

Background

Tradewinds Holiday Accommodation has been providing short stay tourist accommodation within the Town Centre Zone in the Denham Townsite since its inception. The proponent now wishes to Strata Title all the units but continue to offer short stay tourist accommodation under a managed structure and in accordance with the original development approval.

In consideration of strata title approval the development is required to be compliant with the regulatory provisions of the Shire of Shark Bay Town Planning Scheme No. 3, The Building Code of Australia, The Public Health Act and all other regulatory controls and policies administered by the Shire. To comply with the provisions of the *Strata Titles Act 1985* the proponent has submitted the following Strata Plan No. 63060 and Management Statement for Council's consideration of approval:

FORM 25*Strata Titles Act 1985*

Section 5C (1)

STRATA PLAN No. 63060**MANAGEMENT STATEMENT**

DEACON NOMINEES PTY LTD (ACN 008 840 588)
(Name of original proprietors of land the subject of the plan)

(Description of parcel the subject of the plan) **LOT 21 ON DIAGRAM 79813, THE WHOLE OF THE LAND COMPRISED IN CERTIFICATE OF TITLE VOLUME 2573 FOLIO 81.**

This management statement lodged or to be lodged with a Strata Plan in respect of the above land sets out the by-laws of the strata company or amendments to the by-laws contained in Schedules 1 and 2 of the *Strata Titles Act 1985* that are to have effect upon registration of the Strata Plan.

1. The Schedule 1 by-laws are amended, repealed or added to as follows-

The following by-laws are hereby added -

16. USE OF LOTS

- (1) The strata scheme is to operate predominately as a short stay tourist accommodation property. Lots 1 to 10 are to be used for tourism accommodation, lot 11 is to be used for retail or offices as permitted by the Shire of Shark Bay and lot 12 is to be used as partly as the reception/office for the tourism accommodation as well as partly as a retail outlet.
- (2) The proprietors of lots 1 to 10 ("the Short Stay Lots") acknowledges that it is the proprietor of a lot in a strata scheme that is to be used for tourism accommodation.

17. MANAGEMENT OF THE LOTS

- (1) The strata company and the proprietors of the lots acknowledge and agree that the rental of the Short Stay Lots are to be operated by the strata company's nominated operator, and any replacement from time to time ("the Manager") under the terms and conditions contained in the Unit Management Agreement ("Agreement").
- (2) The proprietors of the Short Stay Lots shall enter into an Agreement for a period of 5 Years with the Manager to manage the Short Stay Lots.

18. TERMINATION AND VARIATION OF MANAGEMENT AGREEMENTS

- (1) In accordance with the Strata Titles Act, the strata company shall have the ability to terminate a contract with the Manager at the end of a 5 year contract or a lesser period based on performance criteria as determined by the strata company.
- (2) The strata company may terminate an agreement or lease with the Manager by mutual agreement, by non performance or where compelling reasons dictate otherwise (for example, fraud, insolvency, material incompetence or the like by the Manager), the strata company may only terminate an agreement or lease with the Manager, and must have, prior to such an agreement or lease, resolved by a special resolution to enter into a further agreement or lease with another Manager that must contain substantially the same terms, conditions, delegation of responsibilities, duties and powers of the strata company as were contained in the previous Managers agreement or lease unless varied in accordance with this by-law.
- (3) The terms, conditions, delegation of responsibilities of the duties and powers of the strata company contained within the Manager's agreement or lease can only be varied by special resolution of the strata company or by an order of the State Administrative Tribunal or the Supreme Court as provided for in the Act.

19. LETTING SERVICE

- (1) The strata company shall authorise the Manager to be the sole provider of a letting services for the Short Stay Lots. The terms of the authorisation (including, but not limited to, transfer and termination provisions) shall be set out in the Agreement between the Manager and the strata company in a form approved by the strata company.
- (2) The Manager will provide facilities management services and letting services to the proprietors of the Short Stay Lots.
- (3) Each proprietor of the Short Stay Lots and the Manager will enter into a letting agreement setting out the terms on which the Manager is appointed to let the Short Stay Lots.

20. FACILITIES MANAGEMENT SERVICE

- (1) Each proprietor of the Short Stay Lots and their successors in title must engage the Manager to provide facilities management services in respect of the proprietor's lot by entering into a separate agreement with the Manager, to regulate the management, control, use and enjoyment of each of the Short Stay Lot so as to maintain the standard of each lot for the benefit of all proprietors of the Short Stay Lots.
- (2) As part of the facilities management services provided to proprietors of the Short Stay Lots, the Manager will provide a general reception service to all proprietors and their s and guests. All proprietors and guests of the Short Stay Lots must check in and check out of the Short Stay Lots using the service provided by the Manager.

21. LOT ACCESS FOR THE MANAGER

The Manager shall retain a key to the building on each of the Short Stay Lots and shall be entitled to enter any building on the Short Stay Lots in emergencies, or at any reasonable time (with prior notice) for the purpose of attending to repairs, maintenance, replacements, other works and inspections and for the purpose of monitoring compliance with these by-laws.

- (a) A requirement for all lots that are used in accordance with the Shire of Shark Bay's Town Planning Scheme, any relevant development approvals issued by the Shire of Shark Bay and any other applicable planning conditions.
- (b) The appointment of a manager to manage the accommodation to generally oversee the standard of the Short Stay Lots and the letting of the lots used for short term accommodation.
- (c) The appointment of a letting agent (can be the manager referred to in clause(b)) who will be available to all proprietors to take bookings for the rental of the lots.
- (d) The proprietors of the Short Stay Lots acknowledge and agree that its lot shall not be used for permanent residential occupation.

DATED THIS TWENTY NINTH DAY OF APRIL 2011

SIGNATURE OF APPLICANT

Executed by DEACON NOMINEES PTY LTD (ACN 008 840 588)

Director

Director

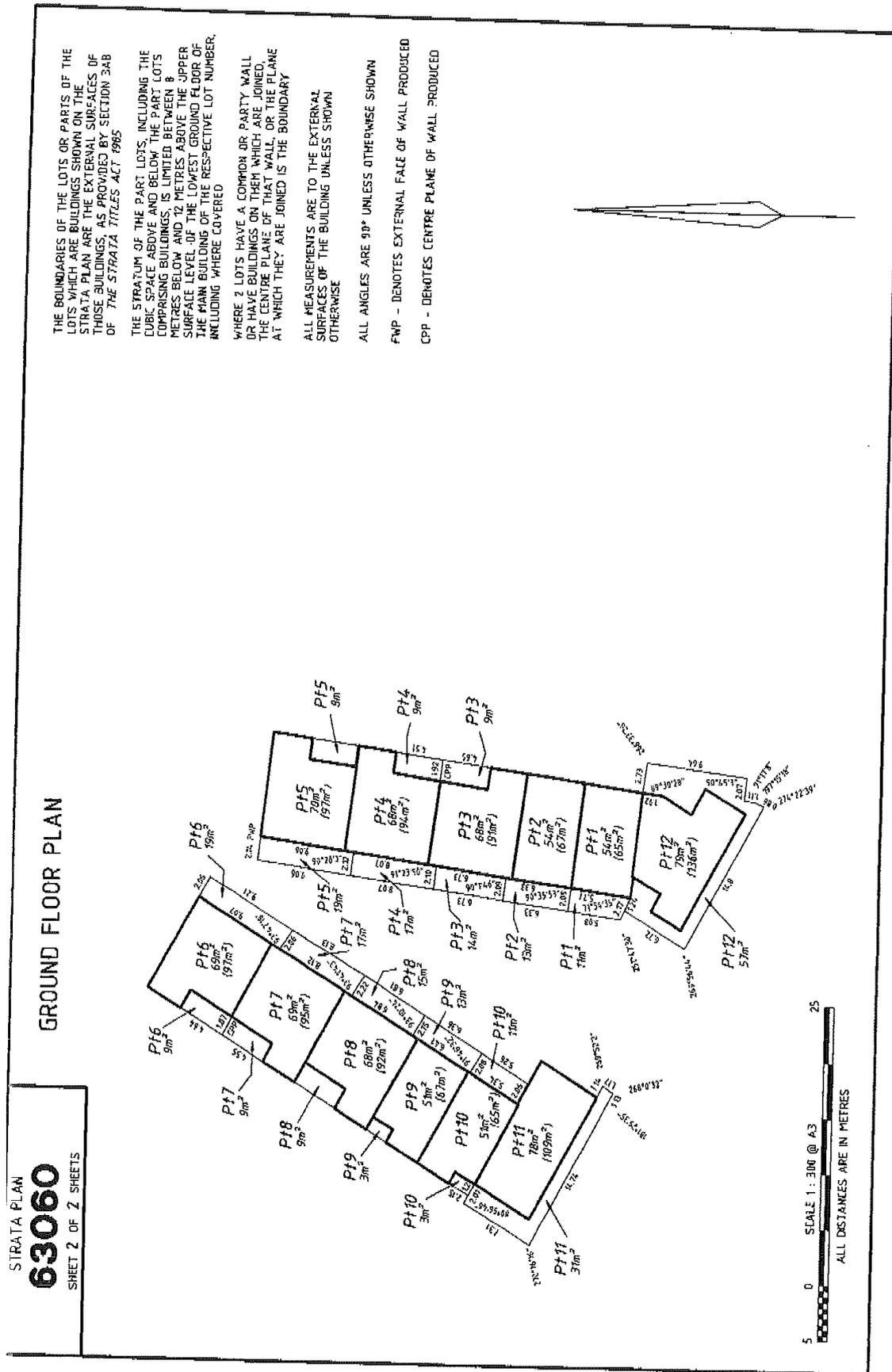
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MCKECHNIE

009



Comment

Confirmed at Council meeting 29 June 2011 Signed By the President Cheryl Cowell

As the Strata Plan identifies the subject land and the existing buildings thereon and the Management Plan details the continued mode of operation to be in accordance with the original development approval, I can see no reason to object to the change of ownership provided the development currently complies with all the regulatory provisions administered by the Shire.

Legal Implications

The Shire of Shark Bay Town Planning Scheme No. 3

The Building Code of Australia

The Public Health act and its associated provisions

Policy Implications

All relevant policies pursuant to the Town Planning Scheme

Financial Implications

The continued operations of short term tourist accommodation is an important economic factor for the Shire of Shark Bay

Strategic Implications

The tourism needs analysis undertaken in 2006 demonstrated a shortage of tourist accommodation facilities in the region. Reduces accommodation levels by one month for each unit

Voting Requirements

Simple Majority Required

Date of Report

13 May 2011

Cr Ridgley returned to the Council Chamber at 2.20pm

13.3 DEVELOPMENT APPLICATION 4/2011 – OUTBUILDING SIZE, HEIGHT AND FLOOR LEVEL VARIATIONS

P1022

Author

Manager Regulatory Services

Disclosure of Any Interest

Nil

Moved Cr Cowell
Seconded Cr Ridgley

Council Resolution

That Council advise the proponent of Development Application 4/2011, comprising outbuilding, size, height and floor level variations, Mr Kevin Laundry on behalf of Messrs G & J Hawes of Lot 203 (131) Knight Terrace, Denham that it is prepared to grant conditional approval to development application 4/2011 subject to the following;

1. To be used for the purpose of Residential Outbuilding.
2. To be developed in accordance with the endorsed plan but upon and subject to the following condition –
3. Compliance in all respects with the Building Regulations 1989 (as amended). Two sets of working drawings and specifications are required to be submitted with the building application.
4. The layout of the site and the size of the proposed buildings and works shown on the endorsed plan shall not be altered for any reason without the consent of the Shire's Planning Officer.
5. The consent of Council being sought and obtained prior to any change of use of the premises.
6. All exterior metal cladding, including the roof, shall be of patent pre-treated finish, such as Colour bond, to the satisfaction of the Shire's Planning Officer.
7. The use hereby permitted shall comply with the definition of outbuilding as contained in the Shire of Shark Bay's Town Planning Scheme No 3.
8. The driveways, crossings and parking areas shall be constructed, sealed and drained in accordance with plans and specifications approved by the Shire's Engineering Officer.
9. Vehicle access driveways to be hardstand and drained to the satisfaction of Council.
10. That a Statutory Declaration be provided to the Shark Bay Shire Council to exonerate it from any potential liability that may occur to the outbuilding due to inundation.

This approval is valid for two (2) years from the date of approval. All conditions of approval are required to be met within this time period.

Note – Failure to complete conditions of approval or commencement of development within the two (2) year approval period will result in the approval becoming invalid and a new application will be required to be lodged.

5/0 CARRIED

Précis

Mr Kevin Laundry on behalf of G & J Hawes of Lot 203 (131) Knight Terrace has submitted development application 4/2011 for approval to erect a residential outbuilding on this allotment. The proposed outbuilding area exceeds the permitted m² area specified within the Shire of Shark Bay Town Planning Scheme No. 3 and also its pursuant policies, its plate height also exceeds the specified standard and its floor level

will be below the 3.200 AHD level required of buildings in this location due to storm surge.

This report details the application and recommends conditional approval.

Background

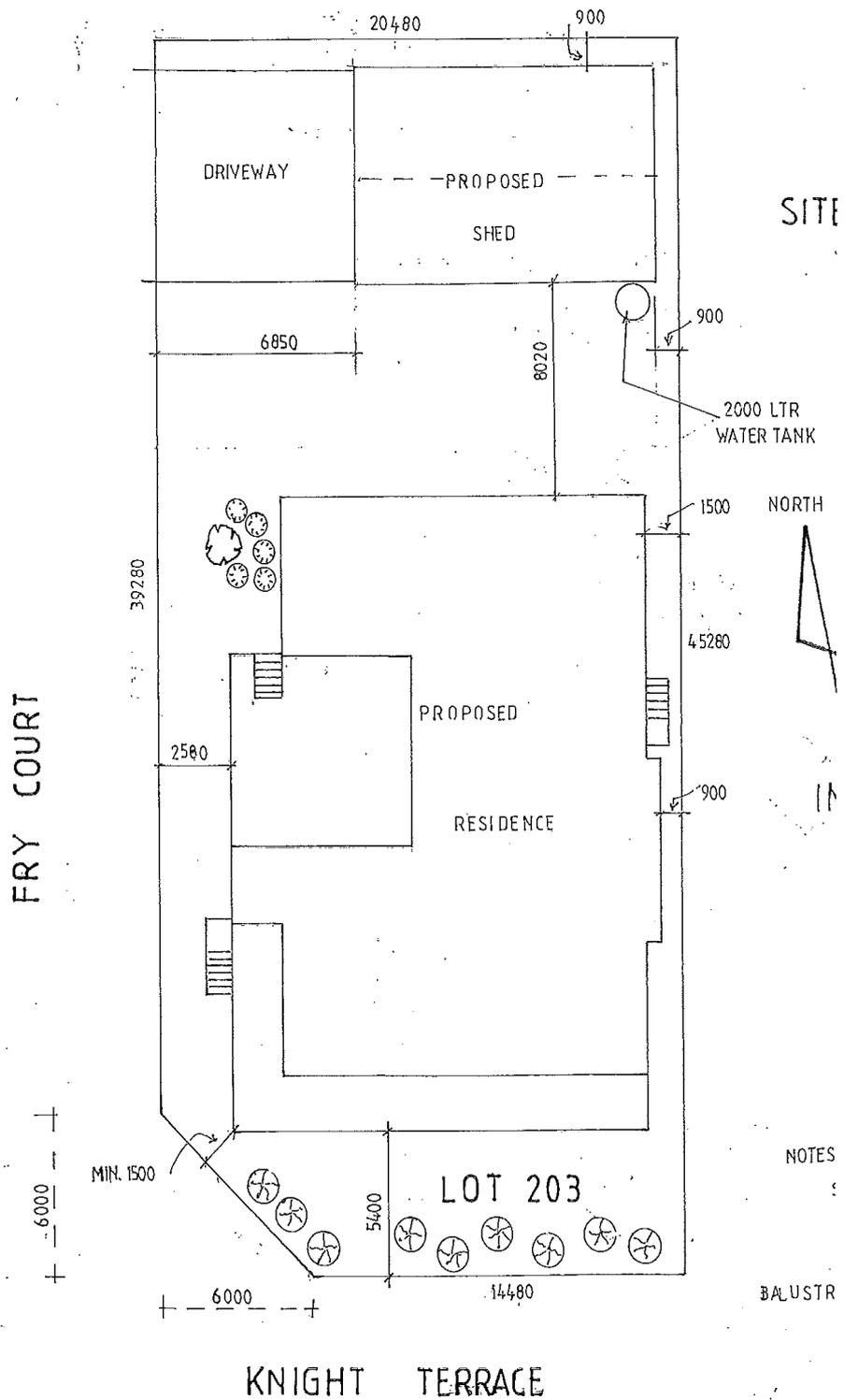
The Shark Bay Shire Council at its ordinary meeting held on the 24 November 2010 considered development application 17/2010 and resolved to recommend;

- A) That the proponent of development application 17/2010 Mr Kevin Laundry be advised on behalf of Messrs G & J Hawes of Lot 230 (131) Knight Terrace Denham 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 inundations.**

Prior to consideration of the outcome of due process in relation to development application 17/2010 the proponent requested that the item be deferred to allow for reconsideration and any amendments to the project.

The proponent via development application 4/2011 has now submitted amended plans that detail a more realistic proposal for Councils consideration of approval.

Conditional approval be granted to the proposed outbuilding comprising variations to the outbuilding size, height and floor levels.



The Shire of Shark Bay Town Planning Scheme No. 3 permits a residential outbuilding to be no greater than 60m² in area unless the local authority has granted specific approval.

However, the Shire has adopted a Local Policy pursuant to its planning scheme that allows residential outbuildings to be up to a maximum of 84 m² based upon a lot size of 1,000 m² with a plate height for the building to be no greater than 3.500 metres.

Based upon the above criteria the maximum size/area of a residential outbuilding on Lot 203 (131) Knight Terrace, which is 961 m² in area would be 80.7 m². What is being proposed is a 96 m² outbuilding which is 19% above the permissible area and 100mm above the specified plate height. The other issue relative to this proposal is that it is within an area that is subject to inundation for which the Town Planning Scheme does not permit any buildings to be erected on any lot unless the floor level is not less than 3.200 AHD. This has now been addressed by the Council initialling a Town Planning Scheme amendment that will allow the approval of outbuilding below 3.200 AHD. This will significantly reduce the impact of outbuildings in areas subject to inundation.

Comment

The proposal is to develop this lot at an R10 density which means that only a single residential dwelling is being proposed on a lot that could be developed at a density of R30.

Given the density of development proposed for the lot and Council's ability to approve outbuildings at an AHD of less than 3.200 this combined with the location of the outbuilding which is grouped with adjoining outbuildings negates the impact that a marginally larger outbuilding would potentially have on this location. It is also considered that the variable heights of the proposed dwelling and the outbuilding will allow good view corridors to adjoining properties.

The major concerns relative to large residential outbuildings relates to;

- Visual amenity in residential areas
- Overshadowing of neighbouring properties
- Industrial activities being carried out in residential areas
- The conversion of residential outbuildings for habitable purposes
- Obstruction to view corridors

As the Town Planning Scheme amendment for outbuildings in areas subject to inundation has not been finalised at this stage, if Council approve this outbuilding at a reduced AHD level it will need to have the owner sign a Statutory Declaration to exonerate the Shire from any potential liability that may occur due to inundation.

Legal Implications

The Shire of Shark Bay Town Planning Scheme No. 3

Policy Implications

All relevant policies pursuant to the scheme

Financial Implications

Nil

Strategic Implications

Each application needs to be carefully considered on its merits and the relevant details of the proposal

Voting Requirements

Simple Majority Required

Date of Report

17 May 2011

13.4 DEVELOPMENT ASSESSMENT PANELS – REQUEST FOR LOCAL GOVERNMENT NOMINATIONS

Author

Manager Regulatory Services

Disclosure of Any Interest

Nil

Moved Cr Ridgley
Seconded Cr Hanscombe

Council Resolution

That Council nominate the following four elected members,

Cr McLaughlin

Cr Cowell

And Deputies are to be:

Cr Wake

Cr Hanscombe

to sit on a Development Assessment Panel.

5/0 CARRIED

Précis

The Minister for Planning; Culture and the Arts; Science and Innovation, Mr John Day has requested Council nominate four elected members of Council to sit on Development Assessment Panels.

The Planning and Development (Development Assessment Panels) Regulations 2011 (the regulations), which establish the operational framework for Development Assessment Panels were gazetted on the 24 March 2011.

Fifteen Development Assessment Panels will become operational on the 1 July 2011. The Gascoyne Region will form a joint Development Assessment Panel. Each Development Assessment Panel has a total of five members, comprising three specialist members, one being the presiding member and two Local Government members.

This report provides a copy of Planning Bulletin 106/2011 which details the new legislative provisions for Development Assessment Panels and recommends that in accordance with the new regulations Council nominates four Councillors to sit on the Panel.

Background1-CC-8810
DEIOS**Minister for Planning; Culture & the Arts**
Government of Western Australia

Our Ref: 33-11938

RECEIVED

- 5 MAY 2011

Shire of Shark Bay

Cr Cheryl Cowell
Shire President
Shire of Shark Bay
PO Box 126
DENHAM WA 6537

Dear Cr Cowell

DEVELOPMENT ASSESSMENT PANELS - REQUEST FOR LOCAL GOVERNMENT NOMINATIONS

The *Planning and Development (Development Assessment Panels) Regulations 2011* (the regulations), which establish the operational framework for Development Assessment Panels (DAPs), were gazetted on 24 March 2011.

Fifteen DAPs will become operational on 1 July 2011. From this date, DAP applications can be made to the local government for DAP consideration and determination as per the regulations.

Each DAP has a total of five members, comprising three specialist members, one being the presiding member, and two local government members.

Under DAP regulation 26, your local government is required to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on your local DAP as required.

Using the attached form, please provide names, address, email, mobile and land line telephone numbers, date of birth, employer(s) and position(s) details of your four local government DAP nominees.

Nominations are required to be received no later than 13 June 2011.

Following receipt of all local government nominations, I will consider and appoint all nominees for up to a two-year term, expiring on 26 April 2013. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is mandatory for all DAP members to attend training before they sit on a DAP. Priority training will be provided to high application volume DAPs.

13th Floor, 2 Havelock Street, West Perth, Western Australia 6005
Telephone: +61 8 9213 6600 Facsimile: +61 8 9213 6601 Email: Minister.Day@dpc.wa.gov.au

Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members are not re-elected, the local government will need to re-nominate for my consideration of appointment.

The Council should consider the above in selecting nominees as local DAP members.

Local DAP members are entitled to be paid for their attendance at DAP training and at DAP meetings, unless they fall within a class of persons excluded from payment.

Members who are not entitled to payment of sitting, training and State Administrative Tribunal attendance fees include Federal, State and local government employees, active or retired judicial officers and employees of public institutions. These DAP members are not entitled to be paid without my consent, and such consent can only be given with the prior approval of Cabinet. This position is in accordance with *Premier's Circular - State Government Boards and Committees Circular (2010/02)*.

Further information, including DAP location maps and the Premier's Circular, is available online at <http://daps.planning.wa.gov.au>.

Local representation is vital to DAPs. If no nominations are received by 13 June 2011, or if I have not allowed the local government a longer nomination period, regulation 26 enables me to include on the local government register a person who is an eligible voter of your local government district and who has relevant knowledge or experience that will enable that person to represent the interests of the local community of your district.

Specialist members are yet to be appointed. You will be advised of specialist member appointments in mid May 2011.

If you have any queries regarding this request for nominations, please contact Ms Robyn Barrow at the Department of Planning – phone 9264 7683 or email Robyn.Barrow@planning.wa.gov.au.

Yours sincerely



**JOHN DAY
MINISTER FOR PLANNING;
CULTURE AND THE ARTS;
SCIENCE AND INNOVATION**

Att

02 MAY 2011

DEVELOPMENT ASSESSMENT PANEL NOMINATION FORM

Local Government:	DAP Name:
Nominated Local DAP Member 1	Nominated Alternate Local Member 1
Name: Address: Phone: Mobile: Email: Date of Birth: Employer name(s): Position(s):	Name: Address: Phone: Mobile: Email: Date of Birth: Employer name(s): Position(s):
Nominated Local DAP Member 2	Nominated Alternate Local Member 2
Name: Address: Phone: Mobile: Email: Date of Birth: Employer name(s): Position(s):	Name: Address: Phone: Mobile: Email: Date of Birth: Employer name(s): Position(s):

Note: Employer name and position details are required for Cabinet submission and to determine if the nominee is entitled to be paid fees in accordance with the Premiers Circular 2010/02.

Name and contact details of local government minute taker and/or DAP meeting contact (if known):

Name: _____ Phone: _____ Email: _____

DAP Secretariat Use

Date received: _____ Officer Name: _____ Date Registered: _____



Planning Bulletin 106/2011 - New legislative provisions for development assessment panels



March 2011

1. Introduction

As part of the Government's commitment to streamlining and improving the planning approvals process in Western Australia, the WA Parliament passed the *Approvals and Related Reforms (No. 4) (Planning) Act 2010* (the '2010 Amendment Act'). The provisions of the 2010 Amendment Act, except part three, commenced on 22 November 2010.

The 2010 Amendment Act contains a number of amendments to the *Planning and Development Act 2005* (the 'PD Act') that are designed to improve the planning system. Part 3 of the 2010 Amendment Act contains the heads of powers required to introduce development assessment panels ('DAPs') in this State, through the making of regulations by the Governor. The details on how these panels will be established, administered and operated are set out in the new *Planning and Development (Development Assessment Panels) Regulations 2011* ('DAP regulations').

2. What are DAPs?

DAPs are panels comprising a mix of technical experts and local government representatives with the power to determine applications for development approvals in place of the relevant decision-making authority. The introduction of DAPs is one of the fundamental principles of the national Development Assessment Forum's ('DAF') leading practice model for development assessment. This model also promotes limiting referrals to agencies with a relevant role for advice only, avoiding the need for separate approval processes. South Australia and New South Wales have already introduced development assessment panels into their planning systems in accordance with the DAF model. Victoria has also recently passed legislation to implement development assessment commissions to perform the role of development assessment panels.

The introduction of DAPs in Western Australia will have significant benefits for local governments, the development industry, landowners, the general community and other stakeholders. They aim to help to improve the planning system by providing more transparency, consistency and reliability in decision-making on complex development applications. As regulations prepared under this part will clearly identify what classes of development applications are to be determined by development assessment panels, applicants will be well aware of who will be determining their application, regardless of the location of the development. The determination of complex applications will also be improved by the involvement of experts with technical knowledge on the panel.

The involvement of independent experts will also help to strike an appropriate balance between local representation and professional advice in decision-making by ensuring that decisions made by the panel are based on the planning merits of an application. Finally, the use of development assessment panels will help to address issues with dual approvals by making the relevant panel the single decision-making authority under both local and region planning schemes.

Following the gazetting of the DAP regulations the Minister will establish fifteen different DAPs on 2 May 2011, however, these will not start to consider new applications until 60 days after their establishment. Therefore, DAPs will commence operation on 1 July 2011.

3. Purpose

The purpose of this planning bulletin is to provide an overview of new provisions that take effect under part 11A of the *Planning and Development Act 2005* and the DAP regulations. Where appropriate, the relevant section or regulation is quoted in brackets. Please note this document is only a guide and not intended otherwise to have any legal effect.

Please note a range of manuals will also be available for local governments, DAP members and applicants. These documents will provide further details on the procedures outlined in this bulletin, and will be available on the DAP website at www.daps.planning.wa.gov.au

4. Glossary

In this planning bulletin:

Administrative officers means members of the DAP Secretariat.

2010 Amendment Act means the *Approvals and Related Reforms (No. 4) (Planning) Act 2010*, which amended the PD Act.

DAP means a Development Assessment Panel.

DAP regulations means the *Planning and Development (Development Assessment Panels) Regulations 2011*.

DAP secretariat means officers of the Department assisting DAPs, defined in the DAP regulations as administrative officers.

CEO means the Director General of the Department of Planning.

The Department means the Department of Planning.

JDAP means a Joint Development Assessment Panel.

LDAP means a Local Development Assessment Panel.

Minister means the Minister for Planning.

PD Act means the *Planning and Development Act 2005*.

PDR means the *Planning and Development Regulations 2009*.

TPR means the *Town Planning Regulations 1967*, including the *Model Scheme Text*, and its equivalent as amended from time-to-time.

WAPC means the Western Australian Planning Commission.

The above definitions are for guidance purposes only. Readers are otherwise

directed to the various definitions found in the PD Act and DAP regulations. To the extent of any inconsistency, the definitions in the PD Act and DAP regulations prevail.

5. Summary of new sections in the PD Act

Part 3 of the 2010 Amendment Act introduces a new Part 11A - Development Assessment Panels into the PD Act. In summary, the new sections contain the following:

- The Governor may prescribe mandatory classes or kinds of development applications that must be determined by a DAP, as if the DAP was the responsible authority (either the relevant local government and/or WAPC), under the relevant local or region scheme, or interim development order (s.171A(2)(a)). A determination of (or failure to determine) a prescribed development application by a DAP is to be regarded, and take effect, as if it was made by the relevant local government or the Western Australian Planning Commission.
- The Governor may also prescribe opt-in classes or kinds of development applications that must be determined by a DAP, where an applicant has elected such an application to be determined by the DAP (s.171A(2)(b)).
- The Governor may also prescribe regulations allowing additional functions to be delegated to the relevant DAP by the responsible authority (s.171B). It is intended that small local governments, and the WAPC if relevant, will use this section to delegate to the relevant DAP the power to determine development applications that are not of a class prescribed under section 171A.
- The Minister will establish a development assessment panel for each local government area, by the publication of an Order in the *Gazette* (s.171C). Two different types of development assessment panels will be established by the Minister:
 - *Local development assessment panels*, which will be established to service a single local government, where that local government is deemed to be a high-growth local government with enough development to support its

own panel, by determining applications made under the local planning scheme (and if applicable, the relevant region planning scheme); and

- *Joint development assessment panels*, which will be established to service two or more local governments that are not high-growth local governments, by determining applications made under each local planning scheme (and if applicable, the relevant region planning scheme).

- The Governor may prescribe regulations concerning the constitution, procedures and conduct of DAPs (s.171D).
- The Governor may prescribe regulations concerning the administration and costs of DAPs (s.171E).
- The DAP regulations are to be reviewed as soon as practicable after the expiry of 2 years from the day on which regulations made under this Part first come into operation (s.171F).

6. Summary of the new DAP regulations

To give effect to these new provisions in the PD Act, the *Planning and Development (Development Assessment Panels) Regulations 2011* ('DAP regulations') have been introduced. The DAP regulations contain six Parts, with three additional schedules.

This planning bulletin will now summarise the contents of each part and schedule. For details of the provisions summarised in this Planning Bulletin, please refer to the full regulations, which are available from the State Law Publisher.

6.1 Part 1 – Preliminary

This part states that regulations one and two come into operation on the day of gazettal and that the rest of the DAP regulations come into operation on the day on which section 43 of the 2010 Amendment Act comes into operation.

This part also contains the terms used in the DAP regulations (r.3). Readers should note that many terms used in the DAP regulations, such as the 'Development Assessment Panel' itself, are defined in section 4 of the PD Act rather than the DAP regulations.

The following definitions in the DAP regulations are of particular note:

- "DAP application", which includes mandatory applications (r.5) and opt-in applications (r.7). Importantly, delegated applications (r.19) are not technically "DAP applications", however, for the most part are practically treated as if they were DAP applications (r.21(2)(b));
- "DAP member" means both a specialist member and a local government member, and also includes an alternate member;
- "excluded development application", which makes it clear that even where a development application falls within the financial thresholds of a DAP application, certain types of applications, such as the construction of a single house, cannot be determined by DAPs. Furthermore, subsection (d) makes it clear that even when the DAP regulations commence operation, DAPs will not begin considering development applications until 60 days after they are established by the Minister.

6.2 Part 2 – Development applications and determinations

This part sets out what types of development applications will be determined by DAPs, and the process to be followed in the lodgement, assessment and determination of such applications.

The DAP regulations reflect the policy direction set out in the Policy Statement regarding mandatory DAP applications and applications that will be subject to the "opt-in" process. These applications are defined as follows:

- *Mandatory DAP Applications* (r.5): An application for development where the estimated cost of development is \$7 million or more (and \$15 or more in the City of Perth), and which is not an excluded development application. Such an application must be determined by a DAP (s.171A(2)(a) of the PD Act).
- *Optional DAP Applications* (r.6 & r.7): An application for development of a total value of more than \$3 million but less than \$7 million (more than \$10 million but less than \$15 million in the City of Perth) which is not an excluded development application and has not been delegated to the DAP by the relevant local government. Such

an application must be determined by a DAP when the applicant has elected to have the DAP determine the application (s.171A(2)(ba) of the PD Act).

This part also sets out the processes to be followed in relation to the making and assessment of DAP applications, including the role of local governments and the WAPC, as well as the role of the Department of Planning and the DAP. In summary, the process is as follows:

- The applicant lodges a DAP application (r.7(2)(a)) with the relevant local government (Form 1, sch.3, r.10(1)(a)), together with the new DAP determination fee (r.10(1)(b), sch.1). It should be noted that the DAP application and DAP fee is an addition, not a replacement, to the ordinary development application form prescribed under any planning scheme(s) (r.10(2)) and fee prescribed under the PDR (r.10(3)). Thus, an applicant will in many cases submit two forms and pay two fees, one for the DAP and one for the local government.
- The local government notifies the Department of the receipt of the DAP application and confirmation that the applicant has paid the DAP fee, within seven days of receipt (r.11). The local government also remits the DAP fee to the Department within 30 days (r.10(5)).
- The responsible authority (the local government or the Western Australian Planning Commission (WAPC)) assesses the application in the usual way, in accordance with the relevant local or region planning scheme. Local governments and/or the WAPC will undertake the same advertising and referrals for DAP applications as currently apply under their schemes (r.9(b)).
- The responsible authority prepares a report containing its recommendations on how the DAP application should be determined (r.12).
- The DAP Secretariat, comprising officers of the Department (r.49), organises the DAP meeting where that application will be determined. This may involve administrative tasks not included in the regulations, such as notifying DAP members, organising deputy members to attend if required, and liaising with the local government in organising the venue for the DAP meeting. Local governments will

also usually assist in providing a venue, electronic equipment and catering for DAP members as required (r.50).

- At least 5 days before a DAP meeting the Department puts the agenda for the meeting on the DAP website, along with details of the time, date and location of the meeting (r.39(1)). It also provides this information to the applicant (r.15) and relevant local government (r.39(2)).
- The DAP conducts a public meeting (r.40) to determine the application(s) (r.16). The meeting procedures under Division two of part four of the DAP regulations are to be followed, as well as the procedures set out in any Practice Notes (i.e. Standing Orders) issued by the CEO. The DAP is otherwise required to determine a DAP application in accordance with the provisions of the relevant planning instrument (r.16(1)). Any determination made by a DAP will be taken to be a determination made by the responsible authority (r.8(1)(a)).
- The Department sends notification of the decision made by the DAP to the applicant in accordance with the relevant planning instrument (r.16(1)) and also gives a copy to the responsible authority (r.16(2)).
- Where a decision has been granted, an applicant may also make a minor application seeking to amend or cancel the approval or any conditions imposed (r.17). A minor amendment application is made by submitting the prescribed form (Form 2, sch.3) to the relevant local government with the prescribed minor fee.
- By contrast to other applications, the DAP will usually meet to determine any r.17 minor amendment application through means of instantaneous communication r.40(4)(a).
- If an applicant is dissatisfied with a decision of either a DAP application or r.17 minor amendment application, he or she can seek a review from the State Administrative Tribunal (r.18(2)). In any such review, the application will be defended by the DAP (r.18(3)).

6.3 Part 3 – Delegation to DAPs

This Part allows local governments and the WAPC to delegate the power to determine development applications that (s.171B & r.19):

- fall within the optional DAP application thresholds, being more than \$3 million but less than \$7 million (more than \$10 million but less than \$15 million in the City of Perth) and where the application is not an excluded development application; but
- where an applicant has decided not to opt-in to have the matter determined by a DAP; and
- where the responsible authority nevertheless decides that the application is of a class of development that should be delegated to a DAP for determination.

It is intended that local governments (and the Western Australian Planning Commission if relevant) will more likely use this section to delegate to the relevant DAP the power to determine development applications that are not of a mandatory class prescribed under section 171A.

All delegations made under this part will be published in the *Government Gazette* (r.20). In providing clarity about what types of applications have been delegated to a DAP, the Department will ensure that all delegation instruments relating to DAPs are listed on the DAP website (r.20(3)).

The fact that a local government has decided to delegate certain matters to a DAP does not preclude that local government from nonetheless making a determination on a delegated development application (r.21(1)). Furthermore, although delegated applications do not technically fall within the definition of a 'DAP application', the procedures mostly otherwise apply as if they were DAP applications (r.21(2)(b)).

Finally, it is important to note that an applicant is not required to pay a DAP fee for a delegated application, although the relevant local government fee under the Planning and Development Regulations 2009 will still be payable in the usual manner. Subject to any agreement with the CEO, if a local government chooses to delegate any matter to a DAP, the local government must pay the DAP fee (r.22). This is to ensure applicants are not imposed with an additional fee for an application they

did not choose to have determined by a DAP, whilst ensuring DAPs are still provided with the prescribed fee necessary to resource a DAP decision. It will remain wholly a matter for local governments whether they exercise their discretions in delegating any classes of applications to DAPs (r.23).

6.4 Part 4 – Development assessment panels

This part comprises of four divisions:

Division one – DAP members

Division two – Specialist members

Division three – Meetings

Division four – Conduct of DAP members.

Division one – DAP members

This Division concerns DAP members more generally, and sets out:

- the composition of DAPs (r.23 & r.25);
- the process by which local government members are nominated and appointed (r.23 & r.25);
- how alternate members will be appointed and used (r.28);
- the term of office for DAP members (r.29);
- the requirement for all DAP members to attend training before sitting on a DAP (r.30);
- fees and allowances that DAP members will be paid (sch.2, r.31); and
- the circumstances in which a DAP member's office becomes vacant or a member may be removed from office (r.32);
- leaves of absence for DAP members (r.33); and
- extension of terms of office during vacancy in membership (r.34).

All DAPs will comprise of the following membership (r.23(1) and r.25(1)):

- Two local government representatives; and
- Three specialist members – one of whom is the presiding member (with a planning qualification and experience), one of whom is the deputy presiding member

(also with a planning qualification and experience), and one who will otherwise possess relevant qualifications and/or expertise.

This division also sets out the process by which local government members are nominated and appointed to a DAP. Local government representatives are nominated by the relevant local government, and appointed by the Minister (r.24 and r.25).

All DAP members, with some exceptions, are paid sitting fees under Schedule two (r.31). DAP members who are already considered on the 'public payroll' will not ordinarily be entitled to sitting fees, including: all Commonwealth, State and Local Government employees, current and retired judicial officers and employees of public academic institutions (r.31(6)). However, there is scope for the Minister to give written consent on a case-by-case basis to allow such persons to be paid.

Alternate members will be appointed in the same way, and will sit on the DAP when a DAP member is unable to perform the functions of the member by reason of illness, absence or other cause. Obviously, only a local government alternate can sit in for a local government member (r.28(4)), as can a specialist alternate for a specialist member (r.28(5)).

The Minister is required to appoint one of the three specialist members as the presiding member of the DAP. The presiding member must be a planning expert. At all DAP meetings that the presiding member attends, that person will preside over the meeting. The Minister is also required to appoint a Deputy Presiding Member, to preside when the presiding member is absent. The Deputy Presiding Member must also be a planning expert (r.27).

All DAP members are appointed for two years (r.29(2)). The regulations allow for DAP members to continue sitting on a DAP for up to three months once their term has expired, or until the vacancy is filled (r.34). DAP members can be reappointed to the same DAP following the expiry of their term, or may be replaced by another person (r.29(3)).

This division also sets out the circumstances in which the Minister can remove a DAP member from office (r.32(3)). This includes:

- neglect of duty
- misconduct or incompetence

- mental or physical incapacity to carry out duties in a satisfactory manner; or
- absence from 3 DAP meetings without leave first being obtained.

Finally, this division states that a DAP member's office becomes vacant if the DAP member's situation changes in any of the following ways (r.32(1)):

- the DAP member dies, resigns or is removed from office by the Minister;
- the DAP member becomes a bankrupt or a person whose affairs are under insolvency laws;
- the DAP member is convicted of an offence punishable by imprisonment for more than 12 months; or
- the DAP member is convicted of an offence under section 266 of the PD Act which deals with failing to act honestly, failing to declare a conflict of interest, disclosing information or making improper use of information.

Division two – Specialist members

This Division set outs how specialist members and alternate special members are appointed. Specialist members with the required qualifications and experience are listed on a register (r.35). The register is then reviewed by a special short-list working group, which compiles a list of nominees for the Minister to consider (r.36 & r.38). Specialist members are then appointed by the Minister (r.37).

Division three – Meetings

This Division sets out the meeting procedures to be followed by all DAPs, including the taking of minutes. Meetings are to be conducted in accordance with this Division, as well as the Standing Orders published by the Department (referred to in the DAP regulations as practice notes, r.40(5)).

All DAP meetings will be open to the public (r.30(2)). The presiding member has the power to invite a person to make a presentation to the DAP on a DAP application (r.40(3)). The presiding member also has the power to allow a person to attend a DAP meeting by telephone or other means of instantaneous communication (r.43). The circumstances in which these powers will be exercised will be set out in the Standing Orders.

The quorum for a DAP is the presiding member (or deputy presiding member), one other specialist member and one local government member. Each DAP member has one vote. In the event of a deadlocked vote, the Presiding Member has the deciding vote (r.42).

Finally, this division also requires minutes of the DAP meeting to be kept by an officer of the local government hosting the DAP meeting, or another person approved by the CEO of the Department. Minutes will be provided to the Department within 5 days of the meeting, and put on the DAP website within 10 days after the meeting, after they have been confirmed by the DAP (r.44).

Division four – Conduct of DAP members

This division requires all DAP members to abide by certain rules of conduct (r.45). These requirements are in addition to the requirements regarding conflict of interest and use of information that are set out in section 266 of the PD Act.

This division requires the CEO of the Department to prepare a Code of Conduct (r.45(1)), which must be compiled with by all DAP members (r.45(2)). The Minister can remove a member from a DAP for breaching the Code of Conduct (r.32(4)).

This division also sets out what rules apply regarding the acceptance of gifts (r.46). These requirements are similar to those currently in place under the *Local Government Act 1995* and the *Local Government (Rules of Conduct) Regulations 2007*. There are two types of gifts addressed in this Division:

- *Prohibited gifts* which are gifts worth \$300 or more, or two or more gifts that are in total worth \$300 or more; and
- *Notifiable gifts* which are gifts worth between \$50 and \$300, or two or more gifts that are in total worth between \$50 and \$300.

DAP members are not permitted to accept a prohibited gift from a known applicant, or a person "who it is reasonable to believe" may be intending to undertake development that the DAP will be required to determine (r.46(2)). However, DAP members are permitted to accept notifiable gifts as long as they notify the CEO of the Department that they have accepted such a gift (r.46(3)). Failure to notify the Department may result in the Minister removing that DAP member from the DAP (r.32(4)).

Finally, this Division also emphasises the professional behaviour expected of DAP members. DAP members are not to make statements about the competency or honesty of local government officers or public sector officers, or use offensive or objectionable expressions regarding those officers (r.47). Only the presiding member is permitted to publicly comment on determinations made by the DAP (r.48).

6.5 Part 5 – Administration

This part will set out how administrative support will be provided to each DAP. Most support will be provided by the DAP Secretariat, such as organising agendas, organising meetings, booking travel for DAP members and paying the sitting fees of DAP members (r.49). However, each local government will also be required to undertake some administrative tasks on behalf of the DAP, including taking minutes at DAP meetings, provide a venue for DAP meetings, organise catering and provide electronic equipment if required (r.50). The DAP Secretariat is also required to establish and maintain a DAP website, which will have information about each DAP created (r.51).

This part also contains the primary enforcement provisions for the successful operation of the DAP system (r.52). Where necessary, the Minister can order a DAP, a local government, the WAPC, or the Department to provide any necessary information or document to him or her (r.52(3) and s.18 PD Act). The Minister can also order that such information be provided to the DAP (r.52(2)(d)), or make use of the Western Australian Planning Commission's and local government's staff to obtain such information (r.52(3)(d)).

Finally, this division requires the CEO of the Department to prepare an annual report on the performance of DAPs (r.53).

6.6 Part 6 – Miscellaneous

This Part contains transitional provisions dealing with what happens to a DAP application if the Order establishing the DAP is amended or revoked before the application is determined (r.54). For example, if a DAP application has been forwarded to the DAP but not determined when the Order creating the DAP is revoked, then that application is to be forwarded to the new Local Development

Assessment Panel (LDAP) or Joint Development Assessment Panel (JDAP) created to serve that local government. The new LDAP or JDAP will determine the application. The provisions support section 171I of the PD Act.

In addition, this Part requires the Department to conduct an annual review of the new DAP fee (r.55). The Department will provide the information collected during each annual review to the Standing Committee of the Legislative Council that will review the DAP regulations after two years of operation, under new section 171F of the PD Act.

6.7 Schedule 1 – Fees for applications

Schedule 1 contains the item of fees payable by an applicant when submitting a DAP application (r.10 & r.17). The relevant fee is calculated on estimated cost of development. It is important to note the following:

- The DAP fee is in addition to any local government development application fee payable under the Planning and Development Regulations 2009 (PDR) (r.10(3)). Therefore, DAP applications may in effect require two fees be paid – one for the DAP under this schedule and one for the local government under the PDR.
- The fee for an r.17 minor amendment application is prescribed under item 2 (currently only \$150), as distinct from other ordinary DAP applications under item 1 (currently ranging from \$3,376 to \$6,320).

A delegated application (r.19) is not technically a DAP application, although in many other respects the application is treated the same way. Thus, an application is not required to pay the DAP fee under schedule one is required. The DAP fee will instead be paid by local government (r.22).

6.8 Schedule 2 – Fees for DAP members

Schedule two sets out the relevant sitting fees for DAP members (r.31). It is important to distinguish the relevant fees for:

- presiding members, compared with other members, where presiding members are entitled to a slightly higher fee to reflect additional responsibilities imposed under the regulations;

- ordinary DAP applications, compared with r.17 minor amendment applications, to reflect the scale and complexity of ordinary DAP applications, as well as to reflect that ordinary applications are open to the public whilst r.17 applications are determined through instantaneous means;
- fees for determining an applications, compared to attending a proceeding before the State Administrative Tribunal, where the fees are otherwise the same; and
- training fees, where both prospective presiding members and all other members are entitled to the same fee, and only at the satisfactory completion of the training.
- most DAP members, compared with those considered on the 'public payroll', who without the written consent of the Minister will not be entitled to sitting fees, including: all Commonwealth, State and Local Government employees, current and retired judicial officers and employees of public academic institutions (r.30(6) & r.31(6)).

6.9 Schedule 3 – Forms

Finally, Schedule 3 contains the relevant DAP forms. Again, it is important to distinguish between:

- DAP application forms compared with local government development application forms. As noted above, DAP application forms are submitted in addition to, not a replacement of, local government development application forms prescribed under each relevant local planning schemes (r.10(2)).
- An ordinary DAP application form, which is intended to cover mandatory (r.5), opt-in (r.6 & r.7) and delegated (r.19) applications, compared with minor amendment applications (r.17).

7. Further information

Legislation, including copies of the DAP regulations, the 2010 Amendment Act and amended PD Act can be obtained from the State Law Publisher at:

10 William Street
Perth WA 6000
Phone: (08) 9321 7688
Fax: (08) 9321 7536
Email: sales@dpc.wa.gov.au
Website: www.slp.wa.gov.au

Copies can also be obtained from the DAP website at www.daps.planning.wa.gov.au

Please note a range of manuals will also be available for local governments, DAP members and applicants. These documents will provide further details on the procedures outlined in this bulletin, and will be available on the DAP website.

For further information, please refer to the DAP website or contact the Department of Planning at:

Albert Facey House
469 Wellington Street
Perth 6000
Western Australia
Tel: (08) 9264 7777
Fax: (08) 9264 7566

Disclaimer

This planning bulletin is intended as a guide only. It is not intended to be comprehensive or to cover particular circumstances.

Readers are advised to refer to the legislation, which is available from the State Law Publisher, and to seek professional legal advice should they have specific legal questions in relation to their particular circumstances.

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Comment

The new regulations were gazetted on the 24 March 2011 and become operational from the 1 July 2011 which does not afford regional Councillors much time to participate in the programmed training to be provided or for their Councils to effect the required timelines to conduct the meetings.

Legal Implications

Planning and Development Act 1995

Shire of Shark Bay Town Planning Scheme No. 3

Policy Implications

All relevant policies pursuant to the Town Planning Scheme

Financial Implications

The financial impost that will be placed on particular regional Councils will need to be identified

Strategic Implications

State Government legislative requirement that regional Local Authorities will have to accommodate

Voting Requirements

Simple Majority Required

Date of Report

13 May 2011

14.0 BUILDING REPORT

Nil

15.0 HEALTH REPORT

Nil

16.0 WORKS REPORT

Nil

17.0 TOURISM, RECREATION AND CULTURE REPORT

NIL

18.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

NIL

20.0 MATTERS BEHIND CLOSED DOORS

Moved Cr Ridgley
Seconded Cr Wake

Officer Recommendation

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

5/0 CARRIED

20.1 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 Wake

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 Road, Denham and award the Tender to Briklay Pty Ltd for its tendered price of \$3,032,041 and subject to a negotiated and agreed outcome relative to any established price escalation from 12 March 2011

5/0 CARRIED

Moved Cr Ridgley

Seconded Cr McLaughlin

Officer Recommendation

That the meeting be reopened to members of the public.

5/0 CARRIED

21.0 DATE AND TIME OF NEXT MEETING

The next Ordinary Council meeting will be held in Council Chambers on 29 June 2011 commencing at 9.00am.

22.0 CLOSURE OF MEETING

The President closed the Council meeting at 3.08pm.