

SHIRE OF SHARK BAY MINUTES

27 November 2019

ORDINARY COUNCIL MEETING



THE CREEK – LITTLE LAGOON
DENHAM



27 NOVEMBER 2019



DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Shark Bay for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with Council members or staff.

The Shire of Shark Bay disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission does so at that person's or legal entity's own risk.

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

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

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

The Minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 27 November 2019 commencing at 3.03 pm.

TABLE OF CONTENTS

1.0	Declaration of Opening	5
2.0	Record of Attendances / Apologies / Leave of Absence Granted	5
3.0	Response To Previous Public Questions On Notice	5
4.0	Public Question Time	5
5.0	Applications For Leave Of Absence	12
5.1	Application For Leave Of Absence – Councillor Fenny	12
5.2	Application For Leave Of Absence – Councillor Burton.....	14
6.0	Petitions	16
7.0	Confirmation Of Minutes.....	16
7.1	Confirmation of the Minutes of the Ordinary Council Meeting held on 30 October 2019	16
7.2	Confirmation of the Minutes of the Special Council Meeting held on 30 October 2019.	16
8.0	Announcements By The Chair.....	16
9.0	President’s Report.....	17
10.0	Councillors’ Reports	18
11.0	Administration Report.....	20
11.1	Gascoyne Zone Western Australian Local Government Association Representation.....	20
11.2	Infringement 0045 – Denham Department of Transport Carpark.....	22
11.3	Recognition of Malgana Language in Shire Signage.....	28
12.0	Finance Report	31
12.1	Schedule of Accounts Paid to be Received	31
12.2	Financial Reports To 31 October 2019	45
12.3	Carnarvon Rangeland Bio-Security.....	76
12.4	Rates Interest Write-Off – Wildsights Villas, Wildsights Beach House and 111 Knight Terrace.....	92
12.5	Local Government Insurance Scheme Surplus Share 2019.....	96
12.6	Annual Report 2018/2019	104
13.0	Town Planning Report	107
13.1	Application For New Hangar and Second Hand Transportable Office at Shark Bay Airport – Lot 91 Shark Bay Airport Road, Denham.....	107
13.2	Economics and Industry Standing Committee Inquiry Into Short Stay Accommodation	115
13.3	Draft Local Planning Policy on Holiday Houses	123
13.4	Western Australian Planning Commission - Position Statement: Tourism Land Uses in Bushfire Prone Areas.....	167
13.5	Dirk Hartog Island - Management and Private Vehicle Number Restrictions	170
13.6	Development Application 25/2019 – Restaurant/Café, Exhibition Centre / Office (with Ancillary Ablutions) – Lot 62 Dirk Hartog Island	196
14.0	Tourism, Recreation and Culture Report.....	234
14.1	Blue Tree Project.....	234
14.2	Shark Bay Youth Group Association Incorporated	237
14.3	CLB Fitness	241
14.4	Ninety Degree Five 2016 Inscription Exhibition – RAC Loan.....	249
15.0	Motions of Which Previous Notice Has Been Given	252

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

16.0	Urgent Business Approved By The Person Presiding Or By Decision	252
16.1	Proposed Local Development Plan for Lot 304 Sunday Island Bay, Dirk Hartog Island	252
16.2	Infringement # O-FM-17709 – Monkey Mia Jetty	287
17.0	Matters Behind Closed Doors	310
17.1	Management Conditions of Reserve 50101 Edel Location 106.....	310
17.2	Monkey Mia Resort Lease	311
18.0	Date And Time Of Next Meeting	312
19.0	Closure of Meeting	312

27 NOVEMBER 2019

1.0 DECLARATION OF OPENING

The President Cr Cowell declared the Ordinary Council Meeting open at 3.03pm.

2.0 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED

ATTENDANCES

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

Mr P Anderson	Chief Executive Officer
Ms A Pears	Executive Manager Finance and Administration
Mr B Galvin	Works Manager
Ms K Knott	Executive Administration Assistant

APOLOGIES

Cr J Burton	Leave of Absence approved ref item 5.2 of these minutes
-------------	---

VISITORS

3 visitors in the gallery

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE

There were no previous public questions on notice.

4.0 PUBLIC QUESTION TIME

The President opened public question time at 3.04pm.

AGENDA ITEM NUMBER: 16.1 Proposed Local Development Plan for Lot 304 Sunday Island Bay, Dirk Hartog Island P4281

Questions by: Geoff Wardle

Postal Address: PO Box 107, NORTH FREMANTLE WA 6159

and

Michael Willcock, Taylor Burrell Barnett

Postal Address: PO Box 7130 Cloisters Square, PERTH WA 6850

Question 1: As the Council is being requested to consider if the Local Development Plan is acceptable, why has the applicant's covering letter submitted with the Local Development Plan not been included in the attachments to the agenda item?

The applicant submitted a covering letter which is not enclosed in the agenda item. A copy was attached to this question.

27 NOVEMBER 2019

The covering letter acknowledges there are 26 discretionary uses that can be considered in the Special Use zone. The Scheme is the planning instrument that can specify land use permissibility, not a Local Development Plan.

A proposal would need to demonstrate how it is to 'provide for eco-tourism development', which in itself is not a defined land use but an objective of the Special Use zone.

The Local Development Plan has been prepared to avoid mentioning the 26 discretionary land uses that may be contemplated in the Scheme, to remove any potential for inconsistency with the scheme text.

The letter refers to the restrictive covenants on title that in turn include a definition for "visitor accommodation units" and "staff accommodation". The Local Development Plan was prepared to have a link to the restrictive covenants which (amongst other things) allocate a ratio of three (3) visitor accommodation units per hectare (rounded down to the nearest whole number). The restrictive covenants also apply floorspace limits to visitor accommodation units and to staff accommodation. Therefore, the Local Development Plan is linking to those restrictions imposed by the State Government onto the land, irrespective of the 26 discretionary land uses under the Scheme that may be contemplated.

In addition, the letter addressed why a Foreshore Management Plan has not been lodged to the Shire. The Department of Biodiversity, Conservation and Attractions is the vested manager of the foreshore. Further, it is unusual for a Local Development Plan to apply provisions to adjacent land not contained within the Local Development Plan area, as the national park is not zoned Special Use.

Further, the letter referred to the Shark Bay Work Heritage Dirk Hartog Island Colour Palette, and the Local Development Plan provisions themselves contain provisions regarding the visual appearance of development.

Answer 1:

In response to the question, a copy of the covering letter was not attached to the agenda report as the main issues are covered in the agenda item. To satisfy the applicant, Councillors have been provided with a copy of the applicants' covering letter.

The remainder of the 'question' is a statement by the applicant. It should be noted that:

1. The restrictive covenant is a private obligation and not linked in any way to the planning framework. The definitions contained in the restrictive covenant do not correlate with the terms and definitions under the Shires Scheme. Any terminology used in a Local Development Plan should be consistent with terms under the Shire of Shark Bay Local Planning Scheme No 4 or the terms in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. The statement associated with this question raises concern over provision of a Foreshore Management Plan. However, a Foreshore Management Plan was previously lodged by Mr Geoff Wardle in 2014 in associated with a 7 unit proposal. The overall objective of that 2014 Foreshore Management Plan was '*to provide clear guidelines for visitors accessing Lot 304 and the Marine Park (nearshore) when crossing the strip of National Park land(foreshore) located between Lot 304 and the Shark Bay Marine Park.*' It is appropriate that the Local

27 NOVEMBER 2019

Development Plan consider management of the adjacent foreshore in so far as it will be impacted on by visitors to Lot 304.

Question 2: Would Council consider that the Local Development Plan has been prepared and explained to be in an acceptable manner and form, and acknowledge that some information cannot be comprehensively prepared and submitted (i.e. management plan, detailed design) until a detailed design / development application stage?

Local Development Plans are typically one-page, and a recent example is the Local Development Plan prepared for the Vlamingh Head Caravan Park in the Shire of Exmouth (adjacent to the Ningaloo World Heritage Area), which was a one-page Local Development Plan.

In our opinion, there is a clear connection and alignment with the Scheme requirements, through the Local Development Plan, to ensure such matters are addressed as part of a development application. The Local Development Plan is presented in a manner and form consistent with Commission standards. The Client is aware of their obligations to address scheme provisions.

Answer 2:

The Local Development Plan is required to meet the provisions of the Shire of Shark Bay Local Planning Scheme No 4 as outlined in the agenda report for Council consideration. The Scheme provisions have been approved by the Minister for Planning and gazetted on the 1 October 2019. The special use clauses that apply to Lot 304 are legal statutory requirements.

Local Development Plans can be more than one page to accommodate detailed provisions. There is no statutory impediment to any Local Development Plan being more than one page.

The example of a Local Development Plan in the Shire of Exmouth is noted, however it would not be subject to the same provisions applicable under the Shire of Shark Bay Local Planning Scheme No 4.

The Scheme provisions applicable to Lot 304 can be addressed by a Local Development Plan. The purpose of the agenda report is to allow Council, as the decision making authority, to consider whether to request that additional information be lodged in support of the LDP.

The owners/applicants opinion is noted.

Question 3: Does the Shire agree that the wording of the Special Use zone clauses distinguish between 'preparation of a Local Development Plan' and the associated matters to address "prior to commencement of development"?

In our interpretation, the wording is that a Local Development Plan is necessary, and the other matters are to be addressed, prior to commencement of development. 'Commencement of development' does not necessarily mean this information needs to be provided ahead of time. The Local Development Plan was drafted so that these matters are cross-referenced to the Local Development Plan provisions (refer Table 1 below) and in some cases the Local Development Plan has added clarity that some matters should be addressed as part of a

development application. This is drafted to be consistent with the scheme text, and considers the standard approach for the preparation of supporting information at the detailed design stage.

The matters to address, numbered (i)-(vi) cannot be adequately dealt with until there is a detailed design, which there is not.

Likewise, staged development cannot be provided to the Shire without a design.

It would be more appropriate for these items to be submitted as supporting information with a development application (or for stages of development). Where possible, the Local Development Plan provides guidance (refer Table 1 below).

Clauses 3-4 of the Special Use zone provisions are quoted below (*italics*).

- 3) *Prior to **commencement of development** of any of the four lots a **Local Development Plan** shall be prepared in accordance with Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 **and** address the following:*
- (i) A management Plan that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material;*
 - (ii) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;*
 - (iii) Coastal setbacks in accordance with relevant state planning policy;*
 - (iv) Bushfire management in accordance with relevant state planning policy;*
 - (v) An environmental report that demonstrates that the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. The report should include information on building envelopes, visitor numbers, a vegetation assessment and how biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved.*
 - (vi) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island may be required by the Local Government.*
- 4) *Any staged development is to address the requirements in (3) above.*

Table 1 Alignment of Scheme Provisions to Local Development Plan provisions

Scheme Provisions	Local Development Plan Provisions	Development Application
(i) A management Plan that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material;	8.1 A management plan will be required as a condition of development approval that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material.	The Development approval would condition this requirement, to align management with a detailed design.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Scheme Provisions	Local Development Plan Provisions	Development Application
(ii) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;	<p>6 BUILDING HEIGHT</p> <p>6.1 Minimum floor levels shall be consistent and in accordance with the requirements and recommendations of the Sunday Island Bay – Dirk Hartog Island, Coastal Setback Allowances (Damara WA 2014).</p> <p>6.2 New buildings, including Visitor Accommodation Units and staff accommodation, are preferred to be single-storey and oriented as close to the natural ground level as practicable (whilst achieving minimum floor levels as per clause 6.1).</p> <p>6.3 Buildings raised more than 1.0m above the minimum floor level, and/or buildings proposed as two-storeys may be approved by the responsible authority where it can be demonstrated that the bulk and scale of the building takes into account topography, natural landscape and coastal amenity of the location.</p>	A development application would be assessed against these provisions.
(iii) Coastal setbacks in accordance with relevant state planning policy;	<p>6 BUILDING HEIGHT</p> <p>6.1 Minimum floor levels shall be consistent and in accordance with the requirements and recommendations of the Sunday Island Bay – Dirk Hartog Island, Coastal Setback Allowances (Damara WA 2014).</p> <p>6.2 New buildings, including Visitor Accommodation Units and staff accommodation, are preferred to be single-storey and oriented as close to the natural ground level as practicable (whilst achieving minimum floor levels as per clause 6.1).</p>	<p>The client commissioned Damara WA Pty Ltd to prepare reports in respect to coastal setbacks in 2014.</p> <p>The 11m setbacks required are sourced from the Bushfire Management Plan).</p>
(iv) Bushfire management in accordance with relevant state planning policy;	<p>4 BUSHFIRE MANAGEMENT</p> <p>4.1 Proposed development shall demonstrate compliance with the Bushfire Management Plan (Ecosystem Solutions Pty Ltd 2019).</p> <p>4.2 The developer / landowner shall be responsible for the implementation and management of the Bushfire Management Plan (Ecosystem Solutions Pty Ltd 2019) so as to ensure that development is able to occur in the intended manner.</p>	<p>A Bushfire Management Plan was submitted with the Local Development Plan. A development application would need to be consistent with the Bushfire Management Plan.</p> <p>A Bushfire Management Plan requires separate approval to a Local Development Plan.</p> <p>A Bushfire Management Plan can be updated at a later date to address a development application.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Scheme Provisions	Local Development Plan Provisions	Development Application
	4.3 Vegetation (existing or proposed) in Lot 304 shall be managed and maintained as 'low threat vegetation' in accordance with the Bushfire Management Plan (Ecosystem Solutions Pty Ltd 2019).	
(v) An environmental report that demonstrates that the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. The report should include information on building envelopes, visitor numbers, a vegetation assessment and how biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved.	<p>The <i>Significant Flora Assessment Report</i> indicated that there are no declared rare flora or threatened ecological communities in the area. The environmental report had regard to the Local Development Plan building envelopes.</p> <p>Quarantine practices and implementation of biosecurity protocols to protect the island's ecology are the responsibility of the Department of Biodiversity, Conservation and Attractions. It is unusual for a Local Development Plan to apply controls over land not subject to the Local Development Plan area.</p>	Development Application(s) would be able to provide greater details on these matters, once they are known.
(vi) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island may be required by the Local Government.	<p>Design guidelines 'may' be required. The Local Development Plan provides guidance:</p> <p>5 BUILT FORM</p> <p>5.1 Built form should be designed to fit within and compliment the coastal landscape setting, topography and physical and unique characteristics of the site.</p> <p>5.2 Visitor Accommodation Units and staff accommodation buildings should be designed in a manner that considers and mitigates against overlooking of adjacent units / buildings.</p> <p>5.3 Materials and finishes should be robust, easy to maintain, and durable so as to be compatible with a coastal environment.</p> <p>5.4 Wall, roof and trim colours shall be the same or as close as possible to the selections published in the Dirk Hartog Island Colour Palette, to the satisfaction of the responsible authority.</p> <p>5.5 Highly reflective roof and wall materials are not permitted. This requirement does not apply to glazing, photovoltaic solar panels and/or solar hot water systems.</p>	A development application would have regard to the Local Development Plan provisions.

27 NOVEMBER 2019

Answer 3:

The Shires Town Planning consultant has advised that the owners/ applicants' interpretation of Clauses 3-4 of the Special Use zone under the Shires Local Planning Scheme No 4 is not correct.

The clauses require a Local Development Plan be prepared prior to commencement of development and that the Local Development Plan address the following (which is provided as a list including a management plan). The statement that the list of matters to be addressed be 'prior to commencement of development' is a misinterpretation of the Scheme provision.

The remainder of Question 3 is a statement which duplicates and makes comments to the clauses proposed under the Local Development Plan.

As there were no further questions, the President closed public question time at 3.09pm.

27 NOVEMBER 2019

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

**5.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR FENNY
GV00017**

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr Bellottie
Seconded Cr Ridgley

Council Resolution

Councillor Fenny is granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary meeting of Council scheduled to be held on Tuesday 17 December 2019.

6/0 CARRIED

Background

Councillor Fenny has applied for leave of absence from the ordinary meeting of Council scheduled for Tuesday 17 December 2019. The Council in accordance with Section 2.25 of the ***Local Government Act 1995*** as amended may by resolution grant leave of absence to a member.

Comment

Councillor Fenny has advised the Chief Executive Officer, he will be unable to attend the Ordinary meeting of Council scheduled to be held on Tuesday 17 December 2019 and has requested leave of absence be granted by Council for this meeting.

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

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

Legal Implications

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

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

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

- a) If no meeting of the council at which a quorum is present is actually held on that day; or
- b) If the non-attendance occurs while –
 - i. the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5)
 - ii. while proceedings in connection with the disqualification of the member have been commenced or are pending; or
 - iii. while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

Policy Implications

There are no policy implications relative to this report.

Financial Implications

There are no financial implications relative to this report.

Strategic Implications

There are no strategic implications relative to this report.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer *P Anderson*

Date of Report 14 November 2019

27 NOVEMBER 2019

5.2 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR BURTON
GV00018

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr Ridgley

Seconded Cr Fenny

Council Resolution

Councillor Burton is granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary meeting of Council scheduled to be held on Wednesday 27 November 2019.

6/0 CARRIED

Background

Councillor Burton has applied for leave of absence from the ordinary meeting of Council scheduled for Wednesday 27 November 2019. 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 Burton has advised the Chief Executive Officer, she will be unable to attend the Ordinary meeting of Council scheduled to be held on Wednesday 27 November 2019 and has requested leave of absence be granted by Council for this meeting.

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

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

Legal Implications

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

- (6) A council may, by resolution grant leave of absence to a member.
- (7) 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.
- (8) The granting of leave, or refusal to grant leave and reasons for that refusal, is to be recorded in the minutes for the meeting.
- (9) 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.
- (10) 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 –

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

- c) If no meeting of the council at which a quorum is present is actually held on that day; or
- d) If the non-attendance occurs while –
 - iv. 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)
 - v. while proceedings in connection with the disqualification of the member have been commenced or are pending; or
 - vi. while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

Policy Implications

There are no policy implications relative to this report.

Financial Implications

There are no financial implications relative to this report.

Strategic Implications

There are no strategic implications relative to this report.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer *P Anderson*

Date of Report 22 November 2019

27 NOVEMBER 2019

6.0 PETITIONS

There were no petitions presented to the Ordinary Council Meeting.

7.0 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 OCTOBER 2019

Moved Cr Fenny
Seconded Cr Smith

Council Resolution

That the minutes of the Ordinary Council meeting held on 30 October 2019, as circulated to all Councillors, be confirmed as a true and accurate record.

6/0 CARRIED

7.2 CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 30 OCTOBER 2019

Moved Cr Ridgley
Seconded Cr Stubberfield

Council Resolution

That the minutes of the Special Council meeting held on 30 October 2019, as circulated to all Councillors, be confirmed as a true and accurate record.

6/0 CARRIED

8.0 ANNOUNCEMENTS BY THE CHAIR

There were no announcements made by the Chair.

27 NOVEMBER 2019

9.0 **PRESIDENT'S REPORT**
GV00002

Council Committee Membership

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

Meeting Attendance

11 November 2019	Remembrance Day Event
11	Gascoyne Development Commission Board Teleconference
13 & 14	Honourable Alannah MacTiernan MLC's Official Visit
14	Met with Cr Fenny regarding Deputy President role
15	Citizenship Ceremony
15	Moore Stephens – Audit Exit Meeting
26	Destination Shark Bay Meeting
26	Coastal Hazard Risk Management and Adaption Planning Community Information Session
27	Coastal Hazard Risk Management and Adaption Planning Meeting
27	Ordinary Council Meeting

Signatures

Councillor	<i>Councillor Cowell</i>
Date of Report	17 November 2019

Moved Cr Fenny
Seconded Cr Ridgley

Council Resolution

That the President's activity report for November 2019 be received.

6/0 CARRIED

27 NOVEMBER 2019

10.0 COUNCILLORS' REPORTS

10.1 CR RIDGLEY
GV00008

Committee Membership

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

Meeting Attendance

14 November 2019	Shark Bay Business Association Annual General Meeting
14	Honourable Alannah MacTiernan MLC's Official Visit
15	Citizenship Ceremony
27	Coastal Hazard Risk Management and Adaption Planning Meeting
27	Ordinary Council Meeting

Signatures

Councillor	<i>Councillor Ridgley</i>
Date of Report	18 November 2019

Moved Cr Fenny
Seconded Cr Bellottie

Council Resolution

That Councillor Ridgley's November 2019 report on activities as Council representative be received.

6/0 CARRIED

10.2 CR FENNY
GV00017

Committee Membership

Member	Audit Committee
Member	The Aviation Community Consultation Group
Member	Development Assessment Panel
Member	Western Australian Local Government Association – Gascoyne Zone
Deputy Delegate	Gascoyne Regional Road Group
Deputy Delegate	Zuytdorp Cliffs Track Stakeholders Reference Group

Meeting Attendance

14 November 2019	Honourable Alannah MacTiernan MLC's Official Visit
14	Met with Cr Cowell regarding Deputy President role
26	Aviation Meeting - Teleconference
27	Coastal Hazard Risk Management and Adaption Planning Meeting
27	Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Signatures

Councillor

Councillor Fenny

Date of Report

18 November 2019

Moved Cr Bellottie

Seconded Cr Smith

Council Resolution

That Councillor Fenny's November 2019 report on activities as Council representative be received.

6/0 CARRIED

10.3 CR SMITH

GV000

Nil Councillor Report for the November 2019 Ordinary Council Meeting.

10.4 CR STUBBERFIELD

GV000

Nil Councillor Report for the November 2019 Ordinary Council Meeting.

10.5 CR BURTON

GV00018

Committee Membership

Member Audit Committee

Member Shark Bay Arts Council

Proxy Delegate Development Assessment Panel for Councillor Fenny

Meeting Attendance

14 November 2019 Honourable Alannah MacTiernan MLC's Official Visit

Signatures

Councillor

Councillor Burton

Date of Report

20 November 2019

Moved Cr Fenny

Seconded Cr Ridgley

Council Resolution

That Councillor Burton's November 2019 report on activities as Council representative be received.

6/0 CARRIED

10.6 CR BELLOTTIE

GV00010

Nil Councillor Report for the November 2019 Ordinary Council Meeting.

27 NOVEMBER 2019

11.0 ADMINISTRATION REPORT

11.1 GASCOYNE ZONE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION REPRESENTATION
CM00004

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

NIL

Moved Cr Ridgley
Seconded Cr Bellottie

Council Resolution

That Councillor Fenny's resignation as Council's representative on the Western Australian Local Government Association Gascoyne Country Zone be noted and accepted.

6/0 CARRIED

Moved Cr Ridgley
Seconded Cr Fenny

Council Resolution

Councillor Ridgley nominated Councillor Cowell and Councillor Cowell accepted the nomination to be appointed as Council's representative on the Western Australian Local Government Association Gascoyne Country Zone.

6/0 CARRIED

BACKGROUND

The Council at the special meeting held on 30 October 2019 elected representatives to committees including the Western Australian Local government Association – Gascoyne Country Zone

Councillor Fenny was appointed as Council representative on the Western Australian Local Government Association Gascoyne Country Zone.

COMMENT

Councillor Fenny has advised the Chief Executive Officer due to personal and business commitments he does not feel the Council would be best served by his representation on this committee on a full time basis and would like to relinquish the position as Council representative.

Council following the resignation from Councillor Fenny will need to appoint another Council representative on the Western Australian Local Government Association Gascoyne Country Zone.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

LEGAL IMPLICATIONS

There are no known legal implications relative to this report

POLICY IMPLICATIONS

There are no known policy implications relative to this report

FINANCIAL IMPLICATIONS

There are no known financial implications relative to this report.

STRATEGIC IMPLICATIONS

There are no known strategic implications relative to this report

RISK MANAGEMENT

There are no known significant identified risk factors identified in this report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

15 November 2019

27 NOVEMBER 2019

11.2 INFRINGEMENT 0045 – DENHAM DEPARTMENT OF TRANSPORT CARPARK
LE00011

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

NIL

Officer Recommendation

That Council:

Option 1

Request the administration to withdraw infringement # 0045 and advise Mr and Mrs Whiting that no further action will be taken in regard to this matter.

OR

Option 2

Refuse the request to withdraw infringement # 0045 and instruct the administration to advise Mr and Mrs Whiting that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

Moved Cr Ridgley

Seconded Cr Fenny

Councillor Motion

Refuse the request to withdraw infringement # 0045 and instruct the administration to advise Mr and Mrs Whiting that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

The vote was cast and resulted in a tied vote

3/3 TIED

The President exercised a casting vote and the item was recorded as

3 / 4 LOST

Councillor Motion

Request the administration to withdraw infringement # 0045 and advise Mr and Mrs Whiting that no further action will be taken in regard to this matter.

AMENDMENT TO COUNCILLOR MOTION:

Reason: Council felt that the signage needed updating to clarify parking.

Moved Cr Stubberfield

Seconded Cr Smith

Council Resolution

Request the administration to withdraw infringement # 0045 and advise Mr and Mrs Whiting that no further action will be taken in regard to this matter.

And

Relocation and Update to signage to include direction to alternative and that penalties apply for not adhering to signage.

4/2 CARRIED

27 NOVEMBER 2019

BACKGROUND

On 3 October 2019, Infringement #0045 was issued to a trailer that was parked at the Denham Department of Transport car park, for parking in a parking area not in accordance to signs, contrary to Clause 3.1 (3)(b) of the **Parking and Parking Facilities Local Law**.

A silver Quintrex boat trailer, registration 1TIM-279 (WA), was parked 40 metres from the double sided sign which measures 600mm x 900mm. No one was present at the trailer at the time the infringement was issued by the Shire Ranger.

COMMENT

Mr and Mrs Whiting have sent an email on 3 October 2019 requesting that this infringement be considered by Council. A copy of this email, copy of infringement issued, photos of the trailer and photos of the sign displayed at Denham Department of Transport Carpark are provided in this report.

The sign would have been 1-2 metres from the vehicle and trailer when they put their boat in the water. The placement of the sign is good and is of a size that is easy to see but could be brighter. The Department of Transport carpark has no signage to direct visitors to the overflow carpark on Hughes St. Also, I can advise the Discovery Centre to inform the visitors about Hughes St. carpark.

LEGAL IMPLICATIONS

The infringement has been issued in accordance with the Shire of Shark Bay schedule 2 – Local Government ACT1995 – Form 3, Parking and Parking Facilities Local Law Infringement Notice

Clause 3.1 (3)(b) of the Parking and Parking Facilities Local Law.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

The modified penalty for the infringement is \$100.00.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

14 October 2019

27 NOVEMBER 2019

ATTACHMENT #1

From: Ashley Whiting [<mailto:ashleywhitingmillinery@gmail.com>]

Sent: Thursday, 3 October 2019 4:11 PM

To: Rhonda Mettam <Rhonda@sharkbay.wa.gov.au>

Subject: Shire of Shark Bay Fine #0045 issued 3/10/19

Good afternoon,

Boat Trailer Rego 1TIM 279

Today my husband went fishing in the bay, and I had the car because of the children. We were unaware that we could not leave the trailer in the bays designated without a car attached, as we did not see the sign that mentioned you could not do this.

Our family have travelled from Albany and were not aware this was an issue. What are we supposed to do with our trailer if we want our car and hubby has gone fishing? We were told after the fact, when we stopped at the shire offices to enquire as to what we had done wrong. We were informed that we could have parked our trailer at the back somewhere, but this is not:


- 1) shown in signage anywhere in the vicinity nor
- 2) given as info when we enquired about the fishing dos and don'ts at the info centre.
- 3) signage needs to be bigger as the sign you mention that is 40m away is not that big.

So we feel that we have not done anything wrong. Would you kindly pls reconsider this fine.

Kind regards
Ashley & Basil Whiting
0448 142 571

27 NOVEMBER 2019

ATTACHMENT #2


 66 Knight Terrace, Denham 6537
 P.O. Box 126, Denham 6537
 Ph: (08) 9948 1218 • Fax: (08) 9948 1237
 Email: admin@sharkbay.wa.gov.au

SCHEDULE 2 - LOCAL GOVERNMENT ACT 1995 - FORM 3
PARKING AND PARKING FACILITIES
LOCAL LAW INFRINGEMENT NOTICE

Serial No **0045**
 Date **3 / 10 / 2019**

To (1)
 of (2)

It is alleged that on **3 / 10 / 2019** at (3) **10:23 AM**
 at (4) **DENHAM D.O.T. PARKING CARPARK** In respect of vehicle -
 make **TELEWHEEL** / **10**
 model **QUINTREX**
 registration **1TMI - 279 WA**

was involved in the commission of the following offence **Parking in a**
PARKING AREA NOT IN ACCORDANCE TO SIGNS

contrary to Clause **3.1(1)** of the Parking and Parking Facilities Local Law.
 The modified penalty for the offence is \$ **100.00**

If you do not wish to have a complaint of alleged offence heard and determined by a court, the
 amount of the modified penalty may be paid to an Authorized Person at
 (5) **SHIRE OF SHARK BAY OFFICE (Hwy 97 - Tel)**
 within a period of 28 days after the giving of this notice.

Unless within 28 days after the being served with this notice
 (a) you pay the modified penalty, or
 (b) you -
 (i) inform the Chief Executive Officer or another Authorized Officer of the Local
 Government as to the identity and address of the person who was the driver or person
 in charge of the vehicle at the time the offence is alleged to have been committed, or
 (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being
 unlawfully used, at the time the offence is alleged to have been committed,
 you will, in the absence of proof to the contrary, be deemed to have committed the above
 offence and court proceedings may be instituted against you.

If you take no action this infringement notice may be registered with the fines Enforcement Registry
 after which your driver's licence or any vehicle licence held by you may be suspended. If the matter
 is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that
 you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence
 you hold being suspended without your knowledge.

(6) **1045**
 (7) **N. JAMES SHIRE RANGER**

(1) Name of alleged offender or "the owner"
 (2) Address of alleged offender
 (3) Time of alleged offence
 (4) Location of alleged offence
 (5) Place where modified penalty may be paid
 (6) Signature of Authorized Person
 (7) Name and title of Authorized person given notice

Other

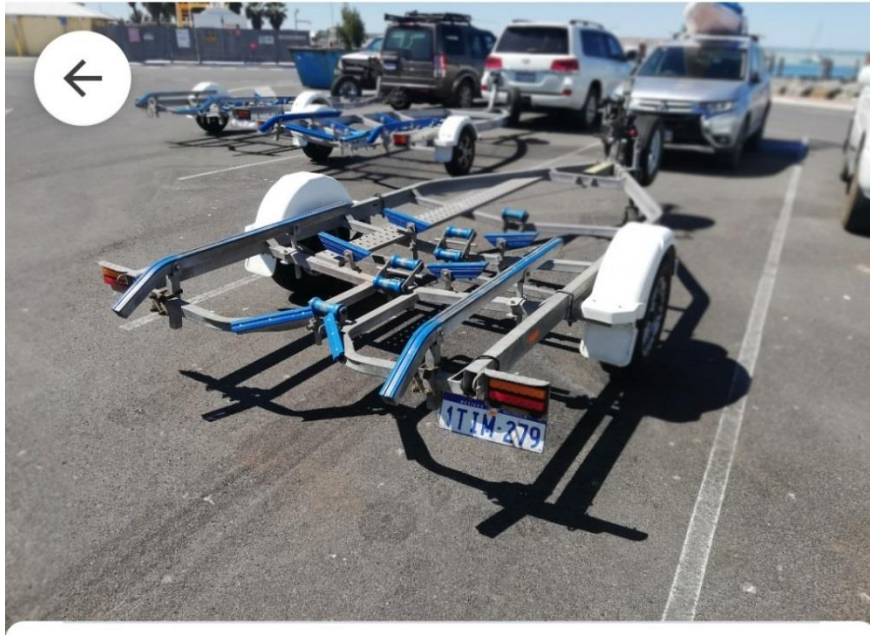
Dist to sign: **10.10.2019** Sign type: Side of Road: **N S E W**
 Outside Adjacent/Opposite to: Facing: **N S E W L R**
 Rego Plate: Writing **BLUE** Background **WHITE** State **WA**
 MAP

27 NOVEMBER 2019

ATTACHMENT #3

Telstra

0 K/s 50% 12:01 pm



3 October 2019
Thursday 10:28 am



/storage/emulated/0/DCIM/Camera/
IMG_20191003_102837.jpg
8.0MP 3264 x 2448 7.4 MB



HUAWEI RNE-L22
f/4.0 1/1109 3.81 mm ISO50

LOCATION





27 NOVEMBER 2019

11.3 RECOGNITION OF MALGANA LANGUAGE IN SHIRE SIGNAGE
GV00001

AUTHOR

Councillor Bellottie

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Stubberfield
Seconded Cr Cowell

Council Resolution

That Council consider and provide direction to the administration into incorporating the Malgana Language name Gutharraguda (Two Waters/Two Bays) in signage for the Shark Bay Shire

6/0 CARRIED

Moved Cr Fenny
Seconded Cr Stubberfield

Council Recommendation

That Administration be instructed to erect welcome signage in dual language (Shark Bay / Gutharraguda) on the Northwest Coastal Highway turnoff.

6/0 CARRIED

BACKGROUND

The determination and granting of native title to the Malgana people in December 2018 has formally recognised the significance of the area of Shark Bay to the Malgana people

The traditional Malgana name of Gutharraguda with the meaning Two Waters/Two Bays is for the Shark Bay region comprising the two peninsulas that are the main features.

William Dampier named the area Shark's Bay in August 1699 during his explorations and due to the abundance of these predators in this particular sound.

COMMENT

The Shire in recognising and utilising the Malgana name for the Shark Bay region would be a positive step in the Shires commitment to the formal recognition of Native Title.

The recognition could be in the Council in the first instance considering the dual naming of Shark Bay directional signage to Shark Bay/Gutharraguda.

This may need to be expanded as Gutharraguda in the Malgana language describes the Two waters/Twin Bays that comprise the Shark Bay region.

27 NOVEMBER 2019

This proposal also aligns with the States Governments Aboriginal Place Name Initiative outline by Ministers Wyatt (Aboriginal affairs) and Minister Templeman (Local Government) in the attached correspondence.

LEGAL IMPLICATIONS

As outlined in the Ministers correspondence the Geographic Names Committee would work with the Council to identify and record aboriginal place names across the State.

POLICY IMPLICATIONS

There are no known policy implications relative to this report

FINANCIAL IMPLICATIONS

The cost to replace/upgrade signage could be included in future budgets and as part of a signage refurbishment programme

STRATEGIC IMPLICATIONS

Address the following

Objective

3.1 Strong sense of spirit and pride in an inclusive community.

3.1.2 encourage inclusion, involvement and wellbeing

RISK MANAGEMENT

There are no known significant identified risk factors identified in this report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

AUTHOR

CR BELLOTTIE

Chief Executive Officer

P Anderson

Date of Report

12 November 2019

27 NOVEMBER 2019



Hon Ben Wyatt MLA
Treasurer; Minister for Finance; Aboriginal Affairs; Lands

Our Ref: 69-14695

Mr Paul Anderson
Shire of Shark Bay
PO Box 126
DENHAM WA 6537

Email: admin@sharkbay.wa.gov.au

Dear Mr Anderson

ABORIGINAL PLACE NAME INITIATIVE

This year is being celebrated by The United Nations (UN) General Assembly as the "International Year of Indigenous Languages" to raise awareness of the crucial role languages play in people's daily lives.

Language provides an identity that connects people to culture, embodies traditions and passes on knowledge. In Australia, Aboriginal languages are the first spoken yet they are amongst some of the most endangered in the world.

In our capacities as Minister for Lands and Minister for Local Government we encourage you to become an active and celebratory participant in embracing Aboriginal language names by bringing forward proposals for place naming.

The Western Australian government, with the support of Landgate are inviting local governments to partner with Aboriginal communities, Aboriginal Language Centres, Native Title Representatives and body corporates to identify opportunities to preserve and reawaken local languages through place naming.

Landgate and the Geographic Names Committee looks forward to working with you in identifying and recording Aboriginal place names across the State. Please contact Mr Charles Hiew, Location Data Maintenance Team Leader, at Landgate on 08 9273 7098 for assistance.

Yours sincerely

Hon Ben Wyatt MLA
**MINISTER FOR ABORIGINAL AFFAIRS;
LANDS**

Hon David Templeman MLA
MINISTER FOR LOCAL GOVERNMENT

08 JUL 2019

08 JUL 2019

Level 11, Dumas House, 2 Havelock Street, West Perth, Western Australia 6005
Telephone: +61 8 6552 5900 Fax: +61 8 6552 5901 Email: Minister.Wyatt@dpc.wa.gov.au

27 NOVEMBER 2019

12.0 FINANCE REPORT

12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED
CM00017

Author

Finance Officer / Accounts Payable

Disclosure of any Interest

Nil

Moved Cr Ridgley
Seconded Cr Fenny

Council Resolution

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$771,182.66 be accepted.

6/0 CARRIED

Comment

The schedules of accounts for payment covering -

Municipal fund credit card direct debits for the month of October 2019 totalling \$2,550.16

Municipal fund account cheque number 26910 totalling \$5,477.24

Municipal fund direct debits to Council for the month of October 2019 totalling \$19,690.80

Municipal fund account electronic payment numbers MUNI 25727 to 25732, 25764 to 25780, 25783 to 25805, 25807 to 25839, 25848 to 25867 and 25869 to 25888 totalling \$512,377.21

Municipal fund account for October 2019 payroll totalling \$174,272.00

No Trust fund account cheque numbers were issued for October 2019

Trust fund Police Licensing for October 2019 transaction number 192004 totalling \$15,533.40

Trust fund account electronic payment numbers 25781 to 25782, 25806, 25840 to 25847, 25868 and 25889 to 25913 totalling \$41,281.85

The schedule of accounts submitted to each member of Council on 22 November 2019 have been checked and are fully supported by vouchers and invoices. All vouchers and invoices have been duly certified as to the receipt of goods and services and the cost of goods and services received.

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

27 NOVEMBER 2019

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The payments listed have been disbursed throughout the month.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

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

Voting Requirements

Simple Majority Required

Signature

Author

A Pears

Chief Executive Officer

P Anderson

Date of Report

13 November 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

**SHIRE OF SHARK BAY – CREDIT CARD
PERIOD - OCTOBER 2019**

CREDIT CARD TOTAL \$ 2,550.16

CEO

DATE	NAME	DESCRIPTION	AMOUNT
18/09/2019	EXMOUTH TACKLE/CAMPING	ENGEL FUSE – CEO VEHICLE	-19.90
7/10/2019	JB HIFI ROCKINGHAM	COVER FOR CEO PHONE	-79.95
16/10/2019	BABY BUNTING P/L	2 X BABY CHANGE TABLES – REC CENTRE AND GYM – PO 8833	-228.90
			\$328.75

EMFA

DATE	NAME	DESCRIPTION	AMOUNT
17/09/2019	PLANET FINNSKA BROOKVALE	EQUIPMENT FOR SENIORS WEEK GAMES ACTIVITIES PO 8765	-499.69
23/09/2019	GERRARD HYDRAULICS	SOLENOID KIT PO 8762	-539.83
23/09/2019	HARVEY NORMAN FURNITURE	EPICA CREDENZA 4 DOOR FOR DEPOT PO 8773	-599.01
23/09/2019	JB HIFI	HUAWEI NOVA PHONE FOR B.ROGERS PO 8777	-403.99
23/09/2019	PAYPAL SHIAFUEMA	COVER FOR HUAWEI NOVA PHONE FOR B.ROGERS PO 8777	-8.59
25/09/2019	PAYPAL SYDNEYPHONE	MOBILE PHONE REPLACEMENT COVERS FOR HUAWEI NOVAS – DEPOT SUPERVISORS PO 8782	-20.98
25/09/2019	KOGAN	COIN COUNTER FOR OFFICE PO 8781	-125.22
1/10/2019	BELONG MOBILE	MONTHLY 1GB TELEVISION COMMUNICATION WITH N-COM	-10.00
9/10/2019	PAYPAL RAJIBKAISER	REPLACEMENT TEMPERED GLASS COVERS FOR HUAWEI NOVA PHONE – DEPOT SUPERVISORS	-14.10
			\$2,221.41

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY – MUNI CHQ

**OCTOBER 2019
CHEQUE # 26910**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
26910	4/10/2019	WATER CORPORATION - OSBORNE PARK	WATER AND SERVICE CHARGES FOR SHIRE PREMISES	-5477.24
			TOTAL	\$5477.24

**SHIRE OF SHARK BAY – MUNI DIRECT DEBITS
OCTOBER 2019**

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD15174.1	13/10/2019	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-2875.96
DD15174.2	13/10/2019	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1593.25
DD15174.3	13/10/2019	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-213.77
DD15174.4	13/10/2019	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-434.15
DD15174.5	13/10/2019	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-237.69
DD15174.6	13/10/2019	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.86
DD15174.7	13/10/2019	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-439.73
DD15174.8	13/10/2019	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-480.15
DD15174.9	13/10/2019	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-422.58
DD15182.1	28/10/2019	EXETEL PTY LTD	MONTHLY INTERNET CHARGES - SHIRE OFFICES AND PROPERTIES	-375.17
DD15192.1	27/10/2019	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-2949.97
DD15192.2	27/10/2019	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-213.77
DD15192.3	27/10/2019	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-434.17
DD15192.4	27/10/2019	REST	SUPERANNUATION CONTRIBUTIONS	-427.04
DD15192.5	27/10/2019	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-278.40

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD15192.6	27/10/2019	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.86
DD15192.7	27/10/2019	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-519.83
DD15192.8	27/10/2019	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-603.71
DD15192.9	27/10/2019	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-568.86
DD15174.10	13/10/2019	GUILD SUPER	SUPERANNUATION CONTRIBUTIONS	-126.85
DD15174.11	13/10/2019	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-250.30
DD15174.12	13/10/2019	REST	SUPERANNUATION CONTRIBUTIONS	-459.78
DD15174.13	13/10/2019	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-651.61
DD15174.14	13/10/2019	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-412.39
DD15174.15	13/10/2019	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-191.62
DD15192.10	27/10/2019	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1161.35
DD15192.11	27/10/2019	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1667.50
DD15192.12	27/10/2019	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-182.04
DD15192.13	27/10/2019	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-459.89
DD15192.14	27/10/2019	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-191.62
			TOTAL	\$19,690.80

SHIRE OF SHARK BAY – MUNI EFT

OCTOBER 2019

EFT 25727-25732, 25764-25780, 25783-25805, 25807-25839, 25848-25867, 25869-25888

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25727	01/10/2019	LAURENCE JAMES MICHAEL BELLOTTIE	OCTOBER TO DECEMBER 2019 COUNCILLOR PAYMENTS	-1954.00
EFT25728	01/10/2019	CHERYL LORRAINE COWELL	COUNCILLOR PAYMENTS TO 18 OCTOBER 2019	-1261.17
EFT25729	01/10/2019	EDMUND GEORGE FENNY	OCTOBER TO DECEMBER 2019 COUNCILLOR PAYMENTS	-1954.00
EFT25730	01/10/2019	JAMIE BURTON	OCTOBER TO DECEMBER 2019 COUNCILLOR PAYMENTS	-1954.00
EFT25731	01/10/2019	KEVIN LAUNDRY	COUNCILLOR PAYMENTS TO 18 OCTOBER 2019	-528.80

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25732	01/10/2019	GREGORY LEON RIDGLEY	COUNCILLOR PAYMENTS TO 18 OCTOBER 2019	-382.30
EFT25764	04/10/2019	BUNNINGS BUILDING SUPPLIES PTY LTD	WHEELIE BINS FOR ONSALE AND SPRINKLER PARTS FOR PARKS AND GARDENS	-1053.85
EFT25765	04/10/2019	BOOEASY AUSTRALIA PTY LTD	JULY 2019 BOOEASY COMMISSION	-1239.79
EFT25766	04/10/2019	BOC LIMITED	GAS CONTAINER RENTAL FOR WORKSHOP	-45.74
EFT25767	04/10/2019	BLACKWOODS ATKINS	ADHESIVE TAPE FOR SIGNS AT LITTLE LAGOON	-272.00
EFT25768	04/10/2019	DAVRIC AUSTRALIA PTY LTD	SBDC MERCHANDISE	-255.75
EFT25769	04/10/2019	FIRE & EMERGENCY SERVICES AUTHORITY OF WA	2019/20 EMERGENCY SERVICES LEVY SHIRE PREMISES	-3706.21
EFT25770	04/10/2019	HOSE MANIA	CAM LOCKS FOR USELESS LOOP ROAD MAINTENANCE	-2203.56
EFT25771	04/10/2019	HORIZON POWER	SEPTEMBER STREET LIGHTING CHARGES	-3698.48
EFT25772	04/10/2019	MARKET FORCE PTY LTD	ADVERTISING PUBLIC NOTICE - DIRK HARTOG ISLAND LOT 62 AND 303	-136.32
EFT25773	04/10/2019	PROFESSIONAL PC SUPPORT	HARDWARE AND SOFTWARE UPGRADE TO WINDOWS 10 FOR OFFICE COMPUTER AND SOFTWARE ASSISTANCE FOR DEPOT COMPUTERS	-510.40
EFT25774	04/10/2019	PERTH STITCHINGS	SBDC MERCHANDISE	-1639.00
EFT25775	04/10/2019	WINC AUSTRALIA PTY LIMITED	SHIRE STATIONERY SEPTEMBER 2019	-313.31
EFT25776	04/10/2019	SHARK BAY NEWSAGENCY	PRINTING PAPER FOR SHIRE OFFICES	-399.50
EFT25777	04/10/2019	MCKELL FAMILY TRUST	MONTHLY RUBBISH COLLECTION AND STREET SWEEPING - SEPTEMBER 2019	-10680.24
EFT25778	04/10/2019	TELSTRA CORPORATION LTD	SMS SERVICE TO COMMUNITY OF SHARK BAY	-135.33
EFT25779	04/10/2019	TRUCKLINE PARTS CENTRE	EXHAUST PARTS FOR P174	-297.52
EFT25780	04/10/2019	SHARK BAY SEAFRONT APARTMENTS	ACCOMMODATION ENVIRONMENTAL HEALTH OFFICER VISIT - OCTOBER 2019	-620.00
EFT25783	09/10/2019	AUSTRALIA POST	SEPTEMBER SHIRE POSTAL CHARGES	-138.16
EFT25784	09/10/2019	ANDREA PEARS	REIMBURSEMENT FOR GIFT CARD - AMBER PHILLIPS FAREWELL GIFT AS PER SHIRE POLICY	-105.95
EFT25785	09/10/2019	BRIAN JOHN GALVIN	SALARY SACRIFICE POWER, PHONE AND RATES	-2235.49
EFT25786	09/10/2019	CHUBB FIRE & SECURITY LTD	SEPT TO DEC 2019 SECURITY MONITORING AND PREVENTATIVE MAINTENANCE SBDC	-257.40

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25787	09/10/2019	CDH ELECTRICAL	SBDC AIRCONDITIONING FAULT - PARTS AND LABOUR	-412.50
EFT25788	09/10/2019	EMMA ELAINE CRAIG	SALARY SACRIFICE WATER AND PHONE	-290.85
EFT25789	09/10/2019	EMU TRACKS	SBDC MERCHANDISE	-1033.45
EFT25790	09/10/2019	LYONS ENTERPRISES-SHARK BAY CAR HIRE	SEPTEMBER CAR HIRE FOR MEDICAL VISITING STAFF	-799.48
EFT25791	09/10/2019	1616 SALT CO. PTY LTD	SBDC MERCHANDISE	-808.90
EFT25792	09/10/2019	SUMMER GYPSEA	SBDC MERCHANDISE	-90.00
EFT25793	09/10/2019	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES SEPTEMBER 2019	-2598.75
EFT25794	09/10/2019	URL NETWORKS PTY LTD	SHIRE OFFICES SEPTEMBER PHONE CHARGES	-220.90
EFT25795	09/10/2019	WA JACOBS TOYMAKER	SBDC MERCHANDISE	-604.01
EFT25796	09/10/2019	CDH ELECTRICAL	ANNUAL AND QUARTERLY ELECTRICAL TESTING ON DEPOT EQUIPMENT JULY 2019	-946.00
EFT25797	09/10/2019	DENHAM IGA X-PRESS	MONTHLY ACCOUNT - SEPTEMBER 2019	-1532.82
EFT25798	09/10/2019	SHARK BAY SUPERMARKET	MONTHLY ACCOUNT SEPTEMBER 2019	-695.76
EFT25799	09/10/2019	REFUEL AUSTRALIA (formerly GERALDTON FUEL COMPANY)	FUEL CARD TRANSACTIONS FOR SEPTEMBER 2019	-389.10
EFT25800	09/10/2019	TOLL IPEC PTY LTD	FREIGHT FOR SEPTEMBER 2019 – GERARD HYDRAULICS, HOSEMANIA, ALLIGHT SKYES, FLEET HYDRAULICS, PROFESSIONAL PC SUPPORT, APE PRODUCTIONS, STAR TREK, RYCO, SUNNY SIGNS, OEM GROUP, TRUCKLINE, CLASSIC BOOK BINDERS, J&K HOPKINS AND STATE LIBRARY	-1024.24
EFT25801	09/10/2019	TRUE VALUE HARDWARE	MONTHLY ACCOUNT – SEPTEMBER 2019	-502.85
EFT25802	09/10/2019	R & L COURIERS	FREIGHT ACCOUNT SEPTEMBER 2019	-798.60
EFT25803	09/10/2019	SHARK BAY CLEANING SERVICE	MONTHLY CLEANING ACCOUNT OF SHIRE PREMISES AND PROPERTIES SEPTEMBER 2019	-20587.05
EFT25804	09/10/2019	YADGALAH ABORIGINAL CORPORATION	DAY DIGGER HIRE FOR CEMETERY	-385.00
EFT25805	10/10/2019	AUSTRALIAN TAXATION OFFICE	SEPTEMBER 2019 BAS	-22296.00
EFT25807	16/10/2019	DRILLING CONTRACTORS OF AUSTRALIA	PROGRESSIVE PAYMENT ON CONTRACT TE 2018/19-02 DECOMMISSIONING AND CONSTRUCTION OF WATER BORE SUPPLY	-224725.51

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25808	18/10/2019	J & K HOPKINS	NEW FURNITURE FOR DEPOT OFFICE	-4660.00
EFT25809	18/10/2019	ALLIGHT PTY LTD	OIL SEAL AND JOINT KIT FOR PP060	-69.49
EFT25810	18/10/2019	AUSCOINSWEST	SBDC MERCHANDISE	-1359.60
EFT25811	18/10/2019	BUNNINGS BUILDING SUPPLIES PTY LTD	LINE MARKING PAINT FOR TOWN STREETS, VANDAL PROOF TAP KEY FOR DEPOT AND PICTURE HANGERS FOR DEPOT	-526.61
EFT25812	18/10/2019	BOOEASY AUSTRALIA PTY LTD	SEPTEMBER 2019 BOOKING FEE - BOOEASY	-887.33
EFT25813	18/10/2019	BATTERY MART	BATTERIES FOR LITTLE LAGOON BBQ'S	-70.40
EFT25814	18/10/2019	BOCCHETTA PLUSH TOYS	SBDC MERCHANDISE	-675.68
EFT25815	18/10/2019	BLACKWOODS ATKINS	BARRIER TAPE FOR DEPOT	-26.18
EFT25816	18/10/2019	CANDICE USZKO	SALARY SACRIFICE INTERNET - 80 DURLACHER STREET	-79.00
EFT25817	18/10/2019	CDH ELECTRICAL	NEW VAST BOX SUPPLIED AND INSTALLED TO PENSIONER UNIT 7	-434.50
EFT25818	18/10/2019	DENHAM MEATS	MEAT SUPPLIES - COUNTRY CREW – USELESS LOOP ROAD	-144.96
EFT25819	18/10/2019	DEPARTMENT OF TRANSPORT	VEHICLE SEARCH FEES FOR SHIRE ISSUED INFRINGEMENTS	-20.40
EFT25820	18/10/2019	DEBORAH ANN WILKES	REIMBURSEMENT FOR AIRFARE BOOKED TO DENHAM 29 NOVEMBER 2019	-206.30
EFT25821	18/10/2019	EMMA ELAINE CRAIG	REIMBURSEMENT FOR KETTLE FOR SBDC	-49.00
EFT25822	18/10/2019	SHARK BAY FUEL FISHING AND CAMPING CENTRE	QUARTERLY ACCOUNT FOR SHIRE	-788.65
EFT25823	18/10/2019	GG PUMPS & ELECTRICAL PTY LTD	OUTER FLANGE FOR MILWAUKEE CIRCULAR SAW – DEPOT TOOLS	-23.54
EFT25824	18/10/2019	GERALDTON SIGNMAKERS	ADHESIVE STICKER WITH LOGO AND OPENING HOURS FOR SHIRE ADMINISTRATION OFFICE	-140.80
EFT25825	18/10/2019	HOUSE OF MUGS	SBDC MERCHANDISE	-263.00
EFT25826	18/10/2019	TOLL IPEC PTY LTD	FREIGHT ACCOUNT – JASON SIGNMAKERS , PROFESSIONAL PC SUPPORT AND HOSEMANIA	-73.36
EFT25827	18/10/2019	ILLION SOLUTIONS	DEBT RECOVERY COSTS - RATES - A1219 D.MITCHELL	-22.00

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25828	18/10/2019	JASON SIGNMAKERS	COASTAL RESTORATION SIGNS FOR LITTLE LAGOON AND GRAVEL ROAD SIGNS FOR USELESS LOOP ROAD	-1389.30
EFT25829	18/10/2019	KICK SOLUTIONS	KNIGHT TERRACE PROMOTIONAL BANNERS	-426.00
EFT25830	18/10/2019	MONKEYMIA WILDSIGHTS	ACCOMMODATION J.GARCIA-WEBB - COASTAL HAZARDS IDENTIFICATION PUBLIC CONSULTATION	-139.00
EFT25831	18/10/2019	PEST-A-KILL	SHIRE PREMISES RODENT MONITORING & BAITING OCTOBER 2019	-330.00
EFT25832	18/10/2019	SHARK BAY STATE EMERGENCY SERVICE UNIT INC	SECOND QUARTER LOCAL GOVERNMENT GRANT SCHEME GRANT	-12812.25
EFT25833	18/10/2019	SHARK BAY BAKERY	FAREWELL MORNING TEA A.PHILLIPPS	-74.70
EFT25834	18/10/2019	SHARK BAY COMMUNITY RESOURCE CENTRE	MANAGEMENT OF RECREATION CENTRE - SEPTEMBER 2019	-4441.50
EFT25835	18/10/2019	SCIENCE AND NATURE PTY LTD	SBDC MERCHANDISE	-557.35
EFT25836	18/10/2019	SUN CITY BATTERIES	BATTERIES FOR P177 & PP060	-426.15
EFT25837	18/10/2019	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	DOCUMENT PREPARATION - DISPOSAL OF PLANT P146	-572.72
EFT25838	18/10/2019	HOLIDAY GUIDE PTY LTD (FORMERLY WEST-OZ WEB SERVICES)	SEPTEMBER 2019 BOOKEASY COMMISSION	-169.45
EFT25839	18/10/2019	YOGA EVERYWHERE	SBDC MERCHANDISE	-1401.40
EFT25848	25/10/2019	AIYANA JOAN CHRISTIE WRIGHT	REIMBURSEMENT FOR BOOKEASY CONFERENCE EXPENSES IN PERTH	-261.31
EFT25849	25/10/2019	BRIAN CHILD	REPLACE TOILET IN PHARMACY, FIX URINAL AT TOWN HALL, FIX WATER LEAK AT PENSIONER UNIT 5, FIX CISTERN IN PENSIONER UNIT 4 AND REPAIRS TO FORSHORE TOILETS	-870.00
EFT25850	25/10/2019	BONDOR	NEW PANEL FOR RECORDS ROOM FABRICATION - QUOTE W39909	-6842.00
EFT25851	25/10/2019	DENHAM MEATS	MEAT - COUNTRY CREW – USELESS LOOP ROAD	-124.80
EFT25852	25/10/2019	DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS	SBDC MERCHANDISE	-239.20
EFT25853	25/10/2019	FAR WEST ELECTRICAL	CHANGE OVER SATELLITE TO TERRESTRIAL	-398.99

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
			- PENISONER UNITS 11 & 12	
EFT25854	25/10/2019	GRIFFIN CIVIL	SUPPLY GRADER HIRE INCLUDING MOB & DEMOB RRG USELESS LOOP ROAD	-24915.00
EFT25855	25/10/2019	GERALDTON MOWER & REPAIRS SPECIALISTS	BLOWER VACUUM & PARTS – DEPOT TOOLS AND PP076	-368.20
EFT25856	25/10/2019	HARDINGHAM PTY LTD	PROGRESS PAYMENT NUMBER 2 – GASCOYNE SPORTS MODELLING AND ACTIVATION PLANNING PROJECT	-3921.00
EFT25857	25/10/2019	HORIZON POWER	SEPTEMBER 2019 ELECTRICITY ACCOUNT FOR SHIRE PREMISES	-4215.04
EFT25858	25/10/2019	TOLL IPEC PTY LTD	TOLL IPEC FREIGHT ACCOUNT – SBDC, P156, LIBRARY AND PPS	-347.52
EFT25859	25/10/2019	LGISWA	INSTALMENT 2 - LGIS PROPERTY, LIABILITY AND WORKCARE	-91636.77
EFT25860	25/10/2019	MOORE STEPHENS	AUDIT FOR ROADS TO RECOVERY - ANNUAL RETURN FOR YEAR ENDED 30 JUNE 2019	-1210.00
EFT25861	25/10/2019	NAVY SHOP	SBDC MERCHANDISE	-567.07
EFT25862	25/10/2019	PATRICIA ANDREW	SBDC MERCHANDISE	-276.00
EFT25863	25/10/2019	PROFESSIONAL PC SUPPORT	MONTHLY AGREEMENT PPS AGENT, ANTIVIRUS, WEBROOT SECURE, BACK UP SERVICE AND PHONE MANAGEMENT	-671.00
EFT25864	25/10/2019	PAULS TYRES	TYRE REPAIRS TO P156, P168 & P151	-1518.00
EFT25865	25/10/2019	SHARK BAY MECHANICAL & TOWING SERVICES	PUMP OUT AND DISPOSAL OF WASTE FROM SHIRE DUMP POINT	-785.00
EFT25866	25/10/2019	SHARK BAY SKIPS	MONTHLY ACCOUNT - SEPTEMBER 2019 USELESS LOOP TURN OFF AND FORESHORE SKIP BINS	-2849.00
EFT25867	25/10/2019	TELSTRA CORPORATION LTD	REFUSE SITE MOBILE PHONE CHARGES	-25.00
EFT25869	31/10/2019	PAUL MELVILLE LOW	PENSIONER REBATE REFUND TO PROPERTY OWNER ON SALE OF PROPERTY FOR ASSESSMENT A1294 6 MEAD STREET DENHAM 6537	-533.99
EFT25870	31/10/2019	CHERYL LORRAINE COWELL	COUNCILLOR PAYMENTS 30 OCTOBER TO 31 DECEMBER 2019	-4414.10

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25871	31/10/2019	EDMUND GEORGE FENNY	DEPUTY PRESIDENT PAYMENT 30 OCTOBER TO 31 DECEMBER 2019	-512.73
EFT25872	31/10/2019	MARK CORBETT SMITH	COUNCILLOR PAYMENTS 30 OCTOBER TO 31 DECEMBER 2019	-1338.06
EFT25873	31/10/2019	PIETR JON STUBBERFIELD	COUNCILLOR PAYMENTS 30 OCTOBER TO 31 DECEMBER 2019	-1338.06
EFT25874	31/10/2019	GREGORY LEON RIDGLEY	COUNCILLOR PAYMENTS 30 OCTOBER TO 31 DECEMBER 2019	-1338.06
EFT25875	31/10/2019	BUNNINGS BUILDING SUPPLIES PTY LTD	MAKITA BACKING PADS –WORKSHOP CONSUMABLES AND SPRAYER KIT FORSHORE GARDENS	-54.10
EFT25876	31/10/2019	BLACKWOODS ATKINS	LIGHT GLOBES FOR SHARK BAY RECREATION CENTRE	-44.57
EFT25877	31/10/2019	FAR WEST ELECTRICAL	INSTALL OUTSIDE LIGHTS TO BACK PATIO 51 DURLACHER STREET AND REPAIRS TO UPS IN TV ROOM AT DEPOT	-473.33
EFT25878	31/10/2019	IMPART MEDIA PTY LTD	SBDC WEBSITE UPDATES	-374.00
EFT25879	31/10/2019	JOMAC SANDALWOOD	SBDC MERCHANDISE	-262.35
EFT25880	31/10/2019	LANDGATE (WA LAND INFORMATION AUTHORITY)	GRV INTERIM VALUATIONS - COUNTRY AND FESA	-813.69
EFT25881	31/10/2019	LIGHTING OPTIONS AUSTRALIA	REPLACEMENT LAMPS FOR SBDC GALLERY LIGHTS	-239.25
EFT25882	31/10/2019	MOORE STEPHENS	AUDIT CERTIFICATE OF DEFERRED PENSIONER RATES TO 30 JUNE 2019	-550.00
EFT25883	31/10/2019	PATRICIA ANDREW	SBDC MERCHANDISE	-360.00
EFT25884	31/10/2019	PAPER PLUS OFFICE NATIONAL	STATIONERY SEPTEMBER 2019, DEPOT, SBDC AND OFFICE. BAR FRIDGE FOR SHARK BAY RECREATION CENTRE	-1030.18
EFT25885	31/10/2019	SHARK BAY COMMUNITY RESOURCE CENTRE	RECREATION CENTRE MANAGEMENT AMENDMENT JANUARY TO SEPTEMBER 2019	-3908.38
EFT25886	31/10/2019	TELSTRA CORPORATION LTD	SMS TO PUBLIC WITH COMMUNITY MESSAGES	-33.80
EFT25887	31/10/2019	VISIT MERCHANDISE	SBDC MERCHANDISE	-704.00
EFT25888	31/10/2019	WREN OIL	OIL WASTE DISPOSAL DEPOT AND REFUSE SITE	-33.00
			TOTAL	\$512,377.21

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

**SHIRE OF SHARK BAY – MUNI
ELECTRONIC PAYROLL TRANSACTIONS
OCTOBER 2019**

DATE	NAME	DESCRIPTION	AMOUNT
29/09/2019	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 29 SEPTEMBER 2019	-57444.00
13/10/2019	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 13 OCTOBER 2019	-58044.00
27/10/2019	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 27 OCTOBER 2019	-58784.00
		TOTAL	\$174,272.00

**SHIRE OF SHARK BAY – TRUST TRANSACTION
OCTOBER 2019
TRUST POLICE LICENSING TRANSACTION # 192004**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
192004	31/10/2019	COMMISSIONER OF POLICE	POLICE LICENSING OCTOBER 2019	-15533.40
			TOTAL	\$15,533.40

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY – TRUST EFT

OCTOBER 2019

EFT 25781-25782, 25806, 25840-25847, 25868, 25889-25913

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25781	09/10/2019	ANN CHRISTINE BACLA-AN	GYM CARD REFUND	-20.00
EFT25782	09/10/2019	SCOTT PATTEN	GYM CARD REFUND - CARD 40739	-20.00
EFT25806	14/10/2019	ALAN COMFORT	GYM CARD DEPOSIT REFUND	-20.00
EFT25840	25/10/2019	CHERYL LORRAINE COWELL	ELECTION DEPOSIT REFUND	-80.00
EFT25841	25/10/2019	KEVIN LAUNDRY	ELECTION DEPOSIT REFUND	-80.00
EFT25842	25/10/2019	MARIKA OAKLEY	ELECTION DEPOSIT REFUND	-80.00
EFT25843	25/10/2019	PIETR JON STUBBERFIELD	ELECTION DEPOSIT REFUND	-80.00
EFT25844	25/10/2019	GREGORY LEON RIDGLEY	ELECTION DEPOSIT REFUND	-80.00
EFT25845	25/10/2019	SHARYN ELIZABETH BURVILL	ELECTION DEPOSIT REFUND	-80.00
EFT25846	25/10/2019	SHIRE OF SHARK BAY	BRAD LYON ELECTION DEPOSIT FORFEIT	-80.00
EFT25847	25/10/2019	WAYNE PETER MORONEY	ELECTION DEPOSIT REFUND	-80.00
EFT25868	28/10/2019	WADE DUNSMORE	GYM CARD DEPOSIT REFUND	-20.00
EFT25889	31/10/2019	JAMES SNR POLAND	BOOKEASY OCTOBER 2019	-232.00
EFT25890	31/10/2019	MAC ATTACK FISHING CHARTERS	BOOKEASY OCTOBER 2019	-361.25
EFT25891	31/10/2019	SHARK BAY AVIATION	BOOKEASY OCTOBER 2019	-2464.00
EFT25892	31/10/2019	BLUE DOLPHIN CARAVAN PARK	BOOKEASY OCTOBER 2019	-340.00
EFT25893	31/10/2019	BAY LODGE MIDWEST OASIS	BOOKEASY OCTOBER 2019	-3819.20
EFT25894	31/10/2019	BLUE LAGOON PEARLS	BOOKEASY OCTOBER 2019	-264.00
EFT25895	31/10/2019	NINGALOO CORAL BAY	BOOKEASY OCTOBER 2019	-39.10
EFT25896	31/10/2019	HOWARD COCK	BOOKEASY OCTOBER 2019	-71.88
EFT25897	31/10/2019	SHARK BAY COASTAL TOURS	BOOKEASY OCTOBER 2019	-2402.40
EFT25898	31/10/2019	DENHAM SEASIDE CARAVAN PARK	BOOKEASY OCTOBER 2019	-87.10
EFT25899	31/10/2019	EXMOUTH DIVE CENTRE	BOOKEASY OCTOBER 2019	-136.00
EFT25900	31/10/2019	HARTOG COTTAGES	BOOKEASY OCTOBER 2019	-799.80
EFT25901	31/10/2019	HAMELIN POOL CARAVAN PARK AND TOURIST CENTRE	BOOKEASY OCTOBER 2019	-29.75

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25902	31/10/2019	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	TOUR BOOKINGS OCTOBER 2019	-7076.08
EFT25903	31/10/2019	MONKEYMIA WILDSIGHTS	TOUR BOOKINGS OCTOBER 2019	-3519.56
EFT25904	31/10/2019	DENHAM NATURETIME - 4WD TOURS/PHOTOGRAPHY TOURS	BOOKEASY OCTOBER 2019	-2160.40
EFT25905	31/10/2019	SHARK BAY SCENIC QUAD BIKE TOURS	BOOKEASY OCTOBER 2019	-255.00
EFT25906	31/10/2019	RAC TOURISM ASSETS P/L T/A MONKEY MIA DOLPHIN RESORT	BOOKEASY OCTOBER 2019	-2705.12
EFT25907	31/10/2019	SHARK BAY DIVE AND MARINE SAFARIS	BOOKEASY OCTOBER 2019	-4017.20
EFT25908	31/10/2019	SHARK BAY HOTEL MOTEL	BOOKEASY OCTOBER 2019	-280.50
EFT25909	31/10/2019	SHARK BAY 4WD TOURS	BOOKEASY OCTOBER 2019	-2706.00
EFT25910	31/10/2019	SHARK BAY HOLIDAY COTTAGES	BOOKEASY OCTOBER 2019	-242.00
EFT25911	31/10/2019	SHIRE OF SHARK BAY	SBDC BOOKING COMMISSIONS OCTOBER 2019	-5057.41
EFT25912	31/10/2019	JOHN MCDONALD -SUNSET VIEW ACCOMMODATION	BOOKEASY OCTOBER 2019	-994.50
EFT25913	31/10/2019	WULA GURA NYINDA ECO ADVENTURES	BOOKEASY OCTOBER 2019	-501.60
			TOTAL	\$41,281.85

27 NOVEMBER 2019

12.2 FINANCIAL REPORTS TO 31 OCTOBER 2019
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved

Cr Cowell

Seconded

Cr Ridgley

Council Resolution

That the monthly financial report to 31 October 2019 as attached be received.
6/0 CARRIED

Comment

As per the requirements of Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government Accounting (Financial Management) Regulations 1996*, the following monthly financial reports to **31 October 2019** are attached.

VARIANCE ANALYSIS

Operating Revenue is below the year to date budget by \$33,886. This budget deficit was due to Main Roads Western Australia Private Works budgeted to commence in October 2019 however the Shire has not yet received any requests to commence this work. However this budget variance is offset by a corresponding budget surplus in Operating Expenditure for Main Roads Western Australia Private Works. Therefore after adjusting the year to date Budget for the Main Roads Western Australia Private Works the actual budget variance is a surplus of approximately \$190,000 generated via Rent received in Advance from Staff and Pensioners accommodation, Increases in fees received from the Refuse Site, Development and Structure Plans, Shark Bay World Heritage Discovery and Visitor Centre Merchandise Sales and Entrance Fees, Camping and Caravan Park Leases. In addition the Gascoyne Sports and Modelling Grant and Monkey Mia Dolphin Resort Borrow Pit Fees (Fill and gravel utilised by Monkey Mia in the upgrade of their facility) were not incorporated within the original budget as these items were approved/granted after the adoption of the budget by council.

Operating Expenditure is under the year to date budget by \$398,699. The budget surplus variance has been increased by the Main Roads Western Australian Private Works as mentioned above.

Capital Revenue exceeds the year to date budget by \$256 and therefore is not reportable as the variance value is below the reporting threshold of either \$5,000 or 5%.

Capital Expenditure is under the year to date budget by \$496,004. The major contributor to this variance is the Town Oval Bore with a variance of \$458,063. This is due to the year to date budget being brought in for the full value of \$800,000 at commencement in September whilst the actual work will take three months to complete

27 NOVEMBER 2019

reflected in corresponding progress payments to the contractor. In addition the purchase of Dual Cabs for the Town Gardener and Ranger (\$45,000 each) scheduled for September have been deferred to later in the year due to prioritisation of capital works such as the Regional Road Group Useless Loop Project which commenced one month earlier than anticipated and its expenditure exceeds year to date budget by \$95,847.

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

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

Voting Requirements

Simple Majority Required

Signature

Author

A Pears

Chief Executive Officer

P Anderson

Date of Report

18 November 2019

27 NOVEMBER 2019

SHIRE OF SHARK BAY

MONTHLY FINANCIAL REPORT

For the Period Ended 31 October 2019

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

TABLE OF CONTENTS

Compilation Report

Monthly Summary Information

Statement of Financial Activity by Program

Statement of Financial Activity By Nature or Type

Statement of Capital Acquisitions and Capital Funding

Note 1 Significant Accounting Policies

Note 2 Explanation of Material Variances

Note 3 Net Current Funding Position

Note 4 Cash and Investments

Note 6 Receivables

Note 7 Cash Backed Reserves

Note 8 Capital Disposals

Note 9 Rating Information

Note 10 Information on Borrowings

Note 11 Grants and Contributions

Note 12 Bond Liability

Note 13 Capital Acquisitions

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 31 October 2019							
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Operating Revenues		\$	\$	\$	\$	%	
Governance		4,300	3,432	4,444	1,012	29.49%	▲
General Purpose Funding - Rates	9	1,391,961	1,391,961	1,445,172	53,211	3.82%	▲
General Purpose Funding - Other		998,735	251,412	250,095	(1,317)	(0.5%)	▼
Law, Order and Public Safety		108,123	74,042	36,767	(37,275)	(50%)	▼
Health		2,250	2,250	960	(1,290)	(57.33%)	▼
Housing		130,105	43,415	52,829	9,414	21.7%	▲
Community Amenities		341,446	269,160	285,285	16,125	5.99%	▲
Recreation and Culture		287,273	100,341	167,473	67,132	66.9%	▲
Transport		514,558	261,024	267,847	6,823	2.6%	▲
Economic Services		894,082	424,340	263,599	(160,741)	(37.9%)	▼
Other Property and Services		38,000	12,668	25,688	13,020	102.8%	▲
Total Operating Revenue		4,710,833	2,834,045	2,800,159	(33,886)	(1.20%)	
Operating Expense							
Governance		(282,124)	(221,360)	(93,449)	127,911	(57.8%)	▲
General Purpose Funding		(115,631)	(38,544)	(37,752)	792	(2.1%)	▲
Law, Order and Public Safety		(316,668)	(133,639)	(98,839)	34,800	(26.0%)	▲
Health		(80,865)	(16,892)	(17,729)	(837)	5.0%	▼
Housing		(231,263)	(85,189)	(79,373)	5,817	(6.8%)	▲
Community Amenities		(738,587)	(257,387)	(223,246)	34,141	(13.3%)	▲
Recreation and Culture		(2,230,779)	(786,455)	(769,099)	17,356	(2.2%)	▲
Transport		(1,761,594)	(576,115)	(579,225)	(3,110)	0.5%	▼
Economic Services		(1,096,522)	(382,135)	(210,155)	171,980	(45.0%)	▲
Other Property and Services		(37,500)	(48,762)	(38,912)	9,850	(20.2%)	▲
Total Operating Expenditure		(6,891,533)	(2,546,478)	(2,147,780)	398,699	(15.7%)	
Funding Balance Adjustments							
Add back Depreciation		2,015,110	679,055	651,740	(27,315)		
Adjust (Profit)/Loss on Asset Disposal	8	66,878	864	(4,364)	(5,228)		
Adjust in Pensioner Rates Non Current		0	0	0			
Adjust Provisions and Accruals		0	0	0			
Net Cash from Operations		(98,712)	967,486	1,299,756	332,270		
Capital Revenues							
Grants, Subsidies and Contributions	11	527,462	92,086	92,342	256	0.3%	▲
Proceeds from Disposal of Assets	8	232,636	21,364	21,364	(0)	0.0%	
Total Capital Revenues		760,098	113,450	113,706	256	0.2%	
Capital Expenses							
Land Held for Resale							
Land and Buildings	13	(360,000)	(56,663)	(6,220)	50,443	0.0%	▲
Infrastructure - Roads	13	(642,570)	(57,554)	(153,401)	(95,847)	0.0%	▼
Infrastructure - Public Facilities	13	(934,500)	(817,336)	(366,507)	450,829	0.0%	▲
Infrastructure - Footpaths	13	(50,000)	0	0	0	0.0%	▲
Infrastructure - Drainage	13	(20,000)	0	0	0	0.0%	▲
Plant and Equipment	13	(505,000)	(130,001)	(39,422)	90,579	0.0%	▲
Furniture and Equipment	13	(20,000)	0	0	0	0.0%	▲
Total Capital Expenditure		(2,532,070)	(1,061,554)	(565,550)	496,004	46.7%	
Net Cash from Capital Activities		(1,771,972)	(948,104)	(451,844)	496,260	52.34%	
Financing							
Proceeds from Loans		800,000	0	0	0	0.0%	
Transfer from Reserves	7	873,500	341,937	341,937	0	0.0%	
Repayment of Debentures	10	(66,071)	(15,667)	(15,667)	0	0.0%	
Transfer to Reserves	7	(1,504,577)	(3,081)	(3,081)	(0)	0.0%	
					0	0.0%	
Net Cash from Financing Activities		102,852	323,189	323,189	(0)	0.0%	
Net Operations, Capital and Financing		(1,767,832)	342,571	1,171,101	828,530	(241.86%)	▲
Opening Funding Surplus(Deficit)	3	1,767,832	1,767,832	1,770,218	2,386		
Closing Funding Surplus(Deficit)	3	0	2,110,403	2,941,319	830,916		▲
Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.							
Refer to Note 2 for an explanation of the reasons for the variance.							
Depreciation has not been run for July until Fair Valuation for Plant and Equipment and end of year accounts have been finalised							

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 31 October 2019				
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)
Operating Revenues		\$	\$	\$
Rates	9	1,391,961	1,391,961	1,445,172
Operating Grants, Subsidies and Contributions	11	1,462,272	538,709	528,233
Fees and Charges		1,656,006	841,941	752,495
Interest Earnings		57,730	15,126	8,953
Other Revenue		130,562	43,308	60,942
Profit on Disposal of Assets	8	12,302	3,000	4,364
Total Operating Revenue		4,710,833	2,834,045	2,800,159
Operating Expense				
Employee Costs		(2,265,623)	(803,317)	(684,380)
Materials and Contracts		(1,974,380)	(748,488)	(522,072)
Utility Charges		(187,510)	(62,038)	(42,403)
Depreciation on Non-Current Assets		(2,015,110)	(679,055)	(651,740)
Interest Expenses		(17,370)	(987)	(982)
Insurance Expenses		(156,295)	(156,294)	(158,622)
Other Expenditure		(196,065)	(92,435)	(87,580)
Loss on Disposal of Assets	8	(79,180)	(3,864)	0
Total Operating Expenditure		(6,891,533)	(2,546,478)	(2,147,780)
Funding Balance Adjustments				
Add back Depreciation		2,015,110	679,055	651,740
Adjust (Profit)/Loss on Asset Disposal	8	66,878	864	(4,364)
Adjust in Pensioner Rates Non Current		0	0	0
Adjust Provisions and Accruals		0	0	0
Net Cash from Operations		(98,712)	967,486	1,299,757
Capital Revenues				
Grants, Subsidies and Contributions	11	527,462	92,086	92,342
Proceeds from Disposal of Assets	8	232,636	21,364	21,364
Total Capital Revenues		760,098	113,450	113,706
Capital Expenses				
Land Held for Resale				
Land and Buildings	13	(360,000)	(56,663)	(6,220)
Infrastructure - Roads	13	(642,570)	(57,554)	(153,401)
Infrastructure - Public Facilities	13	(934,500)	(817,336)	(366,507)
Infrastructure - Footpaths	13	(50,000)	0	0
Infrastructure - Drainage	13	(20,000)	0	0
Plant and Equipment	13	(505,000)	(130,001)	(39,422)
Furniture and Equipment	13	(20,000)	0	0
Total Capital Expenditure		(2,532,070)	(1,061,554)	(565,550)
Net Cash from Capital Activities		(1,771,972)	(948,104)	(451,844)
Financing				
Proceeds from Loans		800,000	0	0
Transfer from Reserves	7	873,500	341,937	341,937
Repayment of Debentures	10	(66,071)	(15,667)	(15,667)
Transfer to Reserves	7	(1,504,577)	(3,081)	(3,081)
Net Cash from Financing Activities		102,852	323,189	323,189
Net Operations, Capital and Financing		(1,767,832)	342,571	1,171,101
Opening Funding Surplus(Deficit)	3	1,767,832	1,767,832	1,770,218
Closing Funding Surplus(Deficit)	3	0	2,110,403	2,941,319

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 31 October 2019				
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)
Operating Revenues		\$	\$	\$
Rates	9	1,391,961	1,391,961	1,445,172
Operating Grants, Subsidies and Contributions	11	1,462,272	538,709	528,233
Fees and Charges		1,656,006	841,941	752,495
Interest Earnings		57,730	15,126	8,953
Other Revenue		130,562	43,308	60,942
Profit on Disposal of Assets	8	12,302	3,000	4,364
Total Operating Revenue		4,710,833	2,834,045	2,800,159
Operating Expense				
Employee Costs		(2,265,623)	(803,317)	(684,380)
Materials and Contracts		(1,974,380)	(748,488)	(522,072)
Utility Charges		(187,510)	(62,038)	(42,403)
Depreciation on Non-Current Assets		(2,015,110)	(679,055)	(651,740)
Interest Expenses		(17,370)	(987)	(982)
Insurance Expenses		(156,295)	(156,294)	(158,622)
Other Expenditure		(196,065)	(92,435)	(87,580)
Loss on Disposal of Assets	8	(79,180)	(3,864)	0
Total Operating Expenditure		(6,891,533)	(2,546,478)	(2,147,780)
Funding Balance Adjustments				
Add back Depreciation		2,015,110	679,055	651,740
Adjust (Profit)/Loss on Asset Disposal	8	66,878	864	(4,364)
Adjust in Pensioner Rates Non Current		0	0	0
Adjust Provisions and Accruals		0	0	0
Net Cash from Operations		(98,712)	967,486	1,299,757
Capital Revenues				
Grants, Subsidies and Contributions	11	527,462	92,086	92,342
Proceeds from Disposal of Assets	8	232,636	21,364	21,364
Total Capital Revenues		760,098	113,450	113,706
Capital Expenses				
Land Held for Resale				
Land and Buildings	13	(360,000)	(56,663)	(6,220)
Infrastructure - Roads	13	(642,570)	(57,554)	(153,401)
Infrastructure - Public Facilities	13	(934,500)	(817,336)	(366,507)
Infrastructure - Footpaths	13	(50,000)	0	0
Infrastructure - Drainage	13	(20,000)	0	0
Plant and Equipment	13	(505,000)	(130,001)	(39,422)
Furniture and Equipment	13	(20,000)	0	0
Total Capital Expenditure		(2,532,070)	(1,061,554)	(565,550)
Net Cash from Capital Activities		(1,771,972)	(948,104)	(451,844)
Financing				
Proceeds from Loans		800,000	0	0
Transfer from Reserves	7	873,500	341,937	341,937
Repayment of Debentures	10	(66,071)	(15,667)	(15,667)
Transfer to Reserves	7	(1,504,577)	(3,081)	(3,081)
Net Cash from Financing Activities		102,852	323,189	323,189
Net Operations, Capital and Financing		(1,767,832)	342,571	1,171,101
Opening Funding Surplus(Deficit)	3	1,767,832	1,767,832	1,770,218
Closing Funding Surplus(Deficit)	3	0	2,110,403	2,941,319

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY								
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING								
For the Period Ended 31 October 2019								
Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Annual Budget	Variance (d) - (c)	
Land and Buildings	13	\$ 0	\$ 6,220	\$ 6,220	\$ 56,663	\$ 360,000	\$ 50,443	
Infrastructure Assets - Roads	13	0	153,401	153,401	57,554	642,570	(95,847)	
Infrastructure Assets - Public Facilities	13	24,569	341,937	366,507	817,336	934,500	450,829	
Infrastructure Assets - Footpaths	13	0	0	0	0	50,000	0	
Infrastructure Assets - Drainage	13	0	0	0	0	20,000	0	
Infrastructure Assets - Streetscapes	13	0	0	0	0	0	0	
Plant and Equipment	13	27,793	11,630	39,422	130,001	505,000	90,579	
Furniture and Equipment	13	0	0	0	0	20,000	0	
Capital Expenditure Totals		52,362	513,188	565,550	1,061,554	2,532,070	496,004	

CAPITAL REVENUE

Month	Budget 2019-20	Actual 2019-20
Jul	95	95
Aug	115	115
Sep	115	115
Oct	115	115
Nov	115	115
Dec	115	115
Jan	115	115
Feb	115	115
Mar	115	115
Apr	115	115
May	115	115
Jun	115	115

CAPITAL EXPENDITURE

Month	Budget 2019-20	Actual 2019-20
Jul	50	50
Aug	100	100
Sep	950	250
Oct	1,100	550
Nov	1,100	550
Dec	1,100	550
Jan	1,100	550
Feb	1,100	550
Mar	1,100	550
Apr	1,100	550
May	1,100	550
Jun	1,100	550

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2019					
1. SIGNIFICANT ACCOUNTING POLICIES					
(a) Basis of Preparation					
This report has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this budget are presented below and have been consistently applied unless stated otherwise.					
Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.					
The Local Government Reporting Entity					
All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this budget.					
In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.					
All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 16 to this budget document.					
(b) Rounding Off Figures					
All figures shown in this report, other than a rate in the dollar, are rounded to the nearest dollar.					
(c) Rates, Grants, Donations and Other Contributions					
Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.					
Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.					
(d) Goods and Services Tax (GST)					
Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).					
Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.					
Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.					
(e) Superannuation					
The Council contributes to a number of Superannuation Funds on behalf of employees.					
All funds to which the Council contributes are defined contribution plans.					

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2019					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(f) Cash and Cash Equivalents					
Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.					
Bank overdrafts are shown as short term borrowings in current liabilities in the statement of financial position.					
(g) Trade and Other Receivables					
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.					
Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.					
Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.					
(h) Inventories					
General					
Inventories are measured at the lower of cost and net realisable value.					
Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.					
Land Held for Resale					
Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.					
Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.					
Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.					
(i) Fixed Assets					
Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.					
Mandatory Requirement to Revalue Non-Current Assets					
Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.					

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2019					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(j) Fixed Assets (Continued)					
<i>Land Under Control</i>					
In accordance with Local Government (Financial Management) Regulation 16(a), the Council was required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of state or regional significance.					
Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note.					
Whilst they were initially recorded at cost (being fair value at the date of acquisition (deemed cost) as per AASB 116) they were revalued along with other items of Land and Buildings at 30 June 2014.					
<i>Initial Recognition and Measurement between Mandatory Revaluation Dates</i>					
All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.					
In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.					
Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation of the next anniversary date in accordance with the mandatory measurement framework.					

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2019					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(j) Fixed Assets (Continued)					
Revaluation					
Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.					
Transitional Arrangement					
During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.					
Those assets carried at cost will be carried in accordance with the policy detailed in the Initial Recognition section as detailed above.					
Those assets carried at fair value will be carried in accordance with the Revaluation Methodology section as detailed above.					
Land Under Roads					
In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.					
Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.					
In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.					
Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.					
Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.					
Depreciation					
The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.					

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2019					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(j) Fixed Assets (Continued)					
Major depreciation periods used for each class of depreciable asset are:					
Buildings			10 to 50 years		
Furniture and Equipment			5 to 10 years		
Plant and Equipment			5 to 10 years		
Heritage			25 to 100 years		
Sealed Roads and Streets					
- Subgrade			Not Depreciated		
- Pavement			80 to 100 years		
- Seal	Bituminous Seals		15 to 22 years		
	Asphalt Surfaces		30 years		
Formed Roads (Unsealed)					
- Subgrade			Not Depreciated		
- Pavement			12 years		
Footpaths			40 to 80 years		
Drainage Systems					
- Drains and Kerbs			20 to 60 years		
- Culverts			60 years		
- Pipes			80 years		
- Pits			60 years		
The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.					
An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.					
Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.					
When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained surplus.					
Capitalisation Threshold					
Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.					
(k) Fair Value of Assets and Liabilities					
When performing a revaluation, the Council uses a mix of both independent and management valuations using the following as a guide:					
Fair Value is the price that Council would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.					

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2019					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(k) Fair Value of Assets and Liabilities (Continued)					
As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.					
To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).					
For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.					
Fair Value Hierarchy					
AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:					
Level 1					
Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.					
Level 2					
Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.					
Level 3					
Measurements based on unobservable inputs for the asset or liability.					
The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.					
Valuation techniques					
The Council selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Council are consistent with one or more of the following valuation approaches:					
Market approach					
Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.					

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2019					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(k) Fair Value of Assets and Liabilities (Continued)					
Income approach					
Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.					
Cost approach					
Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.					
Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Council gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.					
As detailed above, the mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.					
(l) Financial Instruments					
Initial Recognition and Measurement					
Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).					
Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.					
Classification and Subsequent Measurement					
Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost.					
Amortised cost is calculated as:					
(a) the amount in which the financial asset or financial liability is measured at initial recognition;					
(b) less principal repayments and any reduction for impairment; and					
(c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.					

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 October 2019				
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)				
(I) Financial Instruments (Continued)				
<p>The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.</p>				
<i>(i) Financial assets at fair value through profit and loss</i>				
<p>Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.</p>				
<i>(ii) Loans and receivables</i>				
<p>Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.</p>				
<p>Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.</p>				
<i>(iii) Held-to-maturity investments</i>				
<p>Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.</p>				
<p>Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.</p>				
<i>(iv) Available-for-sale financial assets</i>				
<p>Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.</p>				
<p>They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.</p>				
<p>Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available for sale financial assets are classified as non-current.</p>				
<i>(v) Financial liabilities</i>				
<p>Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.</p>				

27 NOVEMBER 2019

SHIRE OF SHARK BAY									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 31 October 2019									
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)									
(l) Financial Instruments (Continued)									
Impairment									
A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a "loss event") having occurred, which has an impact on the estimated future cash flows of the financial asset(s).									
In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.									
In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.									
For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.									
Derecognition									
Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.									
Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.									
(m) Impairment of Assets									
In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.									
Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.									
Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.									

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2019					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(m) Impairment of Assets (Continued)					
For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.					
(n) Trade and Other Payables					
Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.					
(o) Employee Benefits					
Short-Term Employee Benefits					
Provision is made for the Council's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.					
The Council's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Council's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.					
Other Long-Term Employee Benefits					
Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.					
The Council's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Council does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.					

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2019					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(p) Borrowing Costs					
Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.					
(q) Provisions					
Provisions are recognised when the Council has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.					
Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.					
(r) Current and Non-Current Classification					
In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Council's intentions to release for sale.					

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 31 October 2019					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
Governance	1,012	29.5%	▲	Timing	No Reportable Variance
General Purpose Funding - Rates	53,211	3.8%	▲	Timing	Interim and Back Rates of \$53K not included in Original Budget
General Purpose Funding - Other	(1,317)	(0.5%)	▼	Timing	No Reportable Variance
Law, Order and Public Safety	(37,275)	(50.3%)	▼	Timing	Coastal Adaptation and Protection (DOT) Grant YTD budget in advance of YTD actual
Health	(1,290)	(57.3%)	▼	Timing	No Reportable Variance
Housing	9,414	21.7%	▲	Timing	Rental Income Received in Advance
Community Amenities	16,125	6.0%	▲	Timing	Refuse Site Fees, Development and Structure Plan Fees in excess of YTD Budget
Recreation and Culture	67,132	66.9%	▲	Timing	Sale of Merchandise and Entrance Fees in excess of YTD Budget plus Gascoyne Sports Modelling Grant not included in original budget as approved after adoption
Transport	6,823	2.6%	▲	Timing	Increase in Road Preservation Grant of \$7K compared to budget
Economic Services	(160,741)	(37.9%)	▼	Timing	MRWA Monkey Mia and Shark Bay Road Private Works have yet to commence resulting in \$224K YTD Budget deficit (Note corresponding expenditure for MRWA Private Works is also substantially less than YTD budget and will cancel each other out). Monkey Mia Dolphin Resort Borrow Pit Fees \$16K approved after adoption of budget and Camping Fees and Caravan Park Leases YTD Actual in excess of YTD budget have offset the Private Works budget variance
Other Property and Services	13,020	102.8%	▲	Timing	Refunds Income in excess of YTD Budget
Operating Expense					
Governance	127,911	(57.8%)	▲	Timing	Overall underspend in expenses.
General Purpose Funding	792	(2.1%)	▲	Timing	No Reportable Variance
Law, Order and Public Safety	34,800	(26.0%)	▲	Timing	Coastal Hazard Identification and Adaptation Expenses actual expenditure below YTD Budget
Health	(837)	5.0%	▼	Timing	No Reportable Variance
Housing	5,817	(6.8%)	▲	Timing	Overall underspend in expenses
Community Amenities	34,141	(13.3%)	▲	Timing	Recycling Service Review expenses and Town Planning expenses less than YTD budget
Recreation and Culture	17,356	(2.2%)	▲	Timing	Council Assistance Program below YTD Budget (\$19K)
Transport	(3,110)	0.5%	▼	Timing	No Reportable Variance
Economic Services	171,980	(45.0%)	▲	Timing	MRWA Private Works not commenced resulting in Budget surplus. This is offset by Budget deficit in MRWA Private Works Income above.
Other Property and Services	9,850	(20.2%)	▲	Timing	Overall reduction in Public Work Overheads and Plant Costs compared to YTD Budget
Capital Revenues					
Grants, Subsidies and Contributions	256	0.3%	▲	Timing	No Reportable Variance
Proceeds from Disposal of Assets	(0)	0.0%	▲	Timing	No Reportable Variance
Capital Expenses					
Land and Buildings	50,443	0.0%	▲	Timing	Staff and Pensioner Capital Works have yet to commence
Infrastructure - Roads	(95,847)	0.0%	▼	Timing	Useless Loop Road works commenced earlier than budgeted
Infrastructure - Public Facilities	450,829	0.0%	▲	Timing	Town Oval Bore YTD Budget ahead of YTD Actual Expenditure as bore will progress over three months
Infrastructure - Footpaths	0	0.0%	▲	Timing	No Reportable Variance
Plant and Equipment	90,579	0.0%	▲	Timing	Dual Cab Utes for Town Gardener and Ranger budgeted in advance of actual purchase
Financing					
Loan Principal	0	0.0%	▼	Timing	No reportable variance.

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

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Shire of Shark Bay			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 31 October 2019			
Note 3: NET CURRENT FUNDING POSITION			
		Positive=Surplus (Negative=Deficit)	
	Note	31 October 2019	31 October 2018
		\$	\$
Current Assets			
Cash Unrestricted	4	2,353,888	1,898,299
Cash Restricted	4	1,565,539	1,561,083
Receivables - Rates	6	691,799	720,327
Receivables -Other	6	75,085	315,256
Interest / ATO Receivable		18,447	19,550
Inventories		129,612	125,216
		4,834,370	4,639,730
Less: Current Liabilities			
Payables		(107,309)	(162,330)
Provisions		(208,068)	(249,539)
Bond Liability (Formally Trust Account)		(12,135)	0
		(327,512)	(411,869)
Less: Cash Reserves	7	(1,565,539)	(1,561,083)
Net Current Funding Position		2,941,319	2,666,778
<p>Note 3 - Liquidity Over the Year</p> <p>Amount \$ ('000s)</p> <p>Jul Aug Sep Oct Nov Dec Jan Feb Mar Apr May Jun</p> <p>2017-18 2018-19 2019-20</p>			
Comments - Net Current Funding Position			

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 October 2019							
Note 4: CASH AND INVESTMENTS							
	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits							
Municipal Bank Account	0.10%	349,334			349,334	Bankwest	At Call
Reserve Bank Account	0.00%		1,565,539		1,565,539	Bankwest	At Call
Telenet Saver	1.10%	2,003,654			2,003,654	Bankwest	At Call
Trust Bank Account	0.00%			0	0	Bankwest	At Call
Cash On Hand		900			900		On Hand
(b) Term Deposits							
Municipal Investment					0		
Municipal Investment					0		
Reserve Investment			0		0		
Total		2,353,888	1,565,539	0	3,919,427		
Comments/Notes - Investments							
Surplus funds invested for terms conducive to cashflow requirements.							

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 31 October 2019									
Note 6: RECEIVABLES									
Receivables - Rates Receivable		31 October 2019	30 June 2019		Receivables - General	Current	30 Days	60 Days	90+Days
		\$	\$			\$	\$	\$	\$
Opening Arrears Previous Years		31,927	36,581		Receivables - General	56,007	3,701	14,994	383
Levied this year		1,772,244	1,742,151		Total Receivables General Outstanding				75,085
Less Collections to date		(1,112,372)	(1,746,805)		Amounts shown above include GST (where applicable)				
Equals Current Outstanding		691,799	31,927						
Net Rates Collectable		691,799	31,927						
% Collected		61.66%	98.21%						

Note 6 - Rates Receivable

Month	2018-19	2019-20
Jul	50	50
Aug	1,600	1,700
Sep	1,100	1,100
Oct	700	700
Nov	550	550
Dec	400	400
Jan	350	350
Feb	200	200
Mar	180	180
Apr	80	80
May	50	50
Jun	50	50

Receivables-General

Category	Percentage
Current	75%
30 Days	5%
60 Days	20%
90+Days	0%

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

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 31 October 2019									
<u>Note 7: Cash Backed Reserve</u>									
2019-20									
Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Infrastructure Reserve	1,332,164	14,000	1,969	595,418	0	(255,000)	(341,937)	1,686,582	992,195
Pensioner Unit Maintenance Reserve	10,916	130	21	116,143	0	(45,000)	0	82,189	10,938
Recreation Facility Replacement/Upgrade Res.	269,466	4,000	524	202,000	0	(237,500)	0	237,966	269,990
Plant Replacement Reserve	70,302	1,100	137	568,636	0	(336,000)	0	304,038	70,439
Leave Reserve	170,156	2,300	331	0	0	0	0	172,456	170,487
Monkey Mia Jetty Reserve	21,977	400	43	0	0	0	0	22,377	22,020
Shared Fire Fighting System Reserve	29,413	450	57	0	0	0	0	29,863	29,471
	1,904,395	22,380	3,081	1,482,197	0	(873,500)	(341,937)	2,535,472	1,565,539

Note 7 - Year To Date Reserve Balance to End of Year Estimate

Reserve Name	Actual YTD Closing Balance	Budget Closing Balance
Infrastructure Reserve	992,195	1,686,582
Pensioner Unit Maintenance Reserve	10,938	82,189
Recreation Facility Replacement/Upgrade Res.	269,990	237,966
Plant Replacement Reserve	70,439	304,038
Leave Reserve	170,487	172,456
Monkey Mia Jetty Reserve	22,020	22,377
Shared Fire Fighting System Reserve	29,471	29,863

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 October 2019							
Note 8 CAPITAL DISPOSALS							
Actual YTD Profit/(Loss) of Asset Disposal					Annual Budget		
					YTD 31 10 2019		
Cost	Accum Depr	Proceeds	Profit (Loss)		Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance
\$	\$	\$	\$	Plant and Equipment	\$	\$	\$
				Governance			
			0	CEO Vehicle	(3,925)	0	3,925
34,765	(17,765)	21,364	4,364	EMFA Vehicle	3,000	4,364	1,364
			0	EMCD Vehicle	(5,141)	0	5,141
34,765	(17,765)	21,364	4,364		(6,066)	4,364	10,430
				Transport			
			0	Dual Cab Ute - Ranger	4,594	0	(4,594)
			0	Dual Cab Ute - Gardner	4,708	0	(4,708)
			0	Prime Mover	(66,250)	0	66,250
			0	Vibration Roller - Sale Proceeds	(3,864)	0	3,864
0	0	0	0		(60,812)	0	60,812
34,765	(17,765)	21,364	4,364		(66,878)	4,364	71,242
Comments - Capital Disposal/Replacements							

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 31 October 2019											
Note 9: RATING INFORMATION	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2019/20 Budget Rate Revenue \$	2019/20 Budget Interim Rate \$	2019/20 Budget Back Rate \$	2019/20 Budget Total Revenue \$
RATE TYPE											
Differential General Rate											
GRV Residential	0.102840	316	3,761,841	386,871	1,826	1,047	389,744	386,871			386,871
GRV Commercial	0.105690	42	2,114,558	223,477			223,477	223,477			223,477
GRV Vacant	0.102840	18	360,100	37,033			37,033	37,033			37,033
GRV Rural Commercial	0.106880	5	306,280	32,736			32,736	32,736			32,736
GRV Industrial/Residential	0.113800	46	629,944	71,689			71,689	71,689			71,689
GRV Industrial/Residential Vaca	0.102840	2	10,400	1,070			1,070	1,070			1,070
GRV Rural Resort	0.112820	3	1,132,800	127,805	24,144	19,266	171,214	127,805			127,805
UV General	0.207090	7	827,678	171,402			171,402	171,402			171,402
UV Pastoral	0.141820	11	617,360	87,556			87,556	87,556			87,556
UV Mining	0.282450	1	7,947	2,245			2,245	2,245			2,245
UV Exploration	0.271580	2	764,435	207,605	-1,098	8,025	214,532	207,604			207,604
Sub-Totals		453	10,533,343	1,349,490	24,871	28,339	1,402,699	1,349,488	0	0	1,349,488
Minimum Payment											
GRV Residential	876.00	52	384,173	45,552			45,552	45,552			45,552
GRV Commercial	876.00	17	93,832	14,892			14,892	14,892			14,892
GRV Vacant	876.00	83	271,090	72,708			72,708	72,708			72,708
GRV Rural Commercial	876.00	0	0	0			0	0			0
GRV Industrial/Residential	876.00	3	19,440	2,628			2,628	2,628			2,628
GRV Industrial/Residential Vaca	546.00	0	0	0			0	0			0
GRV Rural Resort	876.00	0	0	0			0	0			0
UV General	735.00	6	9,262	4,410			4,410	4,410			4,410
UV Pastoral	920.00	0	0	0			0	0			0
UV Mining	920.00	1	654	920			920	920			920
UV Exploration	920.00	2	4,080	1,840			1,840	1,840			1,840
Sub-Totals		164	782,531	142,950	0	0	142,950	142,950	0	0	142,950
Concessions							(139,394)				(139,394)
Amount from General Rates							1,406,255				1,353,044
Specified Area Rates							38,917				38,917
Totals							1,445,172				1,391,961
Comments - Rating Information											

27 NOVEMBER 2019

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

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 October 2019								
Note 11: GRANTS AND CONTRIBUTIONS								
Program/Details	Grant Provider	Approval	2019-20 Annual Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
		(Y/N)	\$	\$	\$	\$	Received/Invoiced	Not Received
GENERAL PURPOSE FUNDING								
Grants Commission - General	WALGGC	Y	692,157	0	692,157	0	173,039	519,118
Grants Commission - Roads	WALGGC	Y	226,736	0	226,736	0	56,684	170,052
LAW, ORDER, PUBLIC SAFETY								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Y	8,133	0	8,133	0	4,106	4,027
Grant FESA - SES	Dept. of Fire & Emergency Serv.	Y	46,590	0	46,590	0	23,295	23,295
Coastal Hazard Risk Management & Adaption Plan	WA Planning Commission	Y	32,500	0	32,500	0	0	32,500
Coastal Adaptation and Protection	Department of Transport	Y	11,000	0	11,000	0	0	11,000
Gascoyne Sports Modelling	Department of Local Government Sport and Culture	Y	0	0	0	0	5,000	
RECREATION AND CULTURE								
Contributions - HMAS Sydney Exhibit	Visitors to Discovery Centre	Y	200	0	200	0	168	32
Laser Tag	Miscellaneous revenue	Y	0	0	0	0	123	0
ECONOMIC SERVICES								
Thank a Volunteer	Dept of Communities	Y	0	0	0	0	700	0
BBRF Community Investment	Dept of Infrastructural	Y	0	0	0	0	20,000	0
TRANSPORT								
Road Preservation Grant	State Initiative - Main Roads WA	Y	106,056	0	106,056	0	113,118	
Useless Loop Road - Mtce	Main Roads WA	Y	330,000	0	330,000	0	132,000	198,000
Contributions - Road Projects	Pipeline	Y	8,900	0	8,900	0	0	8,900
Roads To Recovery Grant - Cap	Roads to Recovery	Y	297,245	0	0	297,245	0	297,245
RRG Grants - Capital Projects	Regional Road Group	Y	230,217	0	0	230,217	92,342	137,875
TOTALS			1,989,734	0	1,462,272	527,462	620,575	1,402,044
		Operating	1,462,272				528,233	
		Non-operating	527,462				92,342	
			1,989,734				620,575	
Comments - Operating and Non Operating Grants								

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Shire of Shark Bay					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 2019					
Note 12: BOND LIABILITY					
Funds held at balance date over which the Shire has no control and which are included in Note 3 of this statement are as follows:					
Description	Opening Balance 1 Jul 19	Amount Received	Amount Paid	Closing Balance 31-Oct-19	
	\$	\$	\$	\$	
CITF Levy	\$ -	758	(758)	0	
Library Card Bond	\$ 250	150	(300)	100	
Bookeasy- Sales	\$ -	202,059	(202,059)	0	
Kerb/Footpath Deposit	\$ 3,800	1,000		4,800	
Bond Key	\$ 3,420	630	(460)	3,590	
Hall Bond	\$ -	550	(275)	275	
Police Licensing	\$ 997	94,318	(94,613)	702	
Election Deposit	\$ -	800	(640)	160	
Marquee Deposit	\$ -			0	
Building Licence Levy	\$ -	1,358	(1,358)	0	
Road Reserve - Hughes Street	\$ 2,298			2,298	
Tour Sales	\$ -			0	
Property Rental Bonds	\$ -			0	
Rates Unidentified Deposit	\$ 210			210	
	10,974	301,623	(300,463)	12,135	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

CAPITAL WORKS PROGRAM 2019/20								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Over)/Under	YTD Actual (Renewal Exp)	Comment
Land and Buildings								
Governance								
Asbestos Removal - Shire Office	2.2.1	WKSM	(75,000)	0	0	0	0	
Records Room	4.2.2	CEO	(30,000)	(30,000)	(6,220)	23,780	6,220	
Governance Total			(105,000)	(30,000)	(6,220)	23,780	6,220	
Housing								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	2.2.1	CEO	(10,000)	(3,332)	0	3,332	0	
Staff Housing - 65 Brockman St	2.2.1	EMCD	(10,000)	(3,332)	0	3,332	0	
Staff Housing - 51 Durlacher St	2.2.1	EMFA	(10,000)	(3,332)	0	3,332	0	
Staff Housing - 80 Durlacher St	2.2.1	EMCD	(10,000)	(3,332)	0	3,332	0	
Pensioner Units Capital	2.2.1	EMCD	(35,000)	(13,335)	0	13,335	0	
Pensioner Units Door/Water Pipe Replacement	2.2.1	EMCD	(10,000)	0	0	0	0	
Housing Total			(85,000)	(26,663)	0	26,663	0	
Community Amenities								
Buildings								
Morgue	2.2.1	CEO	(20,000)	0	0	0		
Community Amenities Total			(20,000)	0	0	0	0	
Recreation								
Buildings								
Asbestos Removal - Denham Town Hall/Stables	2.2.1	WKSM	(75,000)	0	0	0		
Recreation Centre Panel and Paint Renewal	2.2.1	WKSM	(50,000)	0		0		
Recreation Total			(125,000)	0	0	0	0	
Transport								
Buildings								
Depot - Office Awning	4.2.2	WKSM	(10,000)	0	0	0		
Depot - Boundary Fencing	4.2.2	WKSM	(15,000)		0	0		
Transport Total			(25,000)	0	0	0	0	
Land and Buildings Total			(360,000)	(56,663)	(6,220)	50,443	6,220	
Footpaths								
Infrastructure								
Footpath Construction-Denham Footpath Plan	1.1.1/2.2.1	WKSM	(50,000)	0	0	0		
Footpaths Total			(50,000)	0	0	0	0	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Drainage								
Transport								
Drainage/Sump Construction	1.1.1	WKSM	(20,000)	0	0	0		
Transport Total			(20,000)	0	0	0	0	
Drainage Total			(20,000)	0	0	0	0	
Furniture & Office Equip.								
Governance								
Server and Program Upgrade	4.2.2	EMFA	(20,000)	0	0	0		
Governance Total			(20,000)	0	0	0	0	
Furniture & Office Equip. Total			(20,000)	0	0	0	0	
Plant , Equipment and Vehicles								
Governance								
CEO Vehicle	2.2.1	CEO	(65,000)	0	0	0		
EMFA Vehicle	2.2.1	EMFA	(35,000)	(35,000)	(27,793)	7,207		
EMCD Vehicle	2.2.1	EMCD	(35,000)	0	0	0		
Total Governance			(135,000)	(35,000)	(27,793)	7,207	0	
Transport								
Major Plant Items	4.2.2	WKSM	(20,000)	(5,001)	0	5,001	0	
Excavator	4.2.2	WKSM	0	0	(11,109)	(11,109)	11,109	Capital Works to Extend Useful Life
Dual Cab Ute - Town Gardener	4.2.2	WKSM	(45,000)	(45,000)	0	45,000	0	
Dual Cab Ute - Ranger	4.2.2	WKSM	(45,000)	(45,000)	0	45,000	0	
Prime Mover	4.2.2	WKSM	(240,000)	0	(521)	(521)	521	
Transport Total			(350,000)	(95,001)	(11,630)	83,371	11,630	
Denham Marine Facilities								
Boat Jinker Brake System Upgrade	4.2.2	WKSM	(20,000)	0	0	0	0	
Denham Marine Facilities Total			(20,000)	0	0	0	0	
Plant , Equipment and Vehicles Total			(505,000)	(130,001)	(39,422)	90,579	11,630	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	2016/17 Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Public Facilities								
Community Amenities								
Cemetery Shade	2.4.2	WKSM	(5,000)	0	0	0		
Hamelin Pool Carpark	2.2.1	WKSM	(10,000)	0	0	0		
Community Amenities Total			(15,000)	0	0	0	0	
Recreation And Culture								
West End Toilet Roof Replacement	2.2.1	WKSM	(15,000)	0	0	0		
Town Oval Bore	2.2.1	WKSM	(800,000)	(800,000)	(341,937)	458,063	341,937	project underway
Town Bore Fence Extensions	2.2.1	WKSM	(7,500)	0	0	0	0	
Town Oval Fountain	2.2.1	WKSM	(7,000)	0	0	0	0	
Playground Fence Replacement	2.2.1	WKSM	(8,000)	0	0	0	0	
Charlie Sappie Park Bed Removal and Replacement	2.2.1	WKSM	(20,000)	0	0	0	0	
Multi Purpose Courts Light Upgrade	2.2.1	WKSM	(10,000)	0	0	0	0	
Little Lagoon Signs and Barriers	2.2.1/1.2.2	CEO	(52,000)	(17,336)	(24,569)	(7,233)	0	
Recreation And Culture Total			(919,500)	(817,336)	(366,507)	450,829	341,937	
Public Facilities Total			(934,500)	(817,336)	(366,507)	450,829	341,937	
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Roads (Non Town)								
Transport								
R2R Projects 19-20 Brockman Street	1.1.1	WKSM	(297,245)	0	0	0	0	
Useless Loop Road - RRG 19-20	1.1.1	WKSM	(255,325)	(57,554)	(153,401)	(95,847)	153,401	commenced one month early
Eagle Bluff - RRG 19-20	1.1.1	WKSM	(90,000)	0	0	0	0	
					0	0	0	
Transport Total			(642,570)	(57,554)	(153,401)	(95,847)	153,401	
Roads (Non Town) Total			(642,570)	(57,554)	(153,401)	(95,847)	153,401	
Capital Expenditure Total			(2,532,070)	(1,061,554)	(565,550)	496,004	513,188	

27 NOVEMBER 2019

12.3 CARNARVON RANGELAND BIO-SECURITY
EM00013

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Declaration of Interest: Cr Fenny

Nature of Interest: Impartiality Interest as family owns Pastoral Stations within the area.

Officer Recommendation

1. That Council contribute \$5,000.00 plus GST, as budgeted, to the Carnarvon Rangeland Bio-Security Association to assist with Wild Dog, Control, Mesquite and Parkinsonia control and to purchase professional assistance from Licenced Pest Management Technicians.

Or

2. Council advise the Carnarvon Rangeland Bio-Security Association that they will not be contributing towards the control of pest plants and animals in the pastoral area as they believe this is a State Government, not Local Government, responsibility.

Councillor Motion

That Council contribute \$5,000.00 plus GST, as budgeted, to the Carnarvon Rangeland Bio-Security Association to assist with Wild Dog, Control, Mesquite and Parkinsonia control and to purchase professional assistance from Licenced Pest Management Technicians.

AMENDMENT TO COUNCILLOR MOTION

Reason: Council felt that it would be informative to have a representative from Carnarvon Rangeland Bio-Security Association to attend a future Council meeting.

Moved Cr Ridgley
Seconded Cr Bellottie

Council Resolution

1. That Council contribute \$5,000.00 plus GST, as budgeted, to the Carnarvon Rangeland Bio-Security Association to assist with Wild Dog, Control, Mesquite and Parkinsonia control and to purchase professional assistance from Licenced Pest Management Technicians.
2. That Council invite a representative from the Carnarvon Rangeland Bio-Security Association to a future Council meeting.

6/0 CARRIED

27 NOVEMBER 2019

Background

The Carnarvon Rangeland Bio-security Association has written a letter to Council requesting a financial support contribution to contribute towards the group to carry out its charter. The goal of the association is to control pest (declared) plants and animals on, and in relation to, pastoral leases.

Comment

The pastoralists' contribute to the association in the form of an Agricultural Protection Rate, with the exception of the Department of Biodiversity, Conservation and Attractions. This rate applies to all land within Western Australia that is held under a Crown Pastoral Lease. The rate is imposed under section 60 and 61 of the **Agriculture and Related Resources Protection Act 1976** and calculated by striking a rate against the unimproved value of each pastoral lease.

All contributions from all sources are matched dollar for dollar by the State Government. This matching funding provides leverage to the Shire's contribution by attracting extra outside funding to the region.

Legal Implications

There are no legal implications relative to this report.

Policy Implications

There are no policy implications relative to this report.

Financial Implications

An amount of \$5,000 was included in this year's budget for Council to consider contributing toward the control of wild dogs in the region.

Council's income from Pastoral Rates this financial year was \$87,556 with a concession of \$57,226 being allocated, this leaving an actual rate amount of \$30,330.

Council may wish to consider including in the draft 2020-2021 budget a specified area rate on ratable land within the pastoral ward of the Shire to fund the annual contribution being requested, however it appears that the pastoralists already contribute to this cause in the form of the Agricultural Protection Rate.

Strategic Implications

There are no strategic implications relative to this report.

Voting Requirements

Simple Majority Required

Signatures

Author

A Pears

Chief Executive Officer

P Anderson

Date of Report

18 November 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019



Carnarvon Rangelands Biosecurity Association Inc.

Chairperson: Justin Steadman

11th November 2019

Shire of Shark Bay
Attn: Paul Anderson
Chief Executive Officer
65 Knight Terrace
DENHAM WA 6537

Dear Paul,

RE: Financial contribution towards Carnarvon Rangelands Biosecurity Association Inc. (CRBA) 2019/20

The CRBA is a not-for-profit association formed in 2010. The association is formally recognised by the Hon Minister for Agriculture and Food as a Recognised Biosecurity Group (RBG). Our membership is made up of declared pest rate payers within the 8 different shires that make up the CRBA region. We manage weeds such as mesquite and parkinsonia and have approved licensed sub-contractors for the control of dogs, foxes; pigs, weeds and large herbivores (LFH).

The CRBA would like to recognise and thank the Shire for their contribution to our operations in the 2018/2019 year and hopes that we can continue that financial co-operations within our region moving into the future.

The CRBA would like to invite the Shire of Shark Bay to work with us in protecting the following industries and areas within the shire:

- Agricultural livestock: Cattle, sheep and goats;
- Tourism including the impact wild dogs are having in and around key coastal campgrounds;
- Protection of Biodiversity within the region on Leasehold, Freehold, UCL - Unallocated Crown Land, Indigenous Owned land and National Parks/Reserves.

The Carnarvon Rangelands Biosecurity Association Inc. committee is made up of members from various shires within our region and also key stake holders with whom we have valuable working relationships. Our professional run committee is guided by a number of different legislations and legal requirements:

- We operate under a Constitution monitored by the Associations Incorporations Act 2015;
- Our financial records are managed professionally by an Executive Officer and audited by an accountant annually;
- Key points of contact are established and maintained with the Health Department, Department of Primary Industry and Regional Development (DPIRD), Department of Biodiversity, Conservation and Attractions (DBCA); and
- Detailed records are kept on the control of all biosecurity related activities undertaken by the CRBA.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019



Carnarvon Rangelands Biosecurity Association Inc.

Chairperson: Justin Steadman

To assist us in protecting the key industry within our region, the following is undertaken:

- We currently contract 8 highly experienced Licenced Pest Management Technicians (LPMT) to assist with the reduction of wild dog numbers within the rangelands, this is done to the best of the committee's ability within the financial constraints;
- Our highly valued LPMT are all fully licenced and registered, bring a wide range of respected skill sets, keep excellent communication with not only the CRBA committee but also their Coordinator and landholders;
- LMPT, where possible assist with the eradication of Large Feral Herbivores (LFH);
- Maintaining a beneficial Memorandum of Understanding (MOU) with DBCA;
- We work with landholders to identify and report declared pests;
- Contract out Administration to assist with the day to day running of the CRBA and apply for any/all relevant grants that become available.

As a stakeholder within the Carnarvon Rangelands Biosecurity Association Inc. we are again seeking a cash contribution towards the ongoing costs of maintaining biosecurity management within the Shire of Shark Bay. The important role played by the CRBA in protecting the varied industries within the region is critical to their survival. It is hoped that your contribution will allow the CRBA to continue to assist in maintaining the viability of the Shire of Shark Bay these industries and by doing allow for the sector to continue to create employment and develop the region.

Keeping the biodiversity of the local environment in sound condition is everyone's responsibility and we would like to encourage the Shire of Shark Bay to be a part of that.

Should you have any queries or would like to discuss this matter further, please do not hesitate to contact me directly on 0417 172 208.

I look forward to hearing from you.

Kind regards,

PP
Justin Bremer

Justin Steadman

Chairperson, Carnarvon Rangelands Biosecurity Association Inc.

cc. Pres C Cowell, Cr E Fenny, Cr G Ridgley



Department of
Primary Industries and
Regional Development

Declared Pest Rate – why it matters to you

The Biosecurity and Agriculture Management Act 2007 (BAM Act) allows Recognised Biosecurity Groups to raise a Declared Pest Rate to manage priority declared pests.

A budget for declared pests

Widespread and established declared pests such as wild dogs, foxes, rabbits and cotton bush, blackberry and mesquite can cause serious problems for agriculture, the environment, and human health and safety.

The *Biosecurity and Agriculture Management Act 2007* (BAM Act) allows for the formation of Recognised Biosecurity Groups (RBGs) to improve and coordinate landholder management of priority declared pests.

An RBG requests the Minister determine a rate, known as a Declared Pest Rate (DPR), to fund their work. Rates for 2019-20 have now been determined.

The BAM Act requires the State Government to match rates dollar-for-dollar, which doubles the funds available.

RBGs require a long term strategic approach to make long-lasting impacts on pest problems. The DPR provides the certainty of funding needed for this to occur.

What will my rate be spent on?

Rate funds are spent on activities detailed in each RBG's annual operational plan, which identifies priority pests and management strategies for their area of operation. Landholders are given opportunities to help identify the priority pests that the DPR will be spent on.

RBG activities include building awareness, delivering training and information, hiring out equipment, and providing materials needed for pest management. Some RBGs also carry out on-ground control activities to complement landholders' efforts.

RBGs also organise coordinated activities, such as community fox shoots, and build partnerships with other RBGs, industry and agencies to control pests such as feral animals requiring large-scale regional efforts.

In 2019-20, \$5.374 million will be made available to 13 RBGs and their communities.

(Refer to map at back)

More about Recognised Biosecurity Groups (RBGs)

The work of an RBG complements individual effort – but does not replace it.

RBGs are the State Government's approach to managing established declared pests, as they allow for a community led and coordinated approach.

Through consultation with landholders, RBGs are established based on the declared pest management needs of their communities. Pest priorities will be different for each RBG.

RBG activities are focused on advice, coordination and education/training. Being actively engaged in an RBG helps

landholders to meet their legal obligations under the BAM Act to manage declared pests on their own land.

Everyone benefits from an RBG, even those landholders already controlling pests or who currently have no pests to manage.

Increased and improved pest management reduces the impact of feral animals and invasive weeds on the environment and native species. Additionally, should landholders have problems in the future, their RBG is available for support.

Declared Pest Rates

Declared Pest Rates are not new

Five RBGs in WA's pastoral regions have been collecting a Declared Pest Rate (DPR) since 2014. Prior to that, it was collected as the Agriculture Pest Rate under the *Agriculture and Related Resources Protection Act 1976*.

The RBG and DPR model has since been extended to the agricultural region. Some areas will this year be paying rates for the first time.

There are currently 13 RBGs that have rates set in their respective areas for the 2019-20 financial year. Each group operates across different local government areas. In 2019-20, approximately 20 000 landholders from 58 local government areas will receive DPR notices.

How are the rates collected?

The Commissioner of State Revenue through the Office of State Revenue (OSR) is responsible for issuing and collecting DPR notices. Rate notices are usually issued in September/October each year.

The amount of rates to be collected is matched dollar-for-dollar with State Government funds and transferred to the Declared Pest Account (DPA), which is administered by the Department of Primary Industries and Regional Development (DPIRD). Funds are then made available to each RBG.

Calculating rate contributions

Each RBG covers a different area of the state, and is impacted by different species, the volume of pests, local industry, land use, environmental factors, population demographics and size. **Therefore, RBGs have varying pest control priorities, budgets and operations, and may have different rates charged.**

The process starts with RBGs developing an annual operational plan, which forms the basis on which to calculate the rate. DPIRD then reviews the plan and advises the Minister for Agriculture and Food what rate is required to deliver on these plans. The rate may be recommended as either the same amount for each property (a flat rate), or rates based on the unimproved value of land as provided by the Valuer General (ad valorem rate).

Before the rates are finalised, landholders and affected parties are invited to provide comments on proposed rates.

Expenditure is detailed in RBG annual reports and audited financial statements, which are submitted to DPIRD, placed on the DPIRD website and tabled at the RBG's own Annual General Meetings (open to the public).

Postponement for pensioners

Eligible pensioners can apply to the OSR to have their rate payments postponed, provided they meet the requirements under section 136 of the BAM Act. Contact OSR for more information.

More information

Department of Primary Industries and Regional Development (DPR calculation and RBG model)	dpr@dpird.wa.gov.au 1300 374 731 agric.wa.gov.au/rbg
Office of State Revenue (Payment or change of address matters only)	web enquiry: osr.wa.gov.au/bama (08) 9262 1199 Country callers 1300 368 364 (local call charges)
Recognised Biosecurity Groups (For information about declared pest priorities and planned activities)	See next page

27 NOVEMBER 2019

Declared Pest Rates

Contact your local RBG for information on operational plans and priority declared pests

Biosecurity group	Contact	Email	Phone
Blackwood Biosecurity Inc	Sheila Howat	projects@blackwoodbiosecurity.org.au	0418 509 314
Carnarvon Rangelands Biosecurity Association	Krystie Bremer	crba_eo@inet.net.au	0417 183 705
Central Wheatbelt Biosecurity Association	Linda Vernon	eocwba@outlook.com	0473 163 050
Goldfields-Nullarbor Rangelands Biosecurity Association	Michelle Donaldson	admin@gnrba.com.au	0439 363 263
Kimberley Rangelands Biosecurity Association	Dick Pasfield	dick@krbg.com.au	0418 959 832
Meekatharra Rangelands Biosecurity Association	Geoff Brooks	gpbrooks2000@yahoo.com.au	0499 343 828
Pilbara Regional Biosecurity Group	Bill Currans	bill@billcurrans.com	0488 383 449
Southern Biosecurity Group	Kylie Fletcher	sbg.execofficer@gmail.com	0484 932 447
Peel Harvey Biosecurity Group	Teele Hooper-Worrell	comms.phbg@gmail.com	0474 242 223
Esperance Biosecurity Association	Linda McCrea	eba.wilddog@outlook.com	0429 926 989
Eastern Wheatbelt Biosecurity Group	Lisa O'Neill	ewbg@outlook.com	0455 724 848
Leschenault Biosecurity Group Inc	Katrina Zeelandelaar-Adams	exec@leschenaultbiosecuritygroup.org	0488 991 352
Northern Biosecurity Group	Marieke Jansen	nbg_eo@outlook.com	0460 409 344

Newly rated areas for 2019-20

Leschenault Biosecurity Group

A flat rate (fixed sum) on land in the local government districts of Bunbury, Capel, Dardanup and Donnybrook-Balingup (in the localities of Argyle, Beelerup, Brazier, Brookhampton, Charley Creek, Cundinup, Donnybrook, Glen Mervyn, Kirup, Lowden, Mumballup, Newlands, Noggerup, Paynedale, Queenwood, Thomson Brook, Upper Capel and Yabberup only) described as urban farming on the non-rural valuation roll and freehold land on the rural valuation roll maintained under the *Valuation of Land Act 1978*:

Hectare range	Flat rate (\$)
1-10	45
>10	60

Northern Biosecurity Group

0.0302 cents in the dollar on the unimproved value of freehold land in the local government districts of Chapman Valley, City of Greater Geraldton (locality of Mullewa only) and Northampton, that is no less than 100 hectares in area with a minimum rate amount payable of \$80.

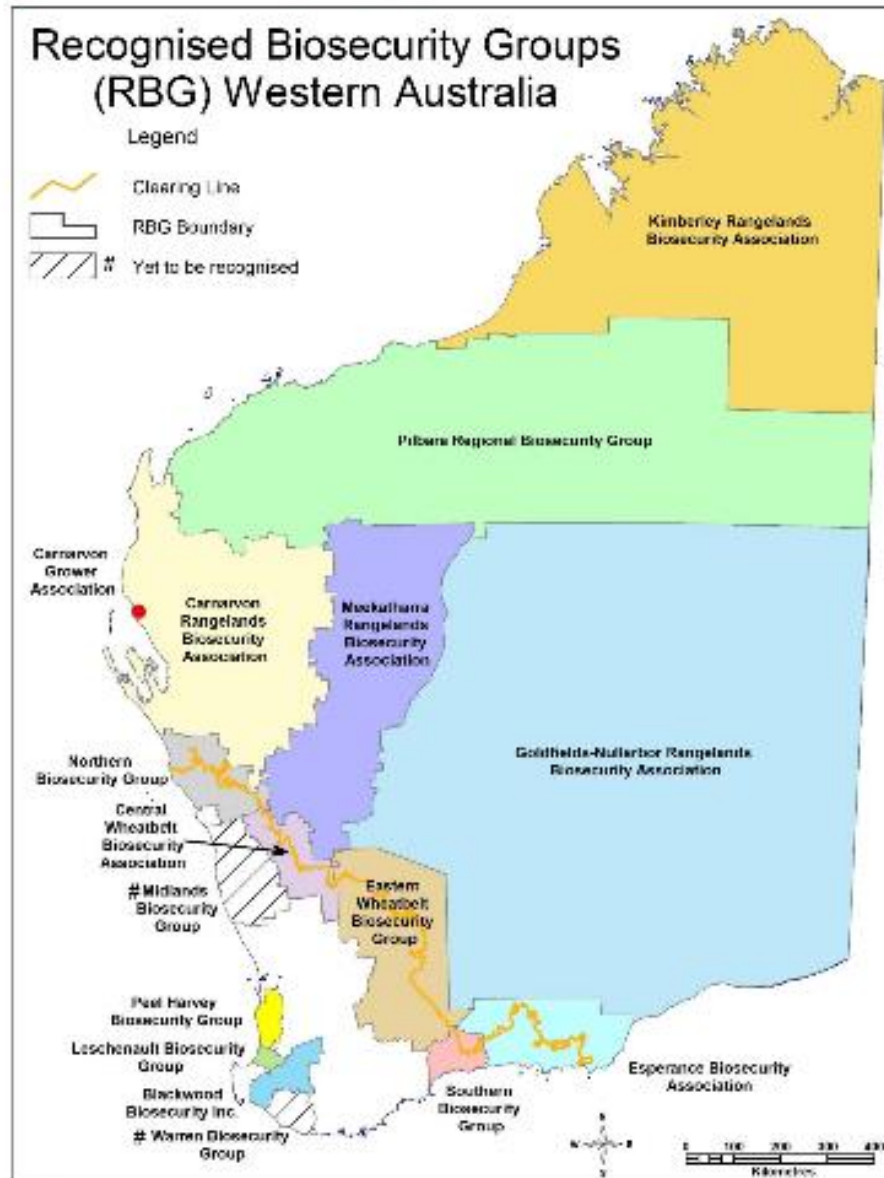
Blackwood Biosecurity Group Inc (Shire of Boyup Brook)

A flat rate (fixed sum) on freehold land in the local government districts of Boyup Brook, Bridgetown-Greenbushes, Donnybrook-Balingup (in the localities of Balingup, Mullalyup, Grimwade, Southampton and Wilga west only) and West Arthur as follows:

- \$40 on land within a town-site described as urban residential or urban farming or urban vacant or urban miscellaneous on the non-rural valuation roll maintained under the *Valuation of Land Act 1978*, or
- \$50 on land not within a town-site.

Declared Pest Rates

Recognised Biosecurity Group operational areas



Important disclaimer

The Chief Executive Officer of the Department of Primary Industries and Regional Development and the State of Western Australia accept no liability whatsoever by reason of negligence or otherwise arising from the use or release of this information or any part of it.

Copyright © Western Australian Agriculture Authority (Department of Primary Industries and Regional Development) 2019.



Department of
Primary Industries and
Regional Development

FREQUENTLY ASKED QUESTIONS

DECLARED PEST RATE

What is a Declared Pest Rate?

- Declared Pest Rates (DPR) are collected to support Recognised Biosecurity Groups (RBG), which have been formed by landholders who are concerned about the management of widespread and established declared pests in their communities.
- The *Biosecurity and Agriculture Management Act 2007* (BAM Act) allows RBGs to request the Minister for Agriculture and Food to determine a Declared Pest Rate (DPR) to be raised in their prescribed area.
- Rates are spent on the activities detailed in each RBG's operational plan, which is based on priority pests within their communities, which vary for each RBG.
- The WA State Government matches all Declared Pest Rates raised dollar-for-dollar - doubling the funds available for declared pest management.
- RBGs are working on a strategic approach to achieve long-lasting impacts on declared pests, and therefore Declared Pest Rates provide the certainty of funding needed for this to occur.

What is a declared pest?

- Widespread and established pests can be declared under the *Biosecurity and Agriculture Management Act 2007*, and are considered by government to be beyond prevention and eradication and are widespread in their distribution, across the state or within regions.
- Examples include narrow leaf cotton bush, Paterson's curse, blackberry, cape tulip, bridal creeper, some cactus species, wild rabbits, feral pigs, foxes and wild dogs.

How long has the DPR existed?

- Five RBGs in WA's pastoral regions have been collecting a DPR since 2014. Prior to that, it was collected as the Agriculture Pest Rate under the *Agriculture and Related Resources Protection Act 1976*.
- The RBG and DPR model has since been extended to the agricultural region.

Does everyone in Western Australia have to pay a Declared Pest Rate?

- A DPR is chargeable only for local governments within the prescribed area of an RBG. Not all local governments have a RBG operating in their area, or have a Declared Pest Rate being raised in their area.

27 NOVEMBER 2019

This is government trying to get hold of my money

- This is not a State or local government rate. It goes direct to the RBGs operating in the areas it is collected from, to spend on activities that their communities want to see happen.
- DPIRD is involved by matching dollar-for-dollar any rates raised, which are also made available to the RBGs. This means your community will have double the amount of funding available for pest management.
- RBGs are controlled by local representatives, many of who pay the rate themselves, and who want to make sure their rates are well spent.
- RBGs and DPIRD are not involved in the issuing of rates notices or collection of rates – this is done by the Office of State Revenue.

Are the owners of government land being charged a rate?

- No. However, under the BAM Act, it is the responsibility of landholders to control pests on their own land and this includes all levels of government.
- RBGs can develop partnerships with government agencies to ensure pest management occurs on both private and public land, with a coordinated approach.

Can RBGs access other funds?

- Yes. In addition to the funds from Declared Pest Rates, RBGs can seek and obtain funds from others sources e.g. State Natural Resources Management Office, Royalties for Regions programs and private organisations.
- However, DPR funding is likely to be the most sustainable way for RBGs to fund activities to control declared pests over the long-term.

RECOGNISED BIOSECURITY GROUPS

What is a Recognised Biosecurity Group?

- Landholders who are concerned about management of widespread and established declared pests in their community can form biosecurity groups that may become a Recognised Biosecurity Group (RBG), through formal recognition under the *Biosecurity and Agriculture Management Act 2007* (BAM Act).
- Each RBG has been based on the specific pest management needs of their local communities, which vary.
- RBGs exist to help landholders manage declared pests on their own land, which is a requirement under the BAM Act.
- RBGs are also about normalising declared pest management across the community.
- They facilitate a community led, coordinated and cooperative approach.
- They are community led because the activities of each RBG are specific to their priority pests, which are decided on by their communities.
- They facilitate cooperation by organising coordinated control activities at both a landscape-scale and regional-scale.
- Pest management can be challenging for individuals when the species is widespread and crosses boundaries, and is best addressed when communities, industries and government are working together.

How are RBG boundaries determined?

- When a biosecurity group is seeking to be recognised, the group recommends to the Minister for Agriculture and Food the area to be specified for their operations.
- DPIRD encourages biosecurity groups to form along shire boundaries. Forming along shire boundaries is the easiest and most efficient way to administer the raising and collection of the Declared Pest Rate.

How can I get involved with a RBG?

- Find out if you have an RBG operating in your area, and contact them to learn about planned activities and opportunities to be involved.
- Contact details are available from the Department of Primary Industries and Regional Development website.

27 NOVEMBER 2019

RBG ACTIVITIES

What exactly does an RBG do?

- The purpose of an RBG is specific to each. They vary according to each RBG's declared pest priorities, focus and strategy.
- It may be to create awareness, develop individual or community pest management knowledge and skills, provide the equipment and materials need for declared pest control, provide support through Licenced Pest Management Technicians, determine compliance programs or sometimes help fund on-ground control activities.
- They can organise landscape-scale coordinated activities, or collaborate and build partnerships with other RBGs, not for profit entities, industry and government to control declared pests that require large-scale regional efforts to manage.
- In summary:
 - **Educate** - RBGs help landholders understand their legal obligations under the *Biosecurity and Agriculture Management Act 2007* to manage declared pests on their own land, and how an RBG can help.
 - **Support** – RBGs provide landholders with knowledge, skills and the confidence to carry out control activities successfully on their land.
 - **Coordinate** - Declared pests don't recognise fence lines, so RBGs can help landholders to coordinate their activities on a large scale to make long-lasting impacts.
 - **Plan** - RBGs develop annual operational plans that detail management strategies and the budget needed for the year. These are based on local declared pest priorities, which are developed with input from landholders and their communities, as they are best placed to know about their local pest problems.

What are examples of what my rate will be spent on?

- Displays at local and regional field days and shows.
- Websites, social media, newsletters, brochures, annual reports.
- Meetings, presentations and information sessions.
- Training in:
 - various methods of control
 - pest identification
 - chemical use and certification.
- Individual pest workshops and control demonstrations.
- Subsidies for bait, restricted chemical product permits and chemicals.
- Provision of materials and equipment needed for pest management, through lending or hiring of equipment for landholder use.
- Annual awareness reminders.
- Seasonal control programs, such as community fox shoots, rabbit virus release and community baiting days.
- On-ground activities to complement landholder efforts, such as organising or engaging contractors to provide control of pests such as wild dogs or feral pigs.
- Opportunities for input into RBG activities:
 - face to face
 - surveys
 - app reporting such as Feralscan
 - requests for input

27 NOVEMBER 2019

- o mail outs
- o feedback at local events and workshops
- o Facebook posts
- o Annual General Meetings

How do I find out what my money has been spent on?

- Expenditure is detailed in RBG annual reports, which are submitted to the Department of Primary Industries and Regional Development (DPIRD), placed on the DPIRD website and tabled at the RBG's own Annual General Meetings (open to the public).

I am already carrying out pest control. Why should I pay for managing pests on someone else's property?

- RBG activities are aimed at getting your neighbours on the same page when it comes to pest management, so that management activities are coordinated. This is the only way to make a lasting impact, because pests don't recognise boundaries or fence lines.
- To get everyone involved, landholders need awareness, information, skills and the means to carry out control. This is what a Declared Pest Rate pays for.
- Your rate is also paying for overall community and environmental benefits, such as preventing weeds from invading your town's landscapes, and reducing the impact of feral animals on our unique native plants and animals.

I don't have any pests on my property. What do I get out of paying a rate?

- The benefit you receive is stronger local economic development, and the environmental benefits of reducing the numbers of feral animals and invasive weeds.
- Research carried out through the Threatened Species Recovery Hub highlighted that invasive species are impacting 1,257 threatened species in Australia. The rabbit topped the top 10 list - impacting more than 321 native threatened species, including both plants and animals. Feral pigs also made the list impacting 149 threatened species.
- RBGs carry out a number of activities to reduce feral rabbit and pig numbers. This includes community-wide fox shoots, area-wide release of the feral rabbit virus, trapping/baiting workshops, and contracting Licensed Pest Management Technicians to carry out wild dog and feral pig control.

The RBG should use my rate to carry out pest control on my behalf

- Some RBGs might allocate funds to on-ground control when they determine there is a need to support landholders, such as managing large volumes of pests that cross tenures across large areas.
- Although RBG activities are always intended to complement landholder efforts – never to replace them.
- Where landholders don't have the skills or motivation to carry out pest management, RBGs may instead allocate funds to activities other than on-ground control, such as training and education.
- The circumstances for each RBG vary, and therefore their activities will not be the same.

27 NOVEMBER 2019

How much of my rate will be spent on RBG staff?

- Good planning and management is needed to make best use of the Declared Pest Rate, which requires administrative staff.
- Staffing and contractors are also required to carry out activities such as training, surveillance, baiting, pest control and reporting.
- All RBGs want to minimise staff costs so they can maximise on-ground activities and pest control.
- RBGs are controlled by local representatives, many of who pay the rate themselves, and who want to make sure their rates are well spent.

27 NOVEMBER 2019

CALCULATION AND PAYMENT

How is the DPR calculated?

The process starts with RBGs developing an annual operational plan, which forms the basis on which to calculate the rate.

DPIRD then reviews the plan and advises the Minister for Agriculture and Food what rate is required to deliver on these plans.

The rate may be recommended as either the same amount for each property (a flat rate), or rates based on the unimproved value of land as provided by the Valuer General (ad valorem rate).

Before the rates are finalised the Minister for Agriculture and Food carries out consultation on the proposed rates, to be considered prior to the rates being finalised and gazetted (published in the WA Government Gazette).

Consultation is a requirement under the Biosecurity and Agriculture Management (Declared Pest Account) Regulations 2014.

The consultation period is promoted widely through public notices, social media and direct letters.

How are the rates collected?

- The Office of State Revenue is responsible for issuing of notices and collections of Declared Pest Rates.
- The DPR collected is matched dollar-for-dollar with State Government funds and transferred to the Declared Pest Account, which is administered by the Department of Primary Industries and Regional Development.
- Funds are then made available to each RBG.

Why have my rates increased?

- The calculation of Declared Pest Rates are based on each RBG's annual operational plan and budget, which changes according to need.
- This means that groups may undertake different activities each year, which may result in an increase in the budget required.

My rate is different from my neighbours/from other RBGs?

- The DPR for each RBG may differ, as they are based on each RBG's priority pests and annual operational plan and budget, which are specific to each group.
- Additionally, RBGs decide on the DPR differently, with some charging the same amount for each property (a flat rate), or based on the unimproved value of land as provided by the Valuer General (ad valorem rate).
- Landholders within the same RBG area may pay different rates due to factors decided on by your RBG, such as property size, or if an ad valorem rate is applied.
- These factors also influence whether or not a landholder must pay a DPR.

27 NOVEMBER 2019

When do I have to pay the rate?

- DPR notices are issued by the Office of State Revenue in September/October each year. Rates are due 49 days from date of issue.

I refuse to pay/will be sending the invoice to DPIRD

- The Office of State Revenue is responsible for managing the recovery of unpaid rates.
- Rates are due 49 days from date of issue. Within a month of expiry of the due date, OSR issues a payment demand notice via a letter or e-mail, giving a further 3-4 weeks for payment.
- Outstanding debts of two or more years are secured with a Memorial on the Title of the relevant property preventing sale and the registration of a mortgage such as re-financing.

I can't afford to pay

- You have the option of contacting the Office of State Revenue to make alternative payment arrangements, such as instalments.

I'm being told my rate is based on how many VENs I own. What is a VEN?

- A VEN is a Valuation Entity Number given to a parcel or parcels of land by the Valuer General (through Landgate).
- VENs are not generated by RBGs or DPIRD.
- Each VEN is charged a rate.
- If you have more than one VEN then you will be charged more than once.
- The same VEN is also used by the Shires for their own rate assessments.

I don't live in a RBG area/addressed to wrong person

- Please call the Office of State Revenue.

I called OSR and they have no idea what my money will be spent on

- The Office of State Revenue only deals with the issuing of rate notices and collection.
- They are not informed on each RBG's operational activities or what landholders will gain from paying the DPR.
- If you require information on your RBG and its expenditure, please contact the group direct.

Do pensioners have to pay?

- Eligible pensioners can apply to the Office of State Revenue to have their rate payments postponed, provided they meet the requirements under section 136 of the *Biosecurity and Agriculture Management Act 2007*.
- Contact the Office of State Revenue for more information.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

12.4 RATES INTEREST WRITE-OFF – WILDSIGHTS VILLAS, WILDSIGHTS BEACH HOUSE AND 111 KNIGHT TERRACE
P1168, P4232 AND P4233

AUTHOR

Executive Manager Finance and Administration

DISCLOSURE OF ANY INTEREST

Nil

Officer Recommendation Option 1

That Council:

- 1.1 Write-off the interest accrued to 19 November 2019 being \$126.80 and write-off any further interest accruals on the outstanding rates accrued after 19 November 2019 on Assessment A1168 for Wildsights Villas, and
- 2.1 Write-off the interest accrued to 19 November 2019 being \$46.27 and write-off any further interest accruals on the outstanding rates accrued after 19 November 2019 on Assessment A4232 for Wildsights Beach House, and
- 3.1 Write-off the interest accrued to 19 November 2019 being \$32.37 and write-off any further interest accruals on the outstanding rates accrued after 19 November 2019 on Assessment A4233 for 111 Knight Terrace.

ABSOLUTE MAJORITY REQUIRED

OR

Officer Recommendation Option 2

That Council deny the request to write-off interest accruals on Assessments A1168, A4232 and A4233 for Wildsights Villas, Wildsights Beach House and 111 Knight Terrace respectively.

ABSOLUTE MAJORITY REQUIRED

Moved Cr Smith
Seconded Cr Stubberfield

Councillor Motion

That Council:

Write-off the interest accrued to 19 November 2019 being \$126.80 and write-off any further interest accruals on the outstanding rates accrued after 19 November 2019 on Assessment A1168 for Wildsights Villas, and
Write-off the interest accrued to 19 November 2019 being \$46.27 and write-off any further interest accruals on the outstanding rates accrued after 19 November 2019 on Assessment A4232 for Wildsights Beach House, and
Write-off the interest accrued to 19 November 2019 being \$32.37 and write-off any further interest accruals on the outstanding rates accrued after 19 November 2019 on Assessment A4233 for 111 Knight Terrace.

1/5 LOST

Moved Cr Fenny
Seconded Cr Bellottie

Council Resolution

That Council deny the request to write-off interest accruals on Assessments A1168, A4232 and A4233 for Wildsights Villas, Wildsights Beach House and 111 Knight Terrace respectively.

5/1 CARRIED BY ABSOLUTE MAJORITY

27 NOVEMBER 2019

BACKGROUND

An email has been received from Fran Raven requesting waiving of interest on the 2019/2020 rates assessment on the basis that the original rate notices were never received. A copy of their letter dated 20 November 2019 is attached for your information.

Comment

On the 1 November 2019 Rates Final Notices were issued to ratepayers who had not paid their rates. On the 19 November 2019 the Shire was contacted by the ratepayer and advised that they had just been handed the final notices from their daughter and were concerned about the overdue rates and the possibility of penalty interest.

The Shire posted original rates notices for the three properties on the 30 August 2019.

On review of each of these properties we can confirm the following:

Assessment A4232 Wildsights Beach House – Since 2016 all rates were paid each quarter by the due date and did not incur any penalty interest.

Assessment A4233 111 Knight Terrace – Since 2016 all rates were paid each quarter by the due date with the exception of the instalment due on the 15 February 2019 which was subsequently paid on the 19 March 2019 and incurred \$4.89 in penalty interest.

Assessment A1168 Wildsights Villas – Since 2016 all rates were paid each quarter by the due date with the exception of the instalment due on the 02 November 2017 which was subsequently paid on the 06 December 2017 and incurred \$5.04 in penalty interest.

It is our opinion the rates notices were not received by the ratepayer based on their above payment history. This is supported by the ratepayer contacting the Shire on receipt of the final rates notices to rectify the issue.

From: info@wildsights.com.au <info@wildsights.com.au>

Sent: Wednesday, 20 November 2019 11:03 AM

To: Paul Anderson <paul@sharkbay.wa.gov.au>

Subject: Interest on Rates Notice

Hi Paul,

It was brought to my attention yesterday that the rates notices for all my properties are overdue.

I checked with our office as to where the originals were. The original rates notices were never received through the mail by us and that is why the rates are now outstanding.

Had I received the original notices I certainly would have attended to the payment properly via the payment plans as I have always done in the past.

Interest accrued as at the 19th of November is as follows:-

Property at Wildsights Villas - A1168 - \$126.80

Property at Wildsights Beach House - A4232 - \$46.27

Property at 111 Knight Terrace - A4233 - \$32.37

I ask that the council would kindly consider waiving the interest that has accrued on these rates notices, as stated, I was unaware that payments were due.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Would you please have this matter addressed at the next council meeting or submit to the councillors if appropriate and/or required.

Please note I attended to the first payments according to the payment plans for all these rates yesterday.

I thank you for your assistance and look forward to hearing from you.

Cheers,

Fran Raven

info@wildsights.com.au

Our email address has changed to @wildsights.com.au instead of @monkeymiawildsights.com.au

To ensure emails from our new address do not get diverted to your Junk or Spam folder, please update your address book now.



LEGAL IMPLICATIONS

Section 6.12 of the Local Government Act 1995 permits Council to defer, grant discounts, waive or write off debts.

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

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

which is owed to the local government.

** Absolute majority required.*

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

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

Section 6.51 of the Local Government Act 1995 permits Council to accrue interest on overdue rates or service charges.

6.51. *Accrual of interest on overdue rates or service charges*

- (1) *A local government may at the time of imposing a rate or service charge resolve* to impose interest (at the rate set in its annual budget) on —*
- (a) *a rate or service charge (or any instalment of a rate or service charge); and*

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

- (b) *any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.*

** Absolute majority required.*

- (2) *The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.*
- (3) *Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.*
- (4) *If a person is entitled under the Rates and Charges (Rebates and Deferments) Act 1992 or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge —*
- (a) *no interest is to accrue in respect of that rate or service charge payable by that person; and*
- (b) *no additional charge is to be imposed under section 6.45(3) on that person.*
- (5) *Regulations may provide for the method of calculation of interest.*

[Section 6.51 amended by No. 1 of 1998 s. 21(1); No. 49 of 2004 s. 62.]

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The write off of \$205.44 will reduce the interest receivables for 2019/2020 financial year.

STRATEGIC IMPLICATIONS

Outcome 4.2: An efficient and effective organisation where the Shire encourages and supports community engagement and provides appropriate services to the community in a professional and efficient manner

RISK MANAGEMENT

This is a low risk item to Council as the interest revenue was not factored into the 2019/2020 budget.

VOTING REQUIREMENTS

Absolute Majority Required

SIGNATURES

Author

A Pears

Chief Executive Officer

P Anderson

Date of Report

20 November 2019

27 NOVEMBER 2019

12.5 LOCAL GOVERNMENT INSURANCE SCHEME SURPLUS SHARE 2019
RM00001

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Officer Recommendation

1. That Council request the Local Government Insurance Scheme 2019 Surplus Share of \$16,761 be paid as a dividend payment and be recorded as General Purpose Income.
- Or
2. Council requests the continuation of the 2019 Surplus Share to be a contribution credit against insurance premiums for the 2020-2021 financial year resulting in reduced insurance costs.
- Or
3. Council requests the 2019 Surplus Share to be held in trust for risk management initiatives which can be utilised by the Shire.

Moved Cr Stubberfield
Seconded Cr Fenny

Council Resolution

That Council request the Local Government Insurance Scheme 2019 Surplus Share of \$16,761 be paid as a dividend payment and be recorded as General Purpose Income.

5/1 CARRIED

Background

As a member of the Local Government Insurance Scheme, the Shire is advised of its yearly surplus share and then receives this as a contribution credit which has been applied against the following year's insurance premiums. Last year \$11,396 was applied as a credit against the Insurance premiums.

Comment

Local Government Insurance Scheme have recommended that the treatment of this surplus be a Council decision to aid with transparency and to ensure that Council has input on how these funds are to be utilised. Council has the choice to take the share of the surplus as a credit off next year's membership renewal contributions, as a dividend payment or held in trust for funding risk management initiatives.

The surplus share is calculated on a formula which reflects the Shire's insurance contributions and incurred claims over a four year period.

The insurance premiums over the last three years are detailed below and display the Local Government Insurance Scheme surplus share impact on overall contributions.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

LGIS Insurance Contribution Analysis	2017-18	2018-19	2019-20	2020-2021
Insurance Contributions	\$ 160,973	\$ 162,510	\$ 170,018	\$ 178,519
Increase in Contributions		1%	5%	5%
Surplus Share Prior Year	\$ 9,790.98	\$ 11,233.06	\$ 11,396.00	\$ -
Surplus Share This Year			\$ 16,761.00	\$ 16,761.00
Net Insurance Contributions After Surplus Share	\$ 151,182.00	\$ 151,276.82	\$ 141,861.00	\$ 161,757.90
Surplus Return on Contributions	6%	7%	17%	9%

The increase in Insurance contributions for the 2019/2020 financial year is due to higher premiums for building insurances.

The implication of adopting each of the Officer Recommendations is as follows:

Option 1 – A \$16,761 dividend will be received during the 2019/2020 financial year which can reduce this year's insurance contributions as detailed above or be recorded as general purpose income. However on the assumption that insurances will increase by 5% in 2020/2021 financial year and that Local Government Insurance Scheme will continue to distribute a contribution surplus of a similar amount of \$16,761, it can be used to reduce current year insurance costs and the benefit of this surplus is not delayed until the next financial year.

Option 2 – The contribution surplus will be received in the 2020/2021 financial year instead of the 2019/2020 financial year.

Option 3 – The contribution surplus will be added to the Local Government Insurance Scheme member experience account and utilised when required by the Shire.

A copy of the Local Government Insurance Scheme Surplus Flyer has been attached which also details the various services that are provided under this scheme.

Legal Implications

There are no legal implications relative to this report.

Policy Implications

There are no policy implications relative to this report.

Financial Implications

As this is a surplus return of insurance contributions, there is minimal risk financially as the impact is 6% to 7% overall of insurance premiums as detailed above.

Strategic Implications

There are no strategic implications relative to this report.

Voting Requirements

Simple Majority Required

Signatures

Author

A Pears

Chief Executive Officer

P Anderson

Date of Report

18 November 2019



Shire of Shark Bay

Local governments working together



Your surplus share 2019
\$16,761



2018 Surplus share
(received as 2019/20 contribution credit)

\$11,396



Your total Scheme surplus share to date

\$95,294



Your LGIS Scheme members equity

\$63,893

excludes GST

27 NOVEMBER 2019

100%
of WALGA
Members are
LGIS Members

Over the past few years a number local governments have sought to test the value of the LGIS WA Scheme. It's a testament to the enduring value of the mutual model that the City of Kalamunda, Shire of Wiluna and Shire of Coolgardie have returned, and those who went to tender have remained with the Scheme.



Returning members: City of Kalamunda, Shire of Wiluna and Shire of Coolgardie



100% of WALGA members are LGIS members

LGIS performance in 2018/19

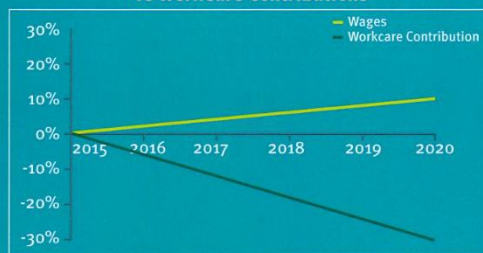
The financial performance of the Scheme remained robust this year, despite competitive pressures in the market where commercial insurers offered unsustainable, discounted premiums to achieve growth in the short term. LGIS membership was strong in 2018/19 and continues to be in 2019/20, demonstrating that WA local governments understand that the mutual Scheme remains the best option for sustainable, long term and appropriate cover for the WA sector.

The surplus for 2019 is well in excess of budget and, combined with the previous year's allocation, has allowed the Scheme Board to declare a distribution of \$6 M to members.

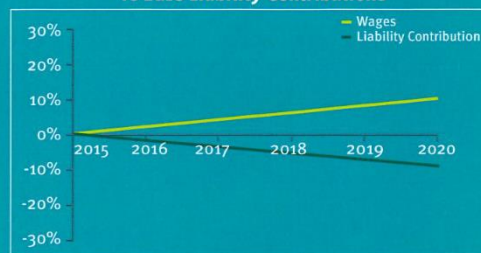
Our solid financial year performance can be attributed to a number of factors – our proactive and collaborative approach to risk management which contributed significantly to containing claims; and solid returns on our investments.

The graphs below demonstrate that member contributions have remained stable even with local government risk profiles evolving.

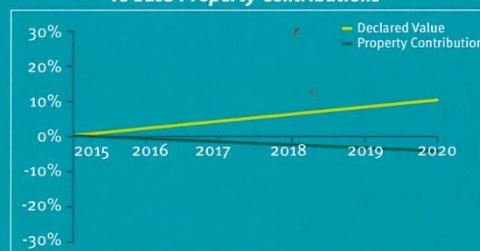
5 Year Trend – Members Declared Wages vs WorkCare Contributions



5 Year Trend – Members Declared Wages vs LGIS Liability Contributions



5 Year Trend – Members Declared Assets vs LGIS Property Contributions



LGIS WA Annual Report

The LGISWA Annual Report is now available in the members' centre of the LGISWA website for more information on the performance of your Scheme in 2018/19.

27 NOVEMBER 2019

Health and wellbeing services

The LGIS Health and Wellbeing Program is another popular Scheme benefit; it's designed to improve the health awareness and outcomes of WA local government workers through:



Providing education and awareness raising sessions to improve the health and wellbeing of staff and prevent or delay the onset of illness, disease and injury.



Providing screening programs that assist to identify risk factors that may require further health management.

Healthy workers are reported to be more productive than unhealthy workers, record fewer injuries, sick days, and work-related injury claims. Improving the health and wellbeing of workers can also lead to:

- Increased worker engagement and morale
- Improved safety performance
- Decreased musculoskeletal injury
- Increased worker retention
- Decreased absenteeism and presenteeism

Making the most of your membership

2018/19 Shire of Shark Bay health and wellbeing benefits taken

Corporate massage	-
Exercise program	-
Flu vaccinations	-
Health assessment (basic/short)	-
Health assessment (long/executive)	-
Injury prevention	-
Health seminars	-
Health lifestyle challenge	-
Hearing tests	✓
Online mental health tool	-
Skin screens	-

Your 2019/20 health & wellbeing funding balance: \$0.00

Cover tailored to local government

LGIS membership provides the best cover which meets the needs of modern progressive local governments. In 2018/19 our members benefited from unique cover tailored to local government needs which allowed them to get on with delivering valued community services.

Building cladding



No exclusions in to Liability arising from your building surveyors surveyors, planning and cladding risks. This is a significant benefit in the current environment and in particular where buildings have been identified within a local government's area in the state wide cladding audit.

Flood damage



Assets are automatically covered for flood damage under LGIS Property, not an optional extra for additional cost. We believe protection for the community's assets against flood risk is essential for 'local government with exposure'.

Molestation



No sexual abuse and molestation exclusion.

Catastrophic events



Appropriate limits of protection for local government, as modelled by actuarial consultants, that are necessary if a catastrophic events occur.

Unique cover



Unique local government covers such as costs to run evacuation centres, upgrade green assets and dilapidation.

Appropriate liability



Appropriate limits of \$600M for local government liability exposures, as modelled by actuarial consultants, that is available without sublimit on significant risks such as bushfire liability.

Nil deductible



Nil deductible on all public liability claims. This removes member's burden of responsibility to seek their own legal advice and defence, including legal fees and settlement amounts.

Cover simplified



Liability protection is provided under a broad-form policy to prevent the inevitable complications arising from competing insurers (e.g. where a claim could trigger both public liability and professional indemnity covers).

Stable workers' comp



Members of the Scheme are not subject to the ongoing instability and increases of the WorkCover WA gazetted rate which has increased 42% over the past two years.

Protecting members and your community

The true value of your protection is only realised in times of adversity and we've helped our members back on their feet after some significant losses. We consider the sector when handling claims and always look to defend local government members from future issues.

The reductions in contribution enjoyed by our members in recent times are not a one year 'special'. They are the result of prudential management of the Scheme and a strategic decision by the Board to re-distribute surpluses to members.

Your Scheme by the numbers – 2018/19



1,721 New liability and property claims managed by LGIS



\$7M Property claims incurred in 2018/19



17,000 Bushfire volunteers covered (Including significant expansion of benefits)



\$13.7M in Workers' Compensation claims incurred in 2018/19

Receiving your surplus share

Following last year's surplus allocation, all members were informed of a contribution credit plan, whereby members would share in credits in the order of \$4.5 M each year until 2021 to contain their membership costs. Your share of \$4.5 M was duly credited off your 2019/20 Scheme membership costs.

This year, as well as the increased surplus amount each member will be given a choice to take their share of the surplus as a credit off next years membership renewal contributions, as a dividend payment or held in trust for funding risk management initiatives.

How is my share of the surplus calculated?

Each member's share of the surplus is assessed on a formula which reflects their respective contributions and incurred claims costs over a four year time horizon.



How do I know that LGIS has 'enough in the pot' to cover claims?

The 'pot' (i.e. prudential reserves) is determined considering development factors. 'Development factors' is an insurance term for 'things that are likely to happen given previous trends'. We engage PwC actuaries to independently model and assess our reserves, which determines how much needs to be collected in contributions.

Locally managed claims

LGIS handled 2,473 claims across the property, liability, WorkCare and bushfire volunteer personal accident portfolios in 2018/19. Each claim was handled by the member's dedicated specialist claims consultant who managed the process from beginning to end.

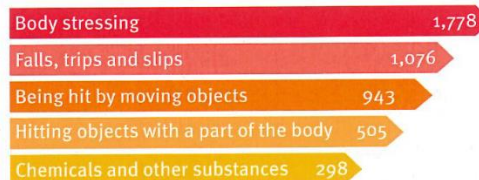
Claims hotspots



Over the past five years we've seen some consistent trends in claims from our local government members.

WorkCare

Causation hotspots last 5 years (all members)



Mental stress catching up



Although not in the top five claims areas mental stress isn't far behind. Claims costs for mental stress are increasing, making it an area to watch for the WA local government sector.

Proactive on workers' compensation

Looking for ways to reduce the number of workers' compensation claims for your local government? Claims analysis highlights four key areas which need focus across LGIS members:



Fit for purpose. Employ people who are right for the role, ensure that employees are physically capable of fulfilling the responsibilities of the job.



HR Process. Review your HR practices and make sure that managers are trained and supported.



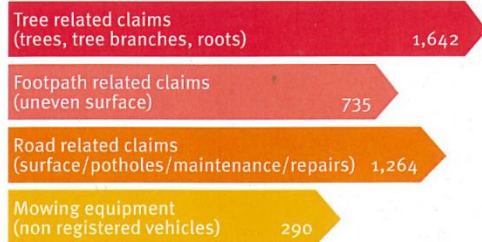
Aging workforce. Over 50% of claims are from the 40-60 age group of local government workers. Review tasks and physical requirements; make sure the individual is able to work within their capacity.



Manual handling and job dictionaries. Job dictionaries document the physical requirements of a role; coupled with manual handling training and guidelines they help to match an individual to a role and work within their capacity to reduce injury.

Liability

Causation hotspots past 5 years (all members)



Proactive on liability

Looking for ways to reduce local government's liability exposure? Claims analysis highlights four key areas which need focus across LGIS members:

- Trees.** Review lists of recommended trees for verges and public places selecting breeds with non-invasive roots. Review complaint handling process to make sure appropriate action is taken.
- Footpaths.** Audit/review and action to footpaths and areas which attract large amount of footfall to be repaired or section of area replaced. Lack of lighting is also an issue and planning around this is paramount.
- Roadworks.** Make sure that pre and post inspections are carried out and documented ensuring that there is evidence that the inspection has occurred. Also make sure that correct signage is used.
- Mowing equipment.** Make sure signage is clear and the area is free of pedestrians.

Property

Causation hotspots past 5 years (all members)



Simple steps on property protection

- Controls.** Investigate the benefits of passive controls such as CCTV, vegetation management, lighting which would increase the risk of an offender being sighted.
- Maintenance.** Improved housekeeping within and around buildings and ensure preventative maintenance is completed on schedule – simple things such as ensuring bins are secured/ gutters are regularly cleaned, no dense foliage encroaching on property.
- Contractors.** Ensure contractors are appropriately managed and apply your local governments hot works arrangements.
- Windows.** Consider the value of using window treatments such as plastic microfilm to reinforce glass.

Unique member benefits – managing local government risk together

As the protection partner of choice for WA local governments, we understand the complexity of the sector like no other – we know that cover is only the beginning.

That's why membership of LGIS delivers more than 'insurance' to your local government.

Scheme membership provides an abundance of risk services which align with the priorities of local governments.

In 2018/19 LGIS members received a range of risk and governance services as part of their membership which reduced the number of claims and contained the costs of cover. Of the services offered the '3 Steps to Safety' program (22%) which supports members in creating safe workplaces was the most utilised, closely followed by the general risk program (20%) which assists members in anticipating, identifying and managing their liability and property risk exposures.

Risk services delivered directly to members in 2018/19



Making the most of your membership

2018/19 Shire of Shark Bay benefits taken

Injury management program	-	General risk management	-
HR Risk and preventative stress management	-	Injury prevention training	-
Emergency risk management	-	OSH '3 steps to Safety' and advisory program	✓

What you told us

At the beginning of 2019 we asked our members – elected members, CEO's, executives and operational staff – what we were doing well and where we can improve.

What you think about us

You gave us a score out of 5 for the following:



4/5 service quality (79% of respondents)



4/5 for success achieved (71% of respondents)



4.5/5 for trust (90% of respondents)

The importance of risk services



of CEO's agreed that complimentary risk services support better practices, reducing claims, ensuring sustainability of their Scheme



were satisfied that LGIS provides the right complimentary risk services to meet their requirements



of elected members rated risk management programs and services to protect their local government organisation, its people and the community as important.

Our focus to improve in 2019/20

- Increase communication with elected members
- Focus on high quality member services
- More regular visits to smaller members
- Present at more council meetings.

We help our members build better communities by containing costs, providing the best cover and helping them manage risks, through a member-owned mutual insurance model

LGIS is local governments working together:

- We make sure that our members have the best cover and if disaster strikes we get the member, and their community, back on their feet as soon as possible.
- We understand local government and we're here for the long term to share knowledge and tailor services to minimise the total cost of risk for our membership.

Contact Details

Please feel free to contact us if you have any further questions about your membership.

Udam Wickremaratne
Account Chair
LGIS
T: 08 9483 8846
Udam.Wickremaratne@lgiswa.com.au

Damien Gaughan
Account Manager
LGIS
T: 08 9483 8841
damien.gaughan@lgiswa.com.au

2018/19 LGISWA Annual Report



Now available in the website Member Centre at lgiswa.com.au or contact your Account Manager for a hard copy.

27 NOVEMBER 2019

12.6 ANNUAL REPORT 2018/2019
FM00009

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Fenny
Seconded Cr Ridgley

Council Resolution

That Council –

- 1. Receive and Accept the Annual Report for the 2018/2019 financial year.**
- 2. Receive and Accept the Annual Financial and Auditors reports for the 2018/2019 financial year and note the comment on ratios.**
- 3. Set the date for the Annual General Meeting of electors for Tuesday 17 December 2019 commencing at 6.30pm at the Shark Bay Recreation Centre in accordance with section 5.27(2) of the *Local Government Act 1995*.**

6/0 CARRIED BY ABSOLUTE MAJORITY

Background

The 2018/2019 Annual Report, which includes the annual financial statements and auditor's report, has been prepared in accordance with section 5.53 of the *Local Government Act 1995* and is attached under separate cover.

The Annual Report highlights the Shire's achievements in 2018/2019 under the outcomes in the Strategic Community Plan.

Following the acceptance of the Annual Report the Council must have a meeting of electors not more than 56 days after the acceptance of the Annual Report for the previous financial year. This means that the last day that the Council can hold an electors' meeting is 22 January 2020.

Comment

The annual financial statements are included in the Annual Report and reflect an unqualified audit report.

The management letter mentions one area which is recommended to improve internal controls surrounding strengthening password minimum requirements and rotation for the financial system. This has been addressed with our computer support for review and recommendation. A full copy of the Management Letter is attached to this agenda item for your information.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

The auditor's comments follow:

We noted no matters we wish to draw to your attention except for the following:

1. We noted there is no minimum requirement to strengthen passwords or mandatory password rotation in accessing the Shire's accounting software in place. To help improve access security, we recommend minimum password requirements be setup and a process of regular password rotation be implemented.

Legal Implications

Sections 5.53, 5.54 and 5.55 of the *Local Government Act 1995* refer to the acceptance of the annual report.

Policy Implications

There are no policy implications associated with this report.

Financial Implications

The annual report includes the Shire's audited annual financial statements, which present the Shire's financial position as at 30 June 2019 and is a useful tool for evaluating the Shire's operations.

Strategic Implications

Strategy 4.1 / 4.2 The Shire is a strategically focused, unified Council and organisation, functioning efficiently and effectively

Risk Management

There is a low risk associated with this item. Council needs to adopt the annual report to maintain compliance with the *Local Government Act 1995*.

Voting Requirements

Absolute Majority Required

Signatures

Author

A Pears

Chief Executive Officer

P Anderson

Date of Report

18 November 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

MOORE STEPHENS

15 November 2019

Cr C Cowell
The Shire President
Shire of Shark Bay
65 Knight Terrace
DENHAM WA 6537

Level 15, Exchange Tower,
2 The Esplanade, Perth, WA 6000
PO Box 5785, St Georges Terrace, WA 6831
T +61 (0)8 9225 5355
F +61 (0)8 9225 6181
www.moorestephens.com.au

Dear Cr Cowell

MANAGEMENT REPORT FOR THE YEAR ENDED 30 JUNE 2019

We advise that we have completed our audit procedures for the year ended 30 June 2019.

We are required under the Local Government Audit Regulations to report certain compliance matters in our audit report. Other matters which arise during the course of our audit that we wish to bring to Council's attention are raised in this management report.

It should be appreciated that our audit procedures are designed primarily to enable us to form an opinion on the financial statements and therefore may not bring to light all weaknesses in systems and procedures which may exist. However, we aim to use our knowledge of the Shire's organisation gained during our work to make comments and suggestions which, we hope, will be useful to you.

We noted no matters we wish to draw to your attention except for the following:

1. We noted there is no minimum requirement to strengthen passwords or mandatory password rotation in accessing the Shire's accounting software in place. To help improve access security, we recommend minimum password requirements be setup and a process of regular password rotation be implemented.

We take this opportunity to thank the Shire for their assistance provided during the audit.

Should you wish to discuss any matter relating to the audit or any other matter, please do not hesitate to contact us.

Yours faithfully



Greg Godwin
Partner
Moore Stephens

Encl.

Liability limited by a scheme approved under Professional Standards Legislation. Moore Stephens ABN 16 874 357 907. An independent member of Moore Global Network Limited - members in principal cities throughout the world. The Perth Moore Stephens firm is not a partner or agent of any other Moore Global Network Limited member firm.

27 NOVEMBER 2019

13.0 TOWN PLANNING REPORT

13.1 APPLICATION FOR NEW HANGAR AND SECOND HAND TRANSPORTABLE OFFICE AT SHARK BAY AIRPORT – LOT 91 SHARK BAY AIRPORT ROAD, DENHAM P2027

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved Cr Ridgley
Seconded Cr Cowell

Council Resolution

That Council:

- 1. Note that Lot 91 Shark Bay Airport Road, Denham is within a declared bushfire prone area however exempt the applicant from providing a Bushfire Attack Level assessment for the following reasons:**
 - **An exemption for ancillary development is consistent with Western Australian Planning Bulletin 111/2016 which notes that it may not be practical to require a Bushfire Attack Level assessment if the proposal is for an ancillary use; or does not involve the occupation of employees on site for any considerable amount of time.**
 - **It is reasonable to apply the exemption to the hanger and offices which are ancillary to the existing established airport.**
- 2. Approve the application lodged by Able Planning for a hanger, dome shelter and second hand transportable offices on Lot 91 Shark Bay Airport Road, Denham subject to the following conditions and advice notes:**
 - (i) The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
 - (ii) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.**

27 NOVEMBER 2019

- (iii) If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.

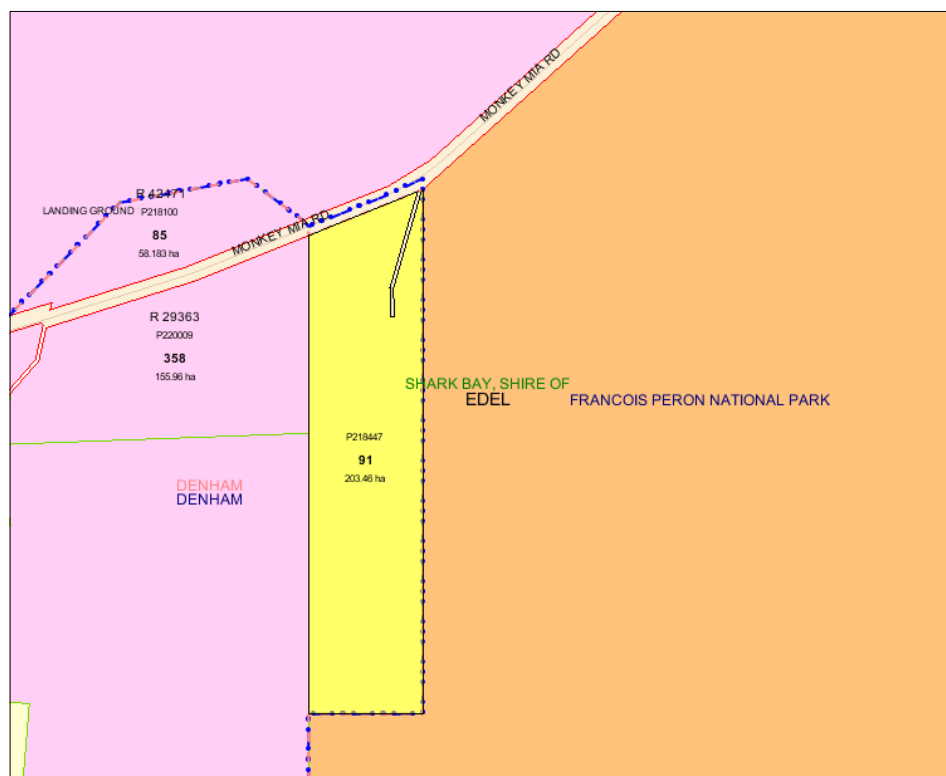
Footnote/ advice notes:

- (a) Planning consent is not an approval to commence construction. A separate Building Permit must be obtained for all work.
- (b) It is recommended that you liaise with the Department of Water and Environmental Regulation as you may need to apply for a separate clearing permit. It is an offence to clear some native vegetation without a permit under the *Environmental Protection Act 1986*.

6/0 CARRIED

BACKGROUND

Lot 91 has an approximate area of 203.46 hectares and contains the Shark Bay Airport and associated airport infrastructure. Access into the lot is via Shark Bay Airport Road which connects to Monkey Mia Road.



Location Plan

COMMENT

• ***Zoning***

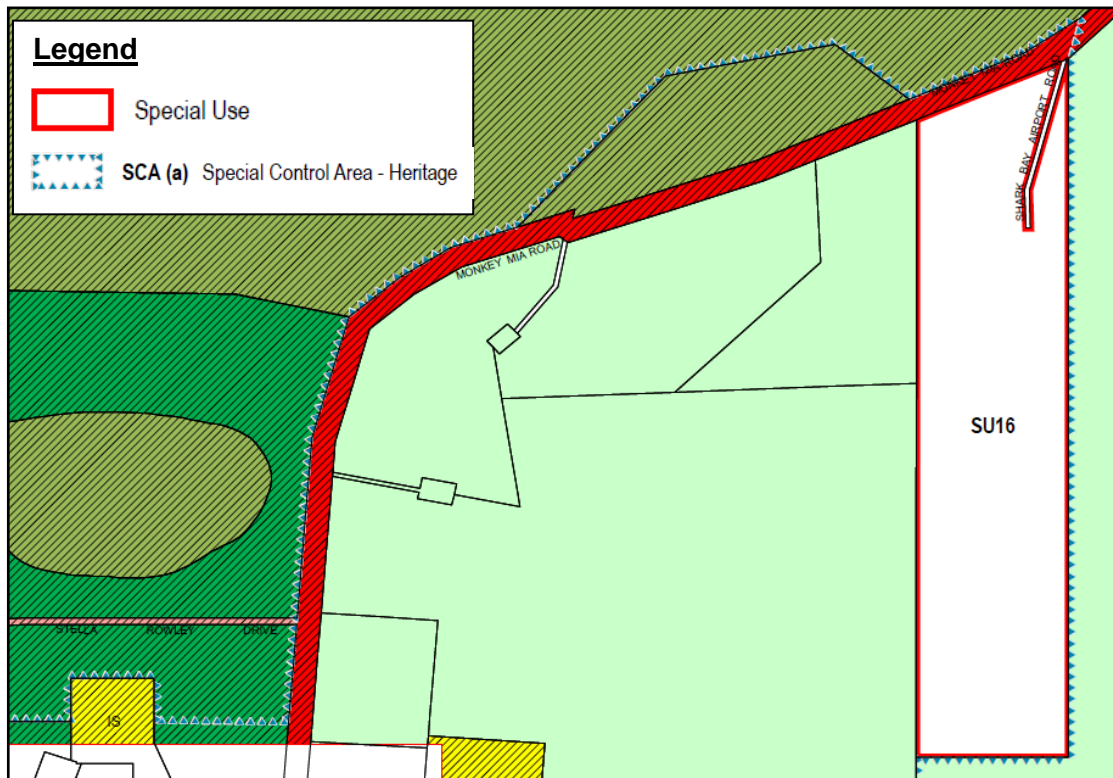
Lot 91 is zoned 'Special Use' (No 16) under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

27 NOVEMBER 2019

Under Schedule B of the Scheme a condition states that *'the intent of this Special Use zone is to recognise the established Shark Bay airport as an essential component of regional transport infrastructure.'*

An airfield and car park are permitted uses in the applicable Special Use zone.

Lot 91 is not within the world heritage area. The Special Control Area for the Shark Bay World Heritage Property is to the immediate north and east of Lot 91 – refer map below.



Zoning Plan – Shire of Shark Bay Local Planning Scheme No 4

- **Proposed development**

The applicant seeks approval for a new hanger at the airport, and ancillary second hand transportable offices. All development is proposed to the south of the existing airport building – refer plan overpage.

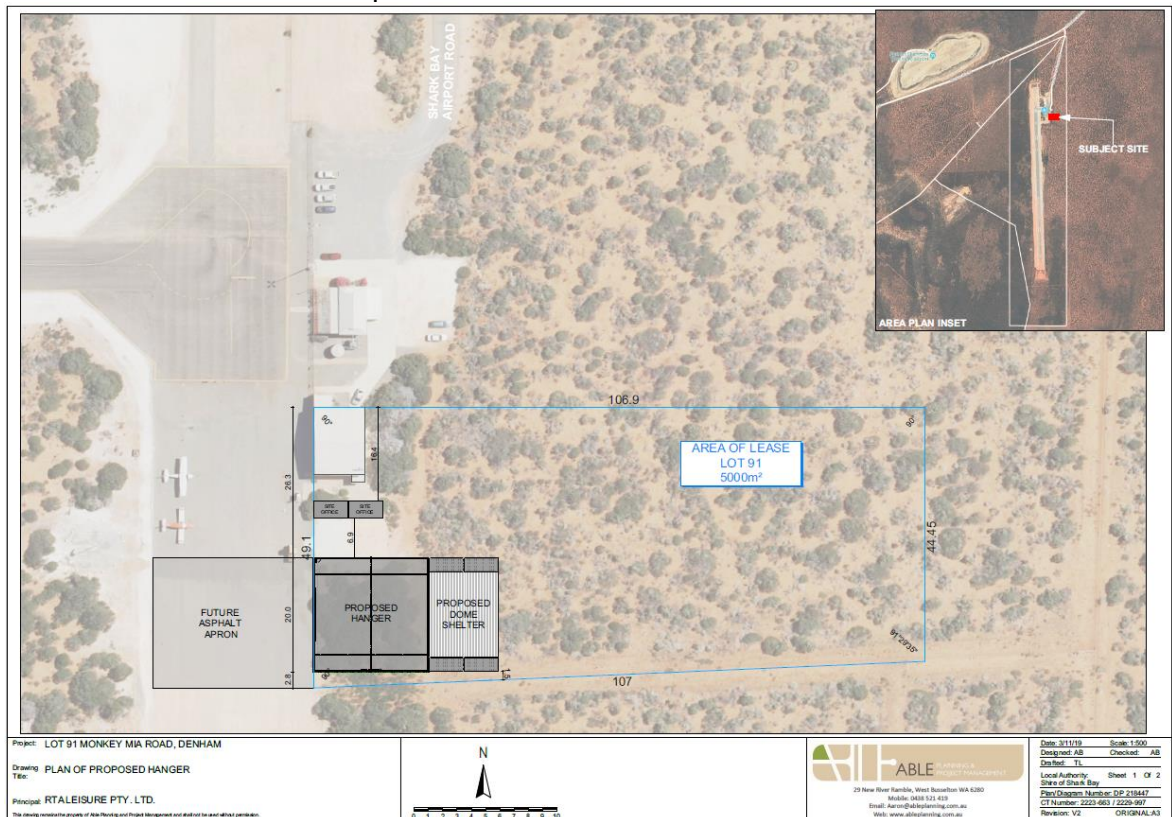
The applicant has advised that:

- No services are required for the hangar or site offices, other than power which is to be terminated into the existing site main switchboard and / or distributions sub boards;
- There is no need for waste management, either in terms of wastewater or general refuse / rubbish disposal as the new buildings have no water closets, urinals or hand basins, while rubbish collection will be maintained at the current levels through existing arrangements.

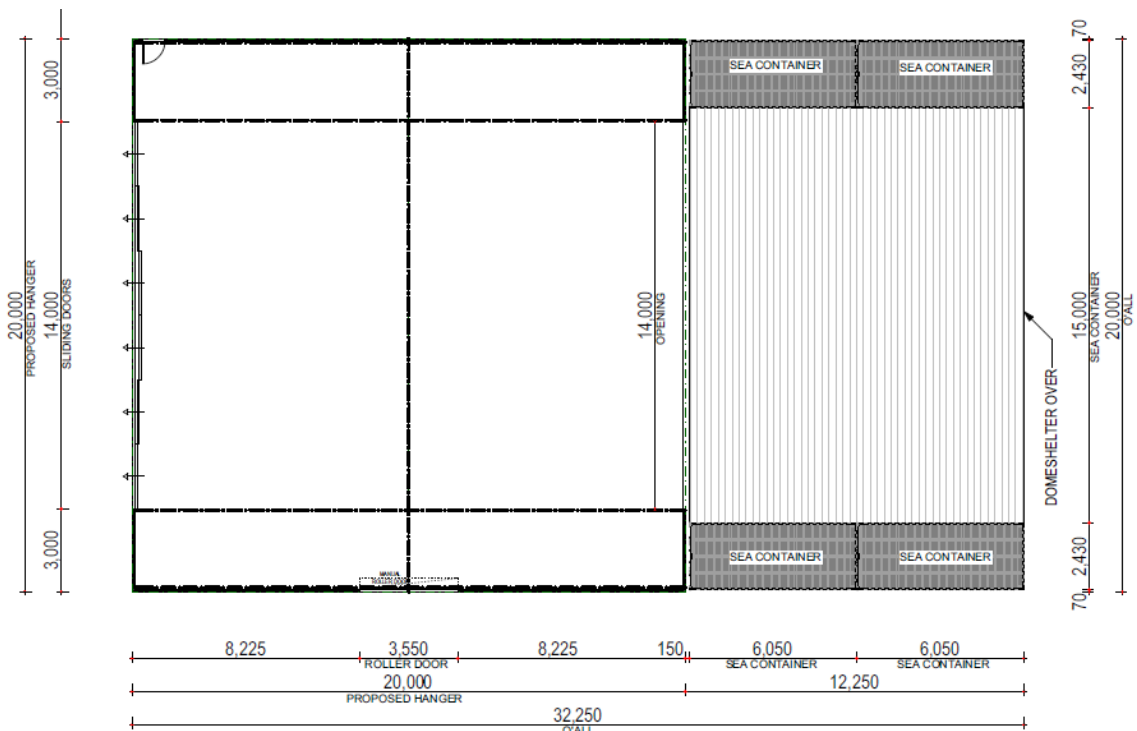
MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

- c. The hangar space is for existing aircraft only (currently stored outdoors) and the current level of operations so there is no further demand being placed car parking, loading, truck movements, access and traffic circulation hence there is no need for a traffic impact assessment.



Site Plan

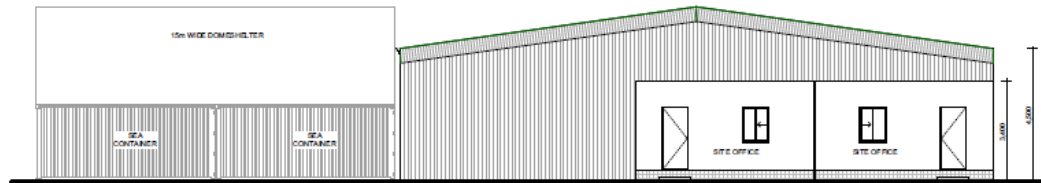


Floor Plan

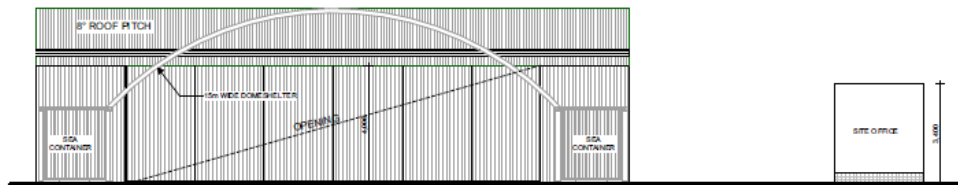
27 NOVEMBER 2019

The hanger is proposed to have a floor area of 645m² consisting of a shed and rear 15 metre wide dome structure over sea containers. The offices are proposed to have a floor area of 36m².

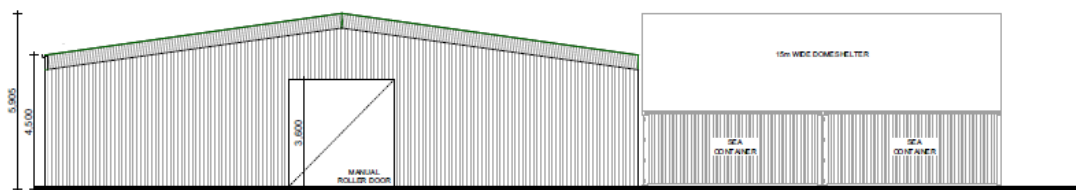
The hanger will have a wall height of 4.5 metres and maximum roof height of 5.905 metres. The offices will have a total height of 3.4 metres – refer elevations below.



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

Photographs of the offices are included over page.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019



27 NOVEMBER 2019

- ***Land use Classification and Permissibility***

In determining whether this application is capable of approval under the Scheme, it is first necessary to consider the most appropriate land use classification for the proposal with reference to the definitions provided for in the Scheme.

The Scheme contains a land use definition for 'airfield' which *'means land and buildings used in connection with the operation of aeroplanes and other aircraft, including public airstrips, a public passenger terminal, ancillary offices, car parking, parking, maintenance and servicing of aircraft, including airfields ancillary to tourist uses but does not include a private airstrip incidental to farming operations.'*

An airfield is a permitted use in the zone and planning approval is required for the works component. It is recognised that an airfield use has already been well established on Lot 91 for an extended time period.

The proposed hanger and offices are ancillary and complementary to the existing airport use.

- ***Planning for Bushfire Protection – State Planning Policy 3.6 (and guidelines)***

Under the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have 'due regard' to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning Policy 3.7: Planning in Bushfire Prone Areas'.

The Shire has a mandatory obligation to consider State Planning Policy 3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

The Western Australian Planning Commission released State Planning Policy 3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 91 is within the declared bushfire prone area.

Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a Bushfire Attack Level assessment.

A Bushfire Attack Level examines the location of proposed development, distance to vegetation, type of vegetation within 100 metres, slope and determines whether higher construction standards should be imposed to reduce bushfire risk.

The Western Australian Planning Commission released Planning Bulletin 111/2016 in October 2016 to clarify some of the requirements under the deemed provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* and State Planning Policy 3.7. The Bulletin outlined that exemptions can be applied pragmatically by the decision maker.

27 NOVEMBER 2019

It is recommended that Council exercise discretion to process the planning application without a Bushfire Attack Level assessment for the following reasons:

- An exemption can be applied to incidental uses. The hanger and offices are incidental to the existing predominant airfield / airport use;
- The hanger is non habitable so is not a vulnerable or high risk landuse and is simply a protected parking area for existing aircraft;
- The development will not result in any significant intensification of landuse;
- It is not anticipated that there will be a significant increase of time employees spend on site;
- Additional clearing may decrease fuel on site associated with bushfire threat.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 –

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

Shire of Shark Bay Local Planning Scheme No 4 – explained in the body of this report.

Environmental Protection Act 1986 – Irrespective of any planning approval, it may be an offence to clear some native vegetation without a permit. An advice note is included in the officer recommendation.

POLICY IMPLICATIONS

Relevant state planning policy requirements are discussed in this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

There are no risks associated with this report. An exemption to a Bushfire Attack Level assessment and State Planning Policy 3.7 is allowable for this type of ancillary development, as explained in the Western Australian Planning Commission Planning Bulletin 111/2016.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author
Chief Executive Officer
Date of Report

L Bushby
P Anderson
15 November 2019

27 NOVEMBER 2019

13.2 ECONOMICS AND INDUSTRY STANDING COMMITTEE INQUIRY INTO SHORT STAY
ACCOMMODATION
LP00014

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved Cr Ridgley
Seconded Cr Cowell

Council Resolution:

That Council:

1. **Note that the Economics and Industry Standing Committee Report 7 - *'Levelling the Playing Field - Managing the impact of the rapid increase of Short-Term Rentals in Western Australia'* has been released and makes a number of recommendations including development of a state registration scheme for short term accommodation.**
2. **Note that the Shire of Shark Bay Local Planning Scheme No 4 has specific provisions that apply to short term accommodation as 'holiday houses'.**
6/0 CARRIED

BACKGROUND

In September 2018, Hon Terry Redman MLA, a member of the Economics and Industry Standing Committee (the Committee), gave notice that he would move a motion in the Legislative Assembly referring an inquiry to the Committee *'into the risks to consumers and operators of non-registered and non-compliant accommodation utilising online booking platforms such as Airbnb.'*

In October 2018, Mr Redman's motion was listed for debate and the Minister for Planning, Hon Rita Saffioti MLA, wrote to the Committee Chair saying that she would be happy if the Committee was able to inquire into Short-Stay Accommodation as she was *'keen to create more certainty for the [accommodation] industry'*.

On 31 October 2018, the Department of Planning, Lands and Heritage briefed the Committee on the range of issues arising from the rapid increase of short-term rentals.

At the conclusion of the Department of Planning, Lands and Heritage briefing, the Committee resolved to hold an inquiry into the regulation of short-stay accommodation in WA.

27 NOVEMBER 2019

COMMENT

- *Terms of Reference*

The terms of reference stated that the Economics and Industry Standing Committee would inquire into and report on matters relating to the regulation of short-stay accommodation in Western Australia, with particular reference to:

1. The forms and regulatory status of short-stay accommodation providers in regional and metropolitan Western Australia, including existing powers available to local government authorities.
 2. The changing market and social dynamics in the short-stay accommodation sector.
 3. Issues in the short-stay accommodation sector, particularly associated with emerging business models utilising online booking platforms.
 4. Approaches within Australian and International jurisdictions to ensure the appropriate regulation of short-stay accommodation.
- *The Economics and Industry Standing Committee Report 7 - 'Levelling the Playing Field - Managing the impact of the rapid increase of Short-Term Rentals in Western Australia'.*

The Economics and Industry Standing Committee report differentiates between two main types of short-stay accommodation being:

- (i) 'Traditional Accommodation' properties have long existed and have usually been specifically developed to provide short-stay accommodation for the recreation and business travel markets. They have been appropriately licensed and registered and include hotels, motels and licensed bed and breakfasts.
- (ii) 'Short-Term Rentals' are properties, or rooms within properties, that have not been developed for traditional accommodation purposes. Short-term rentals have usually been built for residential purposes and are often located in areas zoned for residential use but have subsequently been offered for short-term letting for the purposes of recreational, business or other travel. They are not always licensed and/or registered.

The increasing prevalence of short-term rentals, often in competition with traditional accommodation, prompted the Inquiry. There are a wide range of views on the topic, across the State and within Local Government areas.

The report recognises that Local Governments have responded to the rise of short term rentals in a wide variety of ways. Most Local Governments noted the challenges associated with identifying the size of their local short-term rental industry, complaints, management processes and enforcing compliance with licensing or registration schemes through planning mechanisms and local laws.

The Committee recognises that short-term rentals are a legitimate form of accommodation but considered that they should be appropriately regulated.

27 NOVEMBER 2019

The Committee concluded that existing state-level planning instruments and guidance materials addressing short-stay accommodation are dated and inconsistent. The Committee made a series of findings and recommendations highlighting how the State Government could provide better guidance through planning and strata frameworks.

- *Summary of Report Findings*

A summary of the report's recommendations include:

- a) A public education campaign in association with the Real Estate Institute of WA to make owners, real estate agents, property managers and purchasers aware of their obligations regarding short-term rentals.
- b) Updates to the *Planning and Development (Local Planning Schemes) Regulations 2015* to amend land use definitions in relation to short-term rentals and Bed and Breakfast Accommodation.
- c) Western Australian Planning Commission update planning guidance with amended land use definitions and provide greater guidance to local governments about ways to appropriately regulate short-term rentals.
- d) The Minister for Planning direct the relevant government agency to work with stakeholders to develop model by-laws that assist strata companies to better manage short-term rentals.
- e) The Minister for Planning direct Landgate to update their strata titles guidance to include the powers and processes open to strata companies to manage short-term rentals in strata schemes
- f) The Ministers for Commerce, Local Government, Planning and Tourism establish an interdepartmental working group to coordinate whole-of-government policy responses for short-stay accommodation. The interdepartmental working group should
 - i. Develop a state-wide registration scheme
 - ii. Determine legal mechanisms through which the State Government can introduce and enforce a registration scheme, including consequences for non-compliance
 - iii. Determine the most appropriate mechanism to collect and manage the registration data
 - iv. Determine the information disclosure requirements for online platforms and appropriate enforcement mechanisms
 - v. Determine information sharing mechanisms between State and Local Government authorities and what information, if any, should be made publicly available
 - vi. Ensure that Local Governments maintain the ability to require the provision of additional information and impose additional licencing or operational requirements, depending on their particular circumstances.
- g) Online platforms should be required to display a valid registration number for short-term rentals issued under the registration scheme. The interdepartmental working group should consider and provide advice to the relevant Minister on the appropriate requirements for traditional accommodation.

27 NOVEMBER 2019

- h) Online platforms should be required to regularly provide data on all short-term rental properties listed in Western Australia to the Government agency with primary responsibility for the registration scheme.
- i) Local Government Authorities should be responsible for developing additional registration criteria suited to their particular circumstance, enforcing compliance and managing complaints.
- *Future Registration System*

The WA Economics and Industry Standing Committee has mandated the introduction of a state-wide registration scheme for all properties offering short-stay hosted or non-hosted accommodation, including the need to obtain and manage a valid registration number and provide data to a managing government agency.

According to the report, registration and accreditation will be managed by a state government agency.

State and Local Government Authorities will be expected to work together on implementation, data sharing and overall management of the system including the imposition of penalties for non-compliance.

Details of how a registration system will be implemented are not yet available.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 -

The Regulations contain Model Provisions for Local Planning Schemes including standardised land use definitions.

Shire of Shark Bay Local Planning Scheme No 4 –

The Scheme has specific provisions applicable to Holiday Homes – refer Attachment 1.

The use requires Council approval in the Residential, Commercial and Tourism zones.

All Holiday Homes have to be registered with the Shire.

POLICY IMPLICATIONS

A Draft Local Planning Policy on Holiday Homes has been advertised for public comment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire may need to review the existing Scheme provisions in the future once more guidance on this matter is provided by state planning.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

RISK MANAGEMENT

There are no risks associated with this report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

5 November 2019

ATTACHMENT #1

32.15 Holiday Homes in Residential Zones

- 32.15.1** The local government may permit a Holiday house within the Residential zone where, in its opinion, the use would not substantially spoil or detract from the residential character and amenity of the locality.
- 32.15.2** The local government shall not consider an application for development approval for a Holiday house unless it is accompanied by:
- (a) A Management Plan that addresses how the landuse will be managed to maximize protection of residential amenity, includes details of how noise issues will be addressed by the Manager, and full contact details of the Manager or employee of the Manager.
 - (b) A Fire and Emergency Response Plan that includes detailed fire escape route maps and addresses the provision of safety features including hard wired smoke detectors, provision of a fire extinguisher and emergency contact numbers.
 - (c) A detailed site plan which demonstrates adequate carparking can be provided on site.
- 32.15.3** The local government may have regard for the following matters when determining an application for development approval for a Holiday house:
- (a) A Management Plan adequately demonstrates that the landuse will be managed as to ensure that it will not cause nuisance or annoyance to the owners of adjoining or nearby residential properties;
 - (b) A manager, caretaker or a contactable employee of the Manager permanently resides in Denham townsite or within one hours drive of Denham townsite;
 - (c) A Fire and Emergency Response Plan comprehensively addresses fire safety;
 - (d) The proximity of the lot to Denham townsite, the beach and/or any significant tourist attraction;
 - (e) The need to encourage holiday house's close to the Denham Town Centre and discourage these uses within established residential areas distanced from the Denham Town Centre;
 - (f) The size of the lot and density of development in the surrounding area;
 - (g) The potential for increased impact where adjacent land has been developed for grouped dwellings or there are small lots with dwellings in close proximity to each other;
 - (h) The potential for occupiers to have different behaviours and routines and the need to protect residents in suburban locations with daily work routines; and
 - (i) The location of active outdoor areas and their relationship to sensitive bedrooms within surrounding dwellings in a suburban environment.
- 32.15.4** The local government shall limit any initial development approval for a Holiday house to a maximum 12 month period.

- 32.15.5** The local government may issue subsequent Development approvals for a Holiday house and has discretion to limit the term of approval to one year, 3 years or up to a maximum of 5 years as deemed appropriate by the local government.
- 32.15.6** The local government may have regard for any substantiated written complaint or evidence about mismanagement of a Holiday house in considering the issue of subsequent Development approvals.
- 32.15.7** Advertising signage associated with a Holiday house shall have a maximum area of 0.2m² and be fully located within the lot boundary.
- 32.15.8** A Holiday house is to comply with the Residential Design Codes and/ or any existing Planning consent already granted for the dwelling or variation to the Residential Design Codes with the exception that Council has discretion to require a higher provision of carparking for any Holiday house having regard for the number of bedrooms and maximum number of persons to be accommodated at any one time.
- 32.15.9** Development approvals can be renewed when an owner/ applicant lodges a new Planning Application to the local government.
- 32.15.10** A development approval for a Holiday house is issued to a specific owner of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted.
- Should there be a change of the owner of the land in respect of which planning consent is issued the planning consent is cancelled.
- 32.15.11** A Holiday house shall not operate within the Residential zone unless it is registered in respect of the lot under Clause 32.15.12.
- 32.15.12 Register of Holiday Homes**

For a holiday house to operate without a breach of Clause 32.15.11, it shall be registered in accordance with the following provisions:

- (a) Any Holiday house in a Residential zone must be registered in a register of holiday homes maintained at the local government Administration office, and the register shall be made available for public inspection during office hours.
- (b) For the purpose of this clause, an application made in the form of the 'Application for development approval' set out in Clause 68(1) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a Holiday house shall be construed by the local government as an application to register a Holiday Home.
- (c) The local government shall record details of the Holiday house on the register once a Development approval is granted.
- (d) The local government may by Absolute Majority remove a Holiday house from the register where:
 - (i) The term of a Development approval has expired; or
 - (ii) Ownership of the lot subject to a Development approval has changed and a new Planning consent has not been obtained by the new owner; or
 - (iii) The conditions of a development approval have not been complied with; or

- (iv) An owner / applicant notifies the local government in writing that the Holiday house has ceased operation, and
- (iv) The local government notifies the owner in writing that the Holiday house has been de-registered.
- (e) The registration of a Holiday house under this clause is not transferable from one landowner to another landowner and shall only be valid whilst the lot continues to be owned by the landowner nominated on the Development approval.

32.15.13 Council may have general regard for Clauses 32.15.2 and 32.15.3 in determining applications for any form of Holiday Home in the Commercial or Tourism zone.

32.16 Car Parking

32.16.1 Car Parking Requirements

No person shall develop or use land or erect, use or adapt any building for any purpose unless car parking spaces of the number specified in Table 3: Car Parking Requirements are provided, constructed and maintained in accordance with the provisions of the Scheme.

Where an application is made for development approval and the purposes for which the land or building is to be used is not specified in Table 3: Car Parking Requirements the local government shall determine the number of car parking spaces to be provided on the land having regard to the;

- (a) nature of the proposed development;
- (b) number of employees likely to be on the site;
- (c) prevention of the obstruction of roads and streets;
- (d) orderly and proper planning of the locality; and
- (e) the preservation of its amenities.

32.16.2 Conditions of Development Approval

When considering an application for development approval the local government shall have regard to, and may impose conditions on the number and location of car parking spaces to be provided.

In particular the local government shall have regard to:

- (a) the means of access to each parking space;
- (b) the location of the spaces on the site and their affect upon the amenity of any adjoining properties;
- (c) the extent to which the spaces are located within the building setback areas;
- (d) the provision and location of disabled car parking bays, if necessary;
- (e) the location of the spaces other than on the lot if such spaces are to be provided in conjunction with a public car park;
- (f) the construction or line marking of car spaces within nearby and adjacent road reserve; and

27 NOVEMBER 2019

13.3 DRAFT LOCAL PLANNING POLICY ON HOLIDAY HOUSES
LP00002

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Town Planning Innovations

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

Officer Recommendation

That Council:

1. Note that the Draft Local Planning Policy on Holiday Houses has been advertised for public comment, and a report will be referred to a future Council meeting to consider whether to finally adopt the Policy (with or without modification).
2. Note that this report aims to provide Council with an opportunity to discuss and review specific requirements in the Draft Policy that have been raised in public submissions.
3. Note that all submitters have been advised and invited to attend the November Council meeting.
4. Resolve to pursue Option _____ outlined in this report in regards to standards to apply to crossovers and driveways as follows:
Option 1 - Amend the Draft Policy to require any crossover on the Council verge to be constructed out of hardstand material but allow the driveway (and car parking) within the lot boundary to be any material as long as it is trafficable (eg compacted dirt, shell grit, blue metal, gravel, slabs etc).
OR
Option 2 - Retain the existing Policy requirement to require construction of the crossover and driveway (including car parking) to the standards that apply under the Shire's Crossover Policy so they have to be constructed out of road base, concrete or brick paving.

Moved Cr Fenny
Seconded Cr Bellottie

Council Resolution

That Council:

1. **Note that the Draft Local Planning Policy on Holiday Houses has been advertised for public comment, and a report will be referred to a future Council meeting to consider whether to finally adopt the Policy (with or without modification).**
2. **Note that this report aims to provide Council with an opportunity to discuss and review specific requirements in the Draft Policy that have been raised in public submissions.**
3. **Note that all submitters have been advised and invited to attend the November Council meeting.**

27 NOVEMBER 2019

4. **Resolve to pursue Option 1 - Amend the Draft Policy to require any crossover on the Council verge to be constructed out of hardstand material but allow the driveway (and car parking) within the lot boundary to be any material as long as it is trafficable (eg compacted dirt, shell grit, blue metal, gravel, slabs etc).**

6/0 CARRIED

BACKGROUND

- *Description of Holiday House*

A holiday house is defined in the Shire of Shark Bay Local Planning Scheme No 4 as *'means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast'*.

In other words it is a house that is rented out for short periods, such as to people on holidays.

It does not include a private house that is used by the owners for holidays (without charge).

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

- *Relevant history*

Holiday Houses have become established in the Shire over an extended time period, particularly in Denham townsite within the Residential zone.

A number of Holiday Houses have been operating without any approval from the Shire.

When workshops were held with Councillors as part of preparation for a Local Planning Strategy and Scheme Review, one of the issues discussed informally was the general recognition that holiday houses need to be controlled. This is consistent with the Western Australian Planning Commission Planning Bulletin No 99 Holiday House Guidelines.

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

Specific provisions relating to holiday houses are contained in the Shire of Shark Bay Local Planning Scheme No 4 which:

- a. Outline the requirement for all holiday houses in Residential zones to be registered with the Shire;
- b. Require proponents to lodge a detailed site plan showing car parking, a Management Plan and Fire and Emergency Response Plan.
- c. Requires a local manager;
- d. Allow initial planning approvals to be issued for 12 months, with the option of renewals at 12 months, 3 years or up to a maximum of 5 years as deemed appropriate by the local government.

27 NOVEMBER 2019

- e. Limits approvals to a specific owner.

The Scheme provisions are included in Attachment 1.

COMMENT

- ***Summary of Draft Policy***

On the 19th December 2018 Council adopted a Draft Local Planning Policy on Holiday Houses for the purpose of conducting public advertising.

The purpose of the Local Planning Policy is to provide guidance to applicants on how to apply for Shire approval.

It also outlines requirements for car parking, a constructed crossover, constructed driveways, smoke alarms, and includes template examples for Management Plans and Fire and Emergency Response Plans.

The advertised Draft Local Planning Policy is included as Attachment 2. In summary the Draft Policy includes:

- a. An explanation of what constitutes a holiday house;
- b. Advice on what to lodge with an planning application;
- c. Requires a local manager who lives within 1 hour of Denham townsite (consistent with the Scheme);
- d. Requires one car parking bay per every 3 guests with a minimum of 2 car parking bays (consistent with the Residential Design Codes);
- e. Gives Council discretion to allow one car parking for a single bedroom holiday house;
- f. Requires all car parking, driveways and crossovers to be sealed, paved or concreted and comply with the standards in the Shires' Crossover Policy;
- g. Outlines smoke alarm requirements;
- h. Requires landscaping to be commensurate of the standard set in the streetscape;
- i. Limits the size of advertising signs to 0.2m²;
- j. Explains that applicants need to provide advice on the location and size of effluent disposal systems where the house is not connected to sewer.

It should be noted that a Local Planning Policy is a guide and Council will still have discretion to vary the Policy if warranted.

- ***Advertising***

The Draft policy was advertised for public comment. Advertising included:

1. A newspaper advert in the Midwest Times and West Australian;
2. Letters to key government agencies and stakeholders;
3. Email referral to the local real estate agent who manages a number of local properties.

All submissions are listed in Attachment 3, with the exception of late submissions included under Attachment 4. Late submissions were received during the preparation of the November agenda after the close of formal advertising.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

In summary the main issues raised were:

Summary of Issues raised	Town Planning Innovations response
<p>1. Holiday Houses have operated for extended time periods without any issues and should not have to be registered with the Shire.</p>	<p>The majority of existing holiday houses have been operating without Shire approval for an extended time period. The number of holiday houses may have increased through booking websites such as air b'n'b and Stayz, although Town Planning Innovations does not have any statistics or details of all existing operators in Denham.</p> <p>The Draft Policy was advertised to give local owners and operators an opportunity to have input. It is also the beginning of an education process to start making operators aware that they will need Shire approval to operate lawfully.</p> <p>Existing operators and owners will need to apply for retrospective planning approval of existing holiday houses as approval is required under the Shire of Shark Bay Local Planning Scheme No 4.</p> <p>Owners are not actively being encouraged to apply until the Shire has adopted a Local Planning Policy. The Policy will provide guidance on how to apply and the requirements to be met.</p> <p>The Scheme requires holiday houses to be registered with the Shire. Once a planning approval is issued each holiday house will automatically be placed on a register to be maintained by the Shire.</p> <p>This 'registration' approach is consistent with:</p> <ul style="list-style-type: none"> (1) The Western Australian Planning Bulletin No 99 on Holiday Homes which states that a register of approved holiday homes should be established and maintained by the local government; and (2) The more recent recommendations of the Economics and Industry Standing Committee Report 7 - <i>'Levelling the Playing Field - Managing the impact of the rapid increase of Short-Term Rentals in Western Australia'</i>.
<p>2. Approvals will be issued for limited time periods and renewals will be required periodically.</p>	<p>Submissions raise concern that initial approvals will only be issued initially for a 12 month period. After that Council will have discretion to issue approval or longer periods of 3-5 years.</p> <p>This is not a Policy requirement and is a Scheme provision. The information on time limits for approvals is only included in the Policy for information purposes.</p> <p>The time limits for approvals is based on the Western Australian Planning Commission Holiday Home Guidelines and is aimed at providing a degree of certainty for operators but also ensuring there is no negative impact</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

	on the amenity of neighbouring properties. The time limit also gives Council greater control over compliance.
3. The costs of complying with the policy requirements and that the Shire is seeking revenue through planning application fees.	Only a minimum planning application fee of \$147.00 applies, however it is doubled if an application is retrospective. The planning application fees do not cover the Shires costs and will not provide any significant revenue source.
4. Objections to the Draft Policy requirement for crossovers and driveways to be constructed.	This is the singular Policy requirement that was consistently objected to and is outlined in the body of this report for discussion.
5. Concern over the requirement for fire extinguishers and that guests will not know how to use them.	The Western Australian Planning Commission Holiday Home Guidelines recommends provision of a fire extinguisher. If a guest is not comfortable or does not have the skills to use a fire extinguisher they can simply evacuate and call the local fire brigade.
6. Issues raised that evacuation plans should not be required for this type of accommodation.	The Western Australian Planning Commission Holiday Home Guidelines recommends provision of a fire and emergency response plan. The Policy requires display of the plan as guests staying in a dwelling may not be familiar with the layout. The Policy includes an example fire and emergency plan template that owners/ operators can prepare themselves.
7. Queries over implementation and when compliance would be required.	This issue is outlined in the body of this report for Council discussion.
8. While the Draft Policy is comprehensive in terms of the requirement for a planning application supported by public consultation, the absence of mandatory registration, penalties or methods of ensuring compliance will only aid continued non-compliance.	This issue was raised by the Australian Hotels Association WA. The Policy requires all holiday houses to be registered and the register will be maintained by the Shire. If any future 'state' register is established then the Shire will be in a position to readily share registry information. Compliance is addressed as planning approvals will initially be limited to a one year period, and then 3-5 year approvals. Compliance is also controlled through the normal planning mechanisms contained in the <i>Planning and Development Act 2005</i> .

Late submissions raise concern over the economic and employment impact of unregulated holiday houses.

• **Crossovers and Driveways**

The Draft Policy requires crossovers on the Council verge and driveways/ car parking within the lot to be constructed to meet the standards outlined in the Shires existing crossover policy.

Submitters have objected to this requirement and have raised concerns that other houses and some commercial developments do not all have constructed crossovers and / or driveways. The main issue raised is the expense.

27 NOVEMBER 2019

Council has two options:

- Option 1 - Amend the Draft Policy to require any crossover on the Council verge to be constructed out of hardstand material but allow the driveway (and car parking) within the lot boundary to be any material as long as it is trafficable (eg compacted dirt, shell grit, blue metal, gravel, slabs etc).

Town Planning Innovations favours Option 1 as a constructed crossover ensures there is a clear entry into the lot, and whilst there is a cost the Shire pays a 50% contribution.

Option 1 also provides a compromise as a high standard will be applied to the crossover, however owners maintain the right to use any materials for their driveway.

- Option 2 - Retain the existing Policy requirement to require construction of the crossover and driveway (including car parking) to the standards that apply under the Shire's Crossover Policy so they have to be constructed out of road base, concrete or brick paving.

Town Planning Innovations does not favour Option 3. The purpose of advertising the Draft Policy was to allow some local input. It is considered that there is opportunity to review this aspect of the Draft Policy.

- ***Transitional Period***

A number of submissions query when they would have to comply if the Policy is adopted by Council.

The Western Australian Planning Commission Planning Bulletin No 99 on Holiday Homes recommends that local governments allow owner operators up to 12 months, after a local planning policy has been adopted, to apply for and obtain approval for the operation of existing holiday homes and implement the recommended regulatory measures.

Council will need to deliberate this issue in the future when considering whether to finally adopt the Draft Local Planning Policy.

Town Planning Innovations will be recommending that Council allow a 12 month transitional period to give owners time to prepare an application and apply for approval.

- ***Implementation Considerations***

A transitional period will allow Shire Administration time to:

1. Establish a Holiday House Register format;
2. Publish the Local Planning Policy on the Shire website;
3. Publish Information in the local newsletter on the Policy;
4. Identify as many operators as possible and write to them to advise of the need to apply within 12 months;
5. Review the delegation register.

27 NOVEMBER 2019

Application and Renewal Process

All initial applications for holiday houses will be advertised for public comment and referred to Council for determination. Approvals for holiday houses will initially be for 12 months.

In the future Council will need to consider the renewal process, and whether all renewal applications shall be referred to Council for determination, or processed under delegated authority.

Allowing subsequent renewals to be determined under delegated authority by the Chief Executive Officer would have the following benefits:

1. Streamline the planning process for those operators that have complied with their conditions.
2. Minimise the Shires costs by reducing the number of reports for referral to Council and use of Town Planning Innovations services.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 –

Clause 3 and 4 under Part 2, Schedule 2 of the Deemed Provisions contained in the Regulations sets out the power for local governments to make a local planning policy and the procedure for making a local planning policy, including a requirement to advertise a Draft Policy for a period not less than 21 days.

The process for a Local Planning Policy is summarised below:

- Step 1 – Adoption of a Draft Local Planning Policy by Council (with or without modification);
- Step 2 - Advertising of a Draft Local Planning Policy for a minimum of 21 days;
- Step 3 - A report to a Council meeting to consider any submissions, changes to the Draft Policy as a result of submissions, and final adoption of a Local Planning Policy (with or without modification);
- Council also has the option of deciding not to proceed with a Local Planning Policy after advertising.
- Step 4 - Any adopted Local Planning Policy must be publicly available, and a copy published on the Shire's website.

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

Shire of Shark Bay Local Planning Scheme No 4 – Explained in the background section of this report and included as Attachment 1.

The provisions contained in Scheme 4 were generally based on the Western Australian Planning Commission Holiday Home Guidelines and Planning Bulletin No 99.

27 NOVEMBER 2019

Parliamentary Inquiry - The Economics and Industry Standing Committee Report 7 - 'Levelling the Playing Field - Managing the impact of the rapid increase of Short-Term Rentals in Western Australia' has been released and makes a number of recommendations including development of a state registration scheme for short term accommodation.

POLICY IMPLICATIONS

The Shire has an existing Crossover Policy which is attached to the Draft Local Planning Policy.

The Crossover Policy requires crossovers to be constructed as follows:

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

FINANCIAL IMPLICATIONS

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

A planning application fee of \$147.00 will be payable on lodgement of any holiday house application. If a holiday house is already operating, the fee is doubled at \$294.00.

STRATEGIC IMPLICATIONS

Any Draft Local Planning Policy has potential to have strategic implications for future holiday houses.

RISK MANAGEMENT

There are no known risks associated with the proposed development.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

6 November 2019

ATTACHMENT #1

32.15 Holiday Homes in Residential Zones

- 32.15.1** The local government may permit a Holiday house within the Residential zone where, in its opinion, the use would not substantially spoil or detract from the residential character and amenity of the locality.
- 32.15.2** The local government shall not consider an application for development approval for a Holiday house unless it is accompanied by:
- (a) A Management Plan that addresses how the landuse will be managed to maximize protection of residential amenity, includes details of how noise issues will be addressed by the Manager, and full contact details of the Manager or employee of the Manager.
 - (b) A Fire and Emergency Response Plan that includes detailed fire escape route maps and addresses the provision of safety features including hard wired smoke detectors, provision of a fire extinguisher and emergency contact numbers.
 - (c) A detailed site plan which demonstrates adequate carparking can be provided on site.
- 32.15.3** The local government may have regard for the following matters when determining an application for development approval for a Holiday house:
- (a) A Management Plan adequately demonstrates that the landuse will be managed as to ensure that it will not cause nuisance or annoyance to the owners of adjoining or nearby residential properties;
 - (b) A manager, caretaker or a contactable employee of the Manager permanently resides in Denham townsite or within one hours drive of Denham townsite;
 - (c) A Fire and Emergency Response Plan comprehensively addresses fire safety;
 - (d) The proximity of the lot to Denham townsite, the beach and/or any significant tourist attraction;
 - (e) The need to encourage holiday house's close to the Denham Town Centre and discourage these uses within established residential areas distanced from the Denham Town Centre;
 - (f) The size of the lot and density of development in the surrounding area;
 - (g) The potential for increased impact where adjacent land has been developed for grouped dwellings or there are small lots with dwellings in close proximity to each other;
 - (h) The potential for occupiers to have different behaviours and routines and the need to protect residents in suburban locations with daily work routines; and
 - (i) The location of active outdoor areas and their relationship to sensitive bedrooms within surrounding dwellings in a suburban environment.
- 32.15.4** The local government shall limit any initial development approval for a Holiday house to a maximum 12 month period.

- 32.15.5** The local government may issue subsequent Development approvals for a Holiday house and has discretion to limit the term of approval to one year, 3 years or up to a maximum of 5 years as deemed appropriate by the local government.
- 32.15.6** The local government may have regard for any substantiated written complaint or evidence about mismanagement of a Holiday house in considering the issue of subsequent Development approvals.
- 32.15.7** Advertising signage associated with a Holiday house shall have a maximum area of 0.2m² and be fully located within the lot boundary.
- 32.15.8** A Holiday house is to comply with the Residential Design Codes and/ or any existing Planning consent already granted for the dwelling or variation to the Residential Design Codes with the exception that Council has discretion to require a higher provision of carparking for any Holiday house having regard for the number of bedrooms and maximum number of persons to be accommodated at any one time.
- 32.15.9** Development approvals can be renewed when an owner/ applicant lodges a new Planning Application to the local government.
- 32.15.10** A development approval for a Holiday house is issued to a specific owner of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted.
- Should there be a change of the owner of the land in respect of which planning consent is issued the planning consent is cancelled.
- 32.15.11** A Holiday house shall not operate within the Residential zone unless it is registered in respect of the lot under Clause 32.15.12.

32.15.12 Register of Holiday Homes

For a holiday house to operate without a breach of Clause 32.15.11, it shall be registered in accordance with the following provisions:

- (a) Any Holiday house in a Residential zone must be registered in a register of holiday homes maintained at the local government Administration office, and the register shall be made available for public inspection during office hours.
- (b) For the purpose of this clause, an application made in the form of the 'Application for development approval' set out in Clause 68(1) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a Holiday house shall be construed by the local government as an application to register a Holiday Home.
- (c) The local government shall record details of the Holiday house on the register once a Development approval is granted.
- (d) The local government may by Absolute Majority remove a Holiday house from the register where:
 - (i) The term of a Development approval has expired; or
 - (ii) Ownership of the lot subject to a Development approval has changed and a new Planning consent has not been obtained by the new owner; or
 - (iii) The conditions of a development approval have not been complied with; or

- (iv) An owner / applicant notifies the local government in writing that the Holiday house has ceased operation, and
- (iv) The local government notifies the owner in writing that the Holiday house has been de-registered.
- (e) The registration of a Holiday house under this clause is not transferable from one landowner to another landowner and shall only be valid whilst the lot continues to be owned by the landowner nominated on the Development approval.

32.15.13 Council may have general regard for Clauses 32.15.2 and 32.15.3 in determining applications for any form of Holiday Home in the Commercial or Tourism zone.

32.16 Car Parking

32.16.1 Car Parking Requirements

No person shall develop or use land or erect, use or adapt any building for any purpose unless car parking spaces of the number specified in Table 3: Car Parking Requirements are provided, constructed and maintained in accordance with the provisions of the Scheme.

Where an application is made for development approval and the purposes for which the land or building is to be used is not specified in Table 3: Car Parking Requirements the local government shall determine the number of car parking spaces to be provided on the land having regard to the;

- (a) nature of the proposed development;
- (b) number of employees likely to be on the site;
- (c) prevention of the obstruction of roads and streets;
- (d) orderly and proper planning of the locality; and
- (e) the preservation of its amenities.

32.16.2 Conditions of Development Approval

When considering an application for development approval the local government shall have regard to, and may impose conditions on the number and location of car parking spaces to be provided.

In particular the local government shall have regard to:

- (a) the means of access to each parking space;
- (b) the location of the spaces on the site and their affect upon the amenity of any adjoining properties;
- (c) the extent to which the spaces are located within the building setback areas;
- (d) the provision and location of disabled car parking bays, if necessary;
- (e) the location of the spaces other than on the lot if such spaces are to be provided in conjunction with a public car park;
- (f) the construction or line marking of car spaces within nearby and adjacent road reserve; and

27 NOVEMBER 2019

ATTACHMENT #2



SHIRE OF SHARK BAY LOCAL PLANNING POLICY NO 1 – HOLIDAY HOUSES IN RESIDENTIAL AREA'S

1.0 WHAT IS A HOLIDAY HOUSE?

A holiday house is defined in the Shire of Shark Bay Local Planning Scheme No 4 as '*means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast*'.

In other words it is a house that is rented out for short periods, such as to people on holidays.

It does not include a private home that is used by the owners for holidays (without charge).

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

2.0 OBJECTIVES

Holiday houses are an important aspect of the tourism industry in the Shire of Shark Bay and many have been established over a long time period in the Denham townsite.

The objectives of this Local Planning Policy are:

- 1.1.1 To establish clear guidelines for the short stay use of holiday houses for tourism accommodation and provide guidance on the planning application requirements.
- 1.1.2 To ensure that short stay use of residential houses occurs within appropriate locations and are managed to mitigate land use conflicts such as impacts on residential amenity.
- 1.1.3 To ensure that all new holiday houses are registered with the Shire in accordance with relevant legislation, and are appropriately managed and maintained to be compatible with the amenity of the locality.

3.0 SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4

The Shire may permit a Holiday House within the Residential zone where, in its opinion, the use would not substantially spoil or detract from the residential character and amenity of the locality.

Planning approval for all holiday houses needs to be obtained from the Shire.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

4.0 PLANNING APPLICATION REQUIREMENTS

The following information needs to be lodged to apply to the Shire:

Applicant Checklist	Documents for Lodgement
	1. A planning application form signed by the owner of the land – <i>Attachment 1</i> .
	2. A site plan or good quality clear aerial showing the existing house, existing buildings, driveway, and guest parking areas. The location, number and dimensions of parking areas should be clearly marked on the plan.
	3. An internal floor plan showing the house layout, the use of each room, and number of double, single or bunk beds per room (including fold out couches). The internal floor plan should show all existing and/or proposed hard wired smoke alarms.
	4. A detailed letter / written submission that explains: <ul style="list-style-type: none"> - The maximum number of persons that the dwelling will accommodate at any one time; - Maximum length of stay for guests; - Maintenance and cleaning arrangements; - Photographs of parking areas and photographs of the internal house layout. - If the lot is connected to sewer. - If the lot is not connected to sewer information on the location and size of effluent disposal will need to be provided (refer Section 5.6).
	5. A Management Plan that addresses how the land use will be managed on a day to day basis to maximise protection of residential amenity, including details of how noise issues will be addressed by the Manager (handling of complaints), and full contact details of the Manager or employee of the Manager. An example Management Plan template is included as <i>Attachment 2</i> .
	6. A Fire and Emergency Response Plan that includes detailed fire escape route maps and addresses the provision of safety features including hard wired smoke detectors, provision of a fire extinguisher and emergency contact numbers. An example Fire and Emergency Response Plan template is included as <i>Attachment 3</i> .
	7. Payment of a planning application fee on lodgement of the planning application. The Shire's annual fees and charges can be viewed on the website – www.sharkbay.wa.gov.au (Council/Public Documents/Fees and charges).

5.0 POLICY REQUIREMENTS

5.1 LOCAL MANAGEMENT

This Policy requires that there be local management of the day-to-day operations of any holiday house.

There needs to be a manager, caretaker or a contactable employee of the Manager that permanently resides in Denham townsite or within one hours drive of Denham townsite.

A local manager needs to be available to immediately respond to any matters raised by either guests, neighbours, local government or emergency services at all times the holiday house is occupied.

The contact details of the local manager are to be provided to holiday house guests and be displayed in a prominent location within the holiday house together with other relevant information required by this Policy.

The particulars and contact details of the local manager are to be provided to the local government at the time of application (as part of the Management Plan) and upon each renewal.

The Shire of Shark Bay may provide these details to third parties, including neighbouring residents and/or emergency services.

The holiday house permit holder may nominate themselves as the local manager only where they reside within 1 hours travel time of the holiday house.

In the event of a change in the local management of a holiday house, the Shire of Shark Bay is to be notified of the change immediately in writing.

5.2 CAR PARKING AND ACCESS

Car parking is to be provided at a rate of one (1) space per three (3) guests, or part thereof, with a minimum of two (2) spaces.

Council may allow a single bedroom holiday house to be serviced by one car parking bay, where the number of guests are limited.

Car parking space dimensions and layout are to be in accordance with the Australian Standard 2890.1 (as amended).

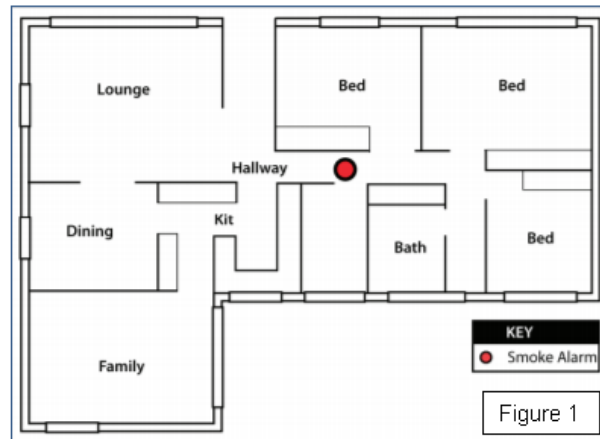
All car parking, driveways and crossovers that relate to Holiday Houses shall be sealed, paved or concreted to comply with the construction specifications in the Shire's Crossover Policy – refer *Attachment 4*.

Draft Section 5.3 – matter to be decided by Council

5.3 SMOKE ALARMS

The Shire of Shark Bay requires all holiday houses to be provided with hard wired smoke alarms. Guests occupying a holiday house will not be familiar with the layout of the dwelling.

Where all bedrooms have entries off one main hallway, one hard wired smoke alarm is required at the hallway entry – Figure 1.



If bedrooms are separated and / or bedroom access is not from one shared hallway, then one hard wired smoke alarm is required per bedroom – Figure 2. An additional smoke alarm in any shared hallway is also required.



All smoke alarms should be interconnected.

Applicants shall lodge a Fire and Emergency Plan with their planning application, as outlined in Section 4.0 of this Policy. The Fire and Emergency Response Plan should include a fire escape route map, location of smoke alarms, emergency contact details, cyclone information, provision and location of a fire extinguisher, and full contact details of the property manager.

To maximise the safety of guests, this Policy requires all holiday houses to:

1. Include a working fire extinguisher on site at all times;
2. Display a Fire and Emergency Plan in a prominent place within the holiday house, and a laminated fire escape route map on a prominent wall/ vertical surface in the holiday house.
3. Have an outdoor hose.

Although not mandatory applicants may consider additional mitigation measures such as keeping fire blankets on site.

5.4 LANDSCAPING

Where landscaping forms part of the character of an existing streetscape then holiday houses should also include landscaping to blend in and contribute to the existing streetscape.

The Shire supports the use of water wise species and requires any garden beds to have a minimum width of 1 metre, unless proposed between a driveway and side lot boundary.

If existing or proposed landscaping is considered insufficient, the Shire may require lodgement of a detailed landscaping plan with any planning application, or as a condition of any approval. Conditions may be imposed on any approval or renewal to require landscaping to be upgraded and maintained.

Extensive hardstand and gravel areas without any landscaping should be avoided unless it is consistent with the character already established in an existing streetscape.

The Shire encourages holiday houses to aim to have a positive impact towards residential streetscapes.

5.5 ADVERTISING SIGNS

Advertising signage associated with a holiday house shall have a maximum area of 0.2m² and be fully located within the lot boundary.

5.6 EFFLUENT DISPOSAL

Applicants will need to provide information on effluent disposal as part of the planning application. If a holiday house is proposed on a lot that is not connected to deep sewer then the applicant will need to provide the Shire with information on the location and size of the existing effluent disposal system. The system will need to be adequate for the number of occupants, and the size of the system may need to be calculated by a licenced plumber.

If a system needs to be upgraded or replaced then a separate 'Application to construct or install an apparatus for the treatment of sewerage' needs to be lodged to the Shire of Shark Bay, and will be assessed by the Shire's Environmental Health Officer.

The application may need to be forwarded to the Health Department of WA for approval, depending on the maximum daily volume of wastewater estimated at full occupancy.

5.7 TEMPLATES / ATTACHMENTS

This Policy includes example templates for ease of convenience of applicants. The templates are an example only and can be modified and tailored by applicants to best suit the proposed management and operation of each holiday house.

The templates are provided to assist explain the type of information and matters that need to be examined and addressed by applicants.

This Policy includes the following attachments:

No.	Description	Document can be modified by Applicant
Attachment 1	Planning Application Form (Statutory Form)	No
Attachment 2	Example Management Plan template	Yes
Attachment 3	Example Fire and Emergency Response Plan	Yes
Attachment 4	Shire's Crossover Policy	No
Attachment 5	Frequently Asked Questions	No

6.0 ADMINISTRATION

6.1 PLANNING APPLICATION PROCESS

All documents and fees are lodged with the Shire of Shark Bay. The Shire refers applications to an external planning consultant for initial preliminary assessment and processing.

All applications are advertised to surrounding and nearby landowners for 14 days, including owners of any vacant lots in the area.

Once consultation has been completed, a report on the application will be referred to Council for determination. Council meetings are held monthly and the dates are published on the Shires website – www.sharkbay.wa.gov.au

Applications are advertised before a report is prepared for Council. It is therefore not guaranteed that an application will be referred to Council in the same month that it is lodged.

6.2 WHAT THE SHIRE ASSESSES

Under Clause 32.15.3 of the Scheme, Council may have regard for the following matters when determining an application for planning approval for a Holiday House:

- (a) A Management Plan adequately demonstrates that the landuse will be managed as to ensure that it will not cause nuisance or annoyance to the owners of adjoining or nearby residential properties;
- (b) A manager, caretaker or a contactable employee of the Manager permanently resides in Denham townsite or within one hours drive of Denham townsite;

- (c) A Fire and Emergency Response Plan comprehensively addresses fire safety;
- (d) The proximity of the lot to Denham townsite, the beach and/or any significant tourist attraction;
- (e) The desirability to encourage holiday house's close to the Denham Town Centre;
- (f) The size of the lot and density of development in the surrounding area;
- (g) The potential for increased impact where adjacent land has been developed for grouped dwellings or there are small lots with dwellings in close proximity to each other;
- (h) The potential for occupiers to have different behaviours and routines and the need to protect residents in suburban locations with daily work routines;
- (i) The location of active outdoor areas and their relationship to sensitive bedrooms within surrounding dwellings in a suburban environment;
- (j) The provision of hard wired smoke alarms, fire blankets and fire extinguisher.
- (k) Where the lot is not connected to sewer, the adequacy of on site effluent disposal for the proposed number of guests.

6.3 TERMS OF APPROVAL

The approval period for successful applications will be limited to 12 months initially.

Council has discretion to issue renewal applications for periods of one year, 3 years or up to a maximum of 5 years as deemed appropriate.

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

Should there be a change of the owner of the land in respect of which planning consent is issued the planning consent is cancelled. Any new owner can lodge a new planning application to the Shire for consideration.

6.4 HOLIDAY HOUSE REGISTER

All holiday houses must be listed on a Shire Register to be comply with the Scheme. The Shire will maintain a Holiday House register based on planning applications that are approved by Council.

The Shire will automatically enter the address and details of a Holiday House onto the Register when a formal planning approval is issued.

The Register will be available for viewing at the Shire Office.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

7.0 FREQUENTLY ASKED QUESTIONS

Additional information on common questions is included as *Attachment 5*. Attachment 5 provides general information and does not form part of the Policy requirements.

8.0 RECORD OF COUNCIL APPROVAL OF LOCAL PLANNING POLICY

Description	Enabling Legislation
Statutory Legislation	This Local Planning Policy has been prepared in accordance with Clause 3(1) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (initial)	This Local Planning Policy was adopted by Council on the _____ 2018 for the purpose of conducting advertising to comply with Clause 4(1) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (final)	This Local Planning Policy was adopted by Council on the _____ 2018 for final approval in accordance with Clause 4(3)(b) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Version Control	Version 1.1
Scheduled Internal Review Date	12 months after operation.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

ATTACHMENT 1 – PLANNING APPLICATION FORM

Clause 62(1)(a) – Planning and Development (Local Planning Schemes) Regulations 2015

Owner details		
Name:		
ABN (if applicable):		
Address: Postcode:		
Phone:	Fax:	Email:
Work:		
Home:		
Mobile:		
Contact Person for correspondence:		
Owners Signature:		Date:
Owners Signature:		Date:
<i>The signature(s) of the owner(s) is required on all applications. This application will not proceed without that signature. For the purpose of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i>		
Applicant details (if different from owner)		
Name:		
Address: Postcode:		
Phone:	Fax:	Email:
Work:		
Mobile:		
Contact Person for correspondence:		
Applicant Signature:		Date:
Print Name:		Date:
Property details		
Lot No:	House/ Street No:	
Diagram or Plan No:	Certificate of title Volume No:	Folio No:
Title encumbrances (eg easements, restrictive covenants):		
Street name: Suburb:		
Nearest street intersection:		

Shire of Shark Bay – 65 Knight Terrace, Denham WA 6537 Ph: (08) 9948 1218 Fax: (08) 9948 1237

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Proposed development	
Nature of development:	<input type="checkbox"/> Works <input type="checkbox"/> Landuse <input type="checkbox"/> Works and Landuse
Is there an exemption claimed for part of the development?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes is the exemption for: <div> <input type="checkbox"/> Works <input type="checkbox"/> Landuse </div>
Description of proposed works / landuse: <i>Note: You can attach a letter or any reports to this application form.</i>	
Description of exemption (if relevant):	
Nature of any existing buildings / landuse:	
Approximate cost of development:	
Estimated time of completion:	
OFFICE USE ONLY	
Acceptance Officers initials:	Date Received:
Local Government Reference Number:	

Shire of Shark Bay – 65 Knight Terrace, Denham WA 6537 Ph: (08) 9948 1218 Fax: (08) 9948 1237

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

ATTACHMENT 2 – EXAMPLE MANAGEMENT PLAN TEMPLATE

1. PROPERTY ADDRESS: _____

2. PROPERTY MANAGER DETAILS:

Name: _____

Address: _____

Phone Number: _____

Mobile: _____

Email: _____

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

☐ Internet (please specify) _____

☐ Property Manager _____

☐ Other (please specify) _____

4. DUTIES OF PROPERTY MANAGER:

- Supply, readily visible in the kitchen, dining or living area of the house, the Code of Conduct, the Management Plan and the Fire and Emergency Plan;
- Ensure guests are aware of the the Code of Conduct (Annexure A), the Management Plan and the Fire and Emergency Plan (including the Fire Evacuation Route);
- Ensure that an A3 laminated copy of the Fire Evacuation Route Plan is displayed in a prominent place near a front or back door, living area or kitchen of the house.
- Ensure that the maximum number of people staying overnight for each booking of the premises is consistent with planning approval conditions;
- Maintain a record / register of all bookings, available for inspection by the Shire of Shark Bay upon request;
- Ensure the premises are clean and minatained to a high standard;
- Ensure bed linen is clean and replaced upon tenant vacation; and
- Ensure rubbish and waste disposal bins are put out and collected as required.

Shire of Shark Bay – 65 Knight Terrace, Denham WA 6537 Ph: (08) 9948 1218 Fax: (08) 9948 1237

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

5. MAINTENANCE AND ACCESSIBILITY

Who will be responsible for ensuring all bedrooms are provided with a hard wired smoke alarm?	
Who will be responsible for ensuring that a fire extinguisher will be provided?	
Who will inspect the premises regularly to ensure that the smoke alarms and fire extinguisher are in working order?	
What arrangements are in place for cleaning the house before each booking?	
Is there a working outdoor hose available to guests?	
If windows are fitted with locks, are the keys provided to guests?	
Are guests given keys to all external lockable doors, including security doors?	
What arrangements are in place for maintenance of external yard areas?	

Shire of Shark Bay – 65 Knight Terrace, Denham WA 6537 Ph: (08) 9948 1218 Fax: (08) 9948 1237

27 NOVEMBER 2019

- All Guests will be provided with a Code of Conduct.

DRAFT

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

MANAGEMENT PLAN – ANNEXURE A CODE OF CONDUCT FOR GUESTS

PROPERTY ADDRESS: _____

The following Code of Conduct governs guest behaviour and use of the property. All guests are to follow the Code of conduct for themselves and any visitors they allow at the property.

GUESTS:

- A responsible adult (over 18 years of age) shall be on site at all times when children are present.
- No unauthorised people are permitted to stay overnight.
- There shall be a maximum of _____ guests on the property at any one time.

NOISE AND NUISANCE:

- Guests are not to cause or permit nuisance at the property.
- This includes excessive noise, disruptive behaviour or anti-social behaviour.
- Noise should generally cease after 9.00pm Sunday to Thursday and 10.00pm Friday and Saturday.
- The property manager may contact any guests where noise levels are deemed unacceptable.

VEHICLE PARKING:

- Guests shall park all cars and any trailers, caravans or boats on the property at all times.
- Guests shall not park on the verge or on the street outside of the property.

PREMISE CONDITION AND CLEANLINESS:

- It is all guests responsibility to leave the premises in a clean and tidy condition upon vacating.
- All fittings and chattels are to be left in their original condition and position that they were in at the beginning of each stay.
- Guests are to notify the Property Manager of any damage or disrepair within 24 hours of this occurring.
- Any damage repairs or excessive cleaning that is attributed to guests stay will be paid for by the guests.

FIRES:

- No candles or open fires are permitted on the property.
- All guests should read the Fire and Emergency Response Plan.

Shire of Shark Bay – 65 Knight Terrace, Denham WA 6537 Ph: (08) 9948 1218 Fax: (08) 9948 1237

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

RUBBISH DISPOSAL:

- All rubbish is to be placed in the bins provided.

Optional:

- Guests are responsible for taking out the outdoor rubbish bin where their stay coincides with collection days.
- Your collection day is: _____

KEYS:

- At the end of your stay please:

- ☐ Lock the premises (including all doors and windows) and return the keys to the property manager:
- ☐ Leave the keys on the dining table or kitchen bench and lock them in the house:
- ☐ Other (please specify) _____

TERMINATION OF ACCOMMODATION:

The Property Manager reserves the right to terminate accommodation if guests are found to have contravened any part of the Code of Conduct. No refunds will be made where termination is made due to a breach of the Code of Conduct.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

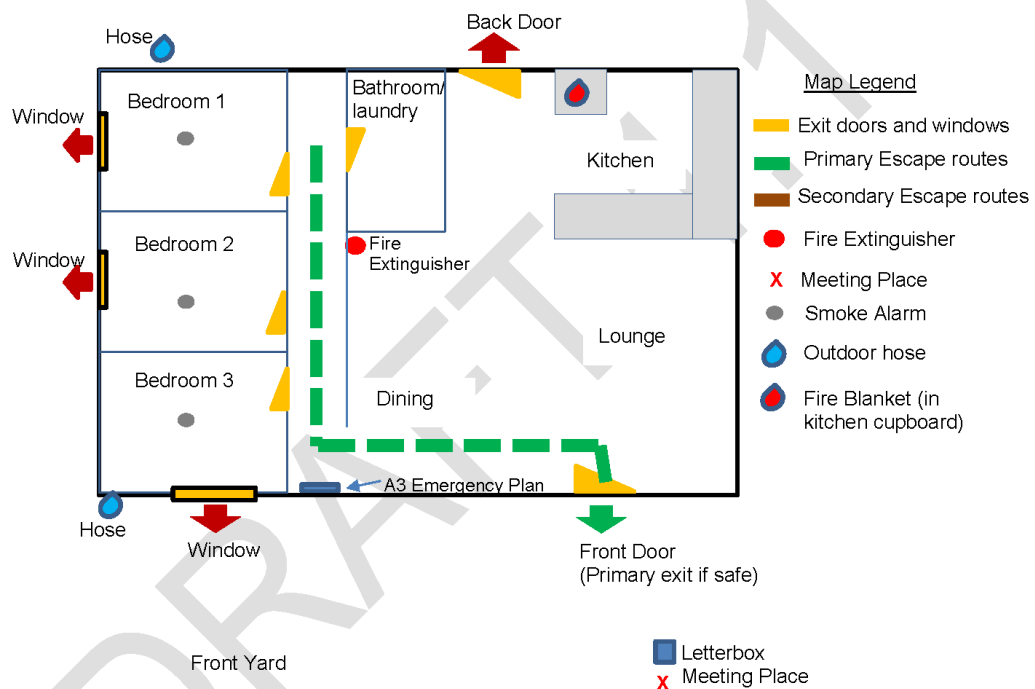
ATTACHMENT 3 – EXAMPLE FIRE AND EMERGENCY PLAN TEMPLATE

1. PROPERTY ADDRESS: _____

Fire Extinguisher Location : (description of room) _____

***Insert a floor plan. An example plan is below.*

2. FIRE EMERGENCY EVACUATION PLAN (to be displayed in house)



In Case of Fire:

- All guests to exit the house immediately. Adults should take all children outside.
- Call emergency services on '000' once you have safely exited the house.
- Assemble in the driveway near the letterbox. Do not go back into the house.
- Follow all instructions by emergency personnel.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

3. EMERGENCY CONTACT DETAILS:

FOR ALL EMERGENCIES DIAL TRIPLE ZERO – 000 for Police, Fire or Ambulance

A. Property Manager Contact

Name: _____ Mobile: _____

B. State Emergency Service: 132 500 or mobile: 0417 097 330

4. USEFUL SOURCES OF INFORMATION:

In the event of a fire, cyclone or evacuation information may be broadcast from the following sources:

ABC Radio 846am

ABC RN: 107.5FM

DEPARTMENT OF FIRE AND EMERGENCY SERVICES – www.dfes.wa.gov.au

13 DFES (13 33 37)

5. CYCLONES:

The Bureau of Meteorology issues cyclone advice to the public through a Cyclone Watch and Cyclone Warning – www.bom.gov.au/cyclone The Department of Fire and Emergency Services then issues Community Alerts to keep people informed and safe - www.dfes.wa.gov.au. The Alert System changes to reflect the increasing risk to your life and advises what you need to do before, during and after a cyclone.

CYCLONE WATCH is used when damaging winds are expected to affect communities within 48 hours.

CYCLONE ALERT is used when damaging winds are likely to affect communities within 24 hours.

DFES then issues the following cyclone alerts:

BLUE ALERT Get ready for a cyclone. You need to start preparing for cyclone weather.

YELLOW ALERT Take action and get ready to shelter from a cyclone. You need to prepare for the arrival of a cyclone.

RED ALERT Take shelter immediately. You need to go to shelter immediately.

ALL CLEAR The cyclone has passed but take care. Wind and storm surge dangers have passed but you need to take care to avoid dangers caused by damages.

6. USEFUL CONTACT INFORMATION (NOT FOR EMERGENCIES):

Silver Chain Health Centre – 9948 1400

Denham Police Station (for general enquiries) – 9948 1201

Shire of Shark Bay – 9948 1218

Shire of Shark Bay – 65 Knight Terrace, Denham WA 6537 Ph: (08) 9948 1218 Fax: (08) 9948 1237

ATTACHMENT 4

CROSSOVER POLICY EXTRACT

Vehicle Crossovers - Policy Manual Division 2.1 Crossings

1. A standard crossing as referred to by the Regulation 15 of the Uniform Local Provisions Regulations comprises either:

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

from kerb to the front boundary line and tied in or made contiguous with abutting structures (kerbs, footpaths and driveways).

2. The minimum width of the standard crossing shall be 3.0 metres for residences, 4.0 metres for commercial, 6.0 metres for light industrial, 6.0 metres for heavy industrial and 7.5 metres for service stations each with a 1.5 metre radius 'fishtail' onto the kerb line.

3. The gradient shall be positive 2% for the first 1.5 metres from the kerb line.

4. The Shire of Shark Bay will contribute to one crossing per property only.

5. Where the ratepayer elects to construct a crossover, the Council's contribution shall not exceed 50% of the cost of the crossover as defined in paragraphs (1) and (2) and in Council's Fees and Charges Schedule. The square metres calculated shall be the length (from the road kerb to the property line) multiplied by the nominal width. The ratepayer must produce documents stating the full cost of the crossing.

For further information on crossovers, their construction, or eligibility for a subsidy, please contact the Works Manager, Brian Galvin on 0428 178 501.



ATTACHMENT 5

FREQUENTLY ASKED QUESTIONS

A. Why do I need planning approval to rent out my own house to tourists or visitors?

The Western Australian Planning Commission (WAPC) is the state planning authority. The WAPC has guidelines on holiday houses which recognise that this landuse is different to a single house.

Planning approval for holiday houses is required under the Shire of Shark Bay Local Planning Scheme No 4.

B. Can I write my own Management Plan and Fire and Emergency Response Plan?

Owners or applicants can write their own plans. The plans need to be well thought out and clearly written.

An example format is included as *Attachment 2*.

C. Can I sell my house as a Holiday House?

No. Planning approvals are issued specifically to a person and a land parcel. Any new owner would have to lodge a fresh application to seek planning approval for a Holiday House.

D. What happens if I have a Holiday House and I do not apply for planning approval?

Any Holiday House that continues to operate without planning approval would do so in breach of the Shire of Shark Bay Local Planning Scheme No 4. Any proven breach of the Scheme is an offence.

The Shire can seek to prosecute any owner of an unauthorised Holiday House. Any successful prosecution will result in owners being fined.

E. What if I have a house in Commercial or Tourism zone? Can I apply to use it as a Holiday House?

Yes you can lodge a planning application to the Shire of Shark Bay. The Shire will take into consideration matters such as the objectives of the zone, adjacent land uses, potential for land use conflict with other commercial uses, noise, parking and traffic.

F. What if my house has been used for a Holiday House for years – do I still need approval?

Over the past decade a growing number of holiday houses have been made commercially available in Denham, and many have operated without planning approval. Since the introduction of a new Planning Scheme No 4, the Shire wants to educate key stakeholders on the requirements, and encourage owners / operators to apply for the necessary approval.

Any existing Holiday House needs planning approval. You do not have to apply if you have record of an existing planning approval issued by the Shire under the previous Shire of Shark Bay Local Planning Scheme No 3.

27 NOVEMBER 2019

- G. *Do I have to use the Management Plan and Fire and Emergency Response Plan attached to the Shires Policy?*

The Management Plan and Fire and Emergency Response Plans that are attached to the Policy are only examples. Applicants can develop their own plans or use the templates as a base and tailor them to suit their needs.

27 NOVEMBER 2019

ATTACHMENT #3

Name of Submitter	Summary of Submission
<p>1. Graham Thompson</p> <p>Email submission</p>	<p>1a. I am the owner of Shore Thing in Sunter Place and have been operating as a holiday house for nearly two years now without any issues or complaints, it has been locally managed, maintained and repaired by local tradesmen ie plumbers, electricians, air con fitters, gardeners and cleaners to name a few.</p> <p>2a. Shark Bay is a wonderful place to share with everyone and makes an economical family holiday escape but with the proposed changes ahead and the possible financial outlay some owners may incur I fear they may not all go ahead and therefore the community losing out on valuable income.</p>
<p>2. Richard and Ann Noakes</p> <p>Email submission</p>	<p>2a. As long term owners of a residential holiday house at 22 Hartog Cres, we submit the following comments in relation to the Draft policy.</p> <p>2b. Our house is and has always been managed by Ray White Real Estate, and we use it for our own occupancy when we come to Shark Bay for annual holidays.</p> <p>2c. 5.2 CAR PARKING AND ACCESS</p> <p>The Policy states to refer to Attachment 4, but that attachment only details crossovers, not car parking.</p> <p>From what we have observed there are many types of crossovers in Denham including blue metal, shell and compacted clay. Many commercial holiday properties do not have sealed driveways or crossovers and many don't have sealed car parking areas. It would seem that if Council intends to impose these regulations on the existing private holiday houses, then the same would be expected to apply to all existing and future commercial holiday properties in town.</p> <p>2d. Our property has two areas that can be used as car parking, both within the private property one at the front and one at the rear. It is unclear what the Policy is requiring here. To seal car parking areas within the private property would seem unfair when commercial properties are not required to do so.</p> <p>2e. 5.3 SMOKE ALARMS</p> <p>We installed hard wired smoke alarms in line with current regulations which we believe is practical.</p> <p>2f. We feel that an evacuation plan for a single dwelling is unnecessary as tenants would be well aware where the front and back door of the house is. The installation of a fire extinguisher when tenants will not know how to use them is probably inviting a problem. Surely it is better to call 000 and evacuate the property for everyone's safety. If we are to install fire extinguishers, will the same ruling be made for all the accommodation places in town for each individual unit?</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Name of Submitter	Summary of Submission
	<p>2g. 6.3 TERMS OF APPROVAL</p> <p>Our property has been managed by the local Real Estate Agent since we bought it in 2001. There has never been any problems with the property, only positive feedback. We feel that in cases such as this when there is a long history of compliance, it is unreasonable to only be given a 12 month approval in the first instance. We feel 12 months is appropriate for properties new to the holiday market, or that haven't been managed prior to the initial application, but not appropriate for those with a well managed rental history.</p> <p>2h. Can you also advise what is the criteria for councils discretion on terms of duration?</p> <p>2i. What is the implementation time frame of the policy to be adopted and the ensuing time frame for approval applications/processing? Will subsequent renewals be a simpler process?</p> <p>2j. What are the costs associated with the application and subsequent renewals?</p>
<p>3. Alan Branchi Email Submission</p>	<p>3a. We have been letting out 29 Brockman Street for many years. It has always been managed by an agent locally to a high level of safety, integrity, whilst adhering to the Residential Tenancy Act and Council regulations. To our knowledge there have never been any complaints by neighbours or otherwise.</p> <p>3b. We believe in offering lower priced accommodation so that families can enjoy a holiday without extending their budgets. Over the years this has brought a number of persons to the area, all spending money at local businesses etc and some actually purchasing properties within Denham.</p> <p>3c. We have used local businesses and trades people with any upgrades that have been carried out and spent many thousands of dollars in the town and will continue to do so.</p> <p>3d. Why does there need to be change from the current way business is conducted? Is it purely a money grab by the Shire in fees, or is it the local commercial operators that are the driving force or both?</p> <p>3e. We are against any change to the current policy as it has worked well in Denham. We do not require more fees and charges and the paperwork to come with them. Implementing changes to meet Shire criteria will be at our substantial expenditure. Then there will be additional fees and charges subject to change. The property does not generate a large income. We may be left with no alternative than to leave the property empty.</p> <p>3f. What are the exact fees. This should have been included so all owners can make an informed decision.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Name of Submitter	Summary of Submission
	<p>3g. There appears to be some grey areas in the policy.</p> <p>3h. What is a holiday house? In the past we have rented our house for longer than 3 months in a calendar year so are we not classified as 'short term accommodation' as then the policy will not affect us.</p> <p>3i. We have been using established guidelines for the past 16 years and we have had no conflicts with neighbours or impacted on other residents other than injecting capital into town.</p> <p>3c. The planning scheme says the Shire may permit a holiday house which does not read well for the future of Denham. We believe this would be hard to uphold as there are many holiday houses in Denham.</p> <p>3d. We have no problems with new holiday houses being registered if this policy is passed. Any current holiday house should be exempt.</p> <p>3e. All eight paragraphs in section 5.1 are currently in effect so therefore no change is required.</p> <p>3f. In regards to car parking and driveways many owners have blue metal, shell or compacted clay that covers them which is common in Denham. Some have Council paving and foot[paths as a crossover as we do.</p> <p>3g. When we look at Denham the majority of commercial operators including but not limited to the Oceanside Village, Shark Bay Hotel, Bay Lodge and Shark Bay Cottages do not have sealed car parking. Several of these operators do not have a sealed driveway or any kind of crossover.</p> <p>3h. Why would you want to have sealed car parking at a holiday house as the cost would be ridiculous. We do not need to be told how many car spaces there needs to be on a residential block.</p> <p>3i. <ol style="list-style-type: none"> 1. What type of fire extinguisher is required? 2. Fire extinguisher training – is this a duty of care requirement from landlords and Shire alike? 3. Is periodic testing of fire equipment a requirement? 4. Is the requirement to evacuate or stay and use the fire extinguisher? 5. We already meet the smoke alarm standard. 6. There is a front and back door used all the time and no need for an emergency plan to be stuck on a wall. </p> <p>3j. We are against the section 'terms of approval' being applied to existing holiday houses. We have been working under the Residential Tenancies Act and Shire guidelines otherwise we surely would have been contacted. Possibly new houses can enter your system.</p> <p>3j. If the policy is to be fair and equitable then all commercial entities should have to comply and not just holiday home owners.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Name of Submitter	Summary of Submission
	<p>3k. If this is just a draft policy when will it be voted on and can all owners attend?</p> <p>3l. What exactly is the time to comply and when will it be implemented? There will be a large amount of lots that need approval and will they be able to continue to operate until the policy is met?</p>
<p>4. Larry Buck</p> <p>Email Submission</p>	<p>4a. My house at 151 Knight Terrace has been a holiday house for 10 years managed by ray white real estate / there has never been any problems with renters and neighbours / my house has plenty of off street parking for cars and boats / driveway paved to road / the house has hard wired fire alarms and all the regulations for a rented property.</p> <p>4b. The renters contribute to Denhams economy by going to restaurants and buying food at supermarkets.</p> <p>4c. If there were no house rentals in Denham a lot of people would not come / no place 2 families with kids and a dog parking for cars and boats.</p>
<p>5. Tom & Mary Holben</p> <p>Email Submission</p>	<p>5a. We have owned houses in Shark Bay for around 20 years on the rental market.</p> <p>5b. Two years ago we put 5 Mead Street on the holiday market so to make it available for our own use when required. We will make it our second home and contribute to the Shark Bay community where ever we can.</p> <p>5c. Our house complies in most of the Policy Requirements but have problems with a couple of items</p> <p>5d. 5.2 Car parking and access We have a 3 bedroom house that sleeps 6 as a maximum and is only rented to a single tenant at a time. If they cannot work out where to park their car and boat perhaps they should not have a drivers license.</p> <p>5d. It is my observation when walking around the streets of Shark bay that most of the permanently occupied houses do not have sealed driveways and are used 52 weeks of the year. My house has a history of only 10 to 12 weeks rental a year. Why is there discrimination between the permanents and me?</p> <p>5e. I would also to it confirmed that <u>all</u> of the AIR B&B properties will also have comply with these regulations.</p>
<p>6. Steve & Elena Valentine</p> <p>Email Submission</p>	<p>6a. We own a holiday property in Denham which is managed by Ray White Real Estate. Ray White have passed on to us a copy of the Draft Local Planning Policy No. 1 – Holiday Houses in Residential Areas.</p> <p>6b. We wish to advise that we do not fully accept the obligation to be registered. We have been property owners in Shark Bay for more than 20 years, have had no problems or safety issues/concerns in that time</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Name of Submitter	Summary of Submission
	<p>and our agent is very proficient in keeping an eye on all visitors to our home and informing them of all rules and regulations.</p> <p>6c. Regarding item 5.3 Smoke Alarms - We do not agree with obligation to have fire alarms in every bedroom. This will be a bit of overkill in a single dwelling with Hardwired smoke alarms but we agree that there should be fire extinguishers on site which should be easily accessible.</p> <p>6d. Regarding item 5.2 Car Parking and Access. Can we please have some clarification regarding car parking and driveways. We have plenty of exterior parking areas and undercover parking. These areas do not impinge on other people. With regards to sealed driveways/crossovers we believe all property owners should be obliged from now on to follow a set procedure when applying for a building permit.</p> <p>6e. Our other concern will be the costs involved???? And what the fees will be??</p>
<p>7.</p> <p>Brian and Yvonne Blackburn</p> <p>Email Submission</p>	<p>7a) 5.2 Car Parking an Access - No.8 Edwards Street</p> <p>At present, my driveway is a formed blue metal drive to a double garage large enough to park two cars/two boats or even three cars, if required. Is this sufficient area to satisfy Council? One question that I would like answered by Council is that if we have to provide a hard crossover from the Shire kerb to my boundary (on Shire land), is the Shire responsible for maintenance of same?</p> <p>7b) Fire Extinguishers I would not be comfortable with untrained people using a fire extinguisher. In case of fire the best plan of action is to get out and ensure the safety of other residents in the house. Don't worry about fire extinguishers or how to use them (a comment from our Fire Brigade in Harvey).</p> <p>7c) We have a long history of renting this house, as well as using it ourselves. Never have we been alerted to any problems or complaints from neighbours - to the contrary we have a mutual respect for one another.</p> <p>7d. Evacuation Plans Not necessary owing to the size of the house - front door or back door, both of which are clearly visible from the main living area. Common sense says get out as quickly as possible and do a head count in a safe area outside. Sometimes designated muster areas can be fire affected.</p> <p>7e) I feel that as owners of a holiday house in Denham we are providing a valuable service to the town. Our property is managed by Ray White who handle all bookings, inspections and ensure that all relevant management tools are in place. As the owners we have regularly been</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Name of Submitter	Summary of Submission
	<p>on site for maintenance and over the past ten years would have spent \$25,000 on improvements and maintenance to the property. The property is professionally cleaned after each vacate - whether the period is three days or three weeks. The general layout of the house is located on Ray White's website showing the layout and furnishing of every room.</p> <p>7f) We, the owners, are strongly of the opinion that the past management system of our house is more than adequate and does not need any changes. We regard ourselves as valuable ratepayers to the Shire of Shark Bay and of great benefit to this community. Please do not make life more difficult than it actually is.</p>
<p>8.</p> <p>Jason Lamb (owner & landlord of 127 Knight Terrace)</p> <p>Email Submission</p>	<p>8a) The policy states</p> <p>"All car parking, driveways and crossovers that relate to Holiday Houses shall be sealed, paved or concreted to comply with the construction specifications in the Shire's Crossover Policy – refer Attachment 4."</p> <p>However when you refer to attachment 4 it only refers to crossovers, not car parking.</p> <p>8b) I have blue metal driveway / car parking on my property and shire pavers as a crossover. I'm assuming I comply. Sealed car parking would be a huge expense to me. There are also commercial rentals in DENHAM (e.g Oceanside Village) that do not have sealed car parking, so I don't see why we would be different.</p> <p>8c) 5.3 SMOKE ALARMS</p> <p>There could be a challenge in timing and resources in town when this is implemented.</p> <p>8d) 6.3 TERMS OF APPROVAL</p> <p>I have been operating my holiday house in DENHAM for 10 years already with only positive feedback locally and with my tenants. With this in mind I believe some concessions need to be made for people that have the history of doing the right thing and helping to look after the town.</p>
<p>9.</p> <p>The Australian Hotels Association WA</p> <p>Email Submission</p>	<p>9a) The Australian Hotels Association WA ('AHA') is the peak industry body representing the hotel accommodation and hospitality industry in Western Australia ('WA'). Our membership consists of small local pubs or hotels through to large national and international hotel brands who are operators of three to five star accommodation.</p> <p>9b) The AHA welcomes the initiative of the Shire of Shark Bay ('the Shire') in responding to the increase of short-stay accommodation in residential areas. This is consistent with trends towards regulation in Australia and internationally.</p> <p>9c) We strongly support for the introduction of short-stay regulation that balances tourism with safeguarding community interests and amenity</p>

27 NOVEMBER 2019

Name of Submitter	Summary of Submission
	<p>subject to adequate compliance and enforcement measures to ensure the policy is effective and resilient to future challenges posed by disruptive online accommodation providers. Our comments seek to provide guidance on effectively regulation short-stay accommodation, as informed by extensive consultation with stakeholders.</p> <p>9d) Impact of Unregulated Sharing</p> <p>Over the past decade there has been an explosion in the number of short-stay accommodation in residential areas due to the utilisation of online accommodation platforms such as Airbnb, Booking.com and Stayz, just to name a few. This causes a myriad of issues for state and local governments, as well as the communities in which they are situated.</p> <p>Potential threats to local amenity that can arise include disruption due to the transient nature of guests. Other undesirable activities that have historically been associated with short-term accommodation include the hosting of out of control parties, increased noise, anti-social behaviour, excessive rubbish, parking issues, traffic difficulties and criminal activity.</p> <p>In mature markets, where platforms like Airbnb have been operating for over a decade, there is a widespread understanding that 'sharing platforms' are no longer just a place where 'mum and dad' operators can rent out a room or their house for a few days.</p> <p>While genuine 'home sharing' or 'hosted accommodation where the sharing or limited use of a host's primary residence is welcome, this has been overtaken by 'unhosted' accommodation. A practice that allows for the commercial private letting of entire homes or apartments in direct competition with existing hotels, with one owner letting out several properties without the same duty of care or compliance obligations to guests as hotels.</p> <p>The effect of allowing unregulated short-term accommodation is recognised as having contributed to rising home prices, housing affordability, damaged local amenity and undermined the fabric of local communities.</p> <p>Notwithstanding the threat short-term accommodation poses to the reputation and significant economic and social contribution of traditional hotel businesses make to their communities and the many thousands of Western Australians who rely on it for their employment.</p> <p>9e) WA Regulation of Short-Stay</p> <p>In WA, local governments have taken an ad-hoc approach to the regulation of short-stay accommodation which by definition includes holiday homes. This has aided in promoting the growth of at least 12,566 properties across WA, of which 71 per cent constitute entire homes, where the host is not present¹</p> <p>In response, the AHA has developed a five-point plan to regulate the home-sharing economy.</p> <ol style="list-style-type: none"> 1. Home sharing properties must be registered, with a fee payable to fund compliance monitoring.

27 NOVEMBER 2019

Name of Submitter	Summary of Submission
	<ol style="list-style-type: none"> 2. Only a host's primary residence may be listed for sharing. 3. Short-stay accommodation must meet fire, safety, building and insurance requirements appropriate to short term rentals. 4. Require Peer-to-Peer platforms to stop listing illegal and non-compliant rentals and share relevant data with authorities. 5. Neighbours, co-tenants and landlords must be empowered and allowed to have a say. <p>The AHA's Five-Point Plan identifies a number of areas where, if regulated, would substantially alleviate many of the issues associated with unregulated short-stay accommodation including amenity, noise, fire and emergency, minimum standards and insurance.</p> <p>The Shire's Draft Policy outlined a number of measures that directly respond to breaches to community amenity. It is particularly encouraging to see the provision of a Fire and Emergency Response Plan, a Management Plan to protect residential amenity, as well as the development of a Holiday House Register.</p> <p>Maintenance of a Holiday House Register however, should constitute the highest priority and aligns with the AHA's calls for mandatory registration as an essential component to successful regulation of short-stay accommodation. This is most effective when accompanied by a registration fee, as it can assist in funding enforcement activities and penalties for non-compliance with local laws.</p> <p>While the Draft Policy is comprehensive in terms of the requirement for a planning application supported by public consultation, the absence of mandatory registration, penalties or methods of ensuring compliance will only aid continued non-compliance.</p> <p>9f) Mandatory Registration</p> <p>Mandatory Registration is a key element of regulating short-stay accommodation to ensure transparency, accountability and to aid in enforcement measures. It has been internationally recognised and successfully adopted in a number of jurisdictions to ensure compliance with local laws.</p> <p>By way of example, in 2018, Japan introduced mandatory registration and the requirement to display the registration number on the listing. Following the implementation of the law, more than 30,000 unlicensed, unregulated listings or 80 per cent were removed by Airbnb as they did not display a registration number.²</p> <p>Given resourcing is often a critical issue for local governments, accompanying registration with a fee payable can aid in funding compliance monitoring.</p> <p>9g) Compliance and Enforcement</p> <p>As indicated in WALGA's <i>'Short-term Rental Accommodation and the Sharing Economy'</i> Discussion Paper, the introduction of controls</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Name of Submitter	Summary of Submission
	<p>governing short-stay accommodation should be carefully considered to ensure that requirements are enforceable.³ Failure to ensure the enforceability of relevant local laws would only continue the negative impacts of unregulated short-stay accommodation.</p> <p>For context, we have provided international and national examples of the necessity for mandatory registration and compliance measures in our submission (San Francisco and New South Wales examples are provided).</p> <p>AHA Recommendation</p> <p>9h) To adequately address issues caused by short stay accommodation, mandatory registration including a registration fee and penalties for non-compliance would encourage adherence with the Shire's Draft Policy. The AHA encourages the Shire to review the policy in this context.</p> <p>Please note the AHA has submitted its recommended regulatory approach to the current State Parliamentary Inquiry into Short Stay Accommodation Inquiry by the Economics and Industry Standing Committee which is expected to report by the end of August 2019. Our complete submission on this issue can be accessed from the committee webpage.</p>
<p>10.</p> <p>Department of Planning, Lands and Heritage</p> <p>Letter submission.</p>	<p>10a) The Policy is broadly consistent with the WAPC Planning Bulletin 99 Holiday Home Guidelines which provides guidance to local governments when dealing with holiday homes in the the local government framework.</p> <p>10b) We look forward to receiving a final copy of the Policy in due course.</p>

27 NOVEMBER 2019

ATTACHMENT #4

The Shire of Shark Bay

18 November 2019

Re: Policy for short term accommodation in Shark Bay

The proliferation of unregulated short stay properties throughout Shark Bay poses a real and growing threat to employment and the viability of the Shark Bay accommodation industry, necessitating action and leadership by the Shark Bay Shire to properly manage this growing black market industry.

Whilst hotels, motels and hostels all comply with a myriad of regulations, many properties that are listed on peer-to-peer platforms, such as Airbnb and through local the Real estate do not.

The amenity and safety of communities is compromised as a result of quasi-hotels operating in residential areas. Neighbourhoods are being adversely impacted with little recourse for affected residents.

1. A mandatory registration scheme

A mandatory registration scheme is a requirement to ensure transparency, accountability and enforcement of short stay accommodation properties in the Shire.

2. That the rates and other shire charges are the same

It should be mandatory that all short term accommodation like holiday homes, bed and breakfasts and homes on peer to peer platforms like Airbnb should be paying the same rates, refuse cost and water as commercial businesses like hotels and motels.

3. Appropriate fire and safety standards

To ensure guests are afforded adequate protections it is critical that currently unregulated short stay accommodation properties have appropriately equipped with minimum health, fire and safety provisions. The current gap in such provisions between unregulated and regulated properties presents an unacceptable risk to guests and hosts alike.

The effect of allowing unregulated short-stay accommodation is recognised as having contributed to the viability of the commercial accommodation industry which is reducing the ability of the industry to employ more staff and reduces the ability of the commercial operator to invest in and grow their business. It is recognised that there is a shortage of long term rental accommodation in Shark Bay which affects the ability of the town to grow and reduces employment opportunities to people who wish to move to Shark Bay. Which in turn effects the fabric of the local community.

In conclusion

The unimpeded growth of unregulated short-stay accommodation has failed the Shark Bay community. Employment, training and investment opportunities are being placed at risk only a strong, fair regulatory model will secure the above objectives and deliver an outcome that is in the best interests of all of us in Shark Bay

Regards
Willie & Tara Hannibal
Oceanside Village

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

From: [REDACTED]
Sent: Tuesday, 19 November 2019 3:10 PM
To: Rhonda Mettam <Rhonda@sharkbay.wa.gov.au>
Subject: I-CR-27330 - Attn: Shark Bay CEO Mr Paul Anderson and Councillors Shire of Shark Bay

Late Agenda Item

Good Afternoon Paul,

From the outset we wish to advise we did not participate in councils request for public comment on unregulated short term holiday accommodation, within the shire of Shark Bay.

Reasons for our non-participation was two-fold.

- 1) As proprietors of a licensed short term accommodation business we felt we had an obvious conflict of interest which morally excluded us from making unbiased comment.
- 2) We did not wish to comment on something we consider a serious problem within the Shire of Shark Bay without offering at least some semblance of a solution.

While recognizing our ongoing conflict of interest we wish to advise council to what we believe is the biggest restriction to the growth of business and population within the Shire.

Since arriving in Shark Bay 2 years ago and purchasing the then Tradewinds Seafront Apartments we have noticed a proliferation of growth in the unregulated short stay holiday accommodation sector. It seems as soon as a property is sold it becomes a "Holiday House", providing it wasn't one already. As soon as a house is built, ditto. Any houses offered for sale in Shark Bay automatically become unregulated short stay holiday accommodation. This is the single most reason for the critical lack of affordable rental accommodation. People cannot be attracted to the bay when there is no affordable rental accommodation. As a consequence regulated licensed businesses such as ours cannot grow organically. We all struggle to secure additional staff from the ever shrinking pool of labour. No accommodation means no workers, no new skills, no more kids for our school therefore no growth!

The perennial issue of unregulated short stay accommodation is a problem not restricted to Shark Bay. If we may quote Mr Michael Johnson, CEO Tourism Accommodation, Australia..., "Tourism hotspots around Australia have seen damage to community amenity, the erosion of local character, housing affordability pressures, resentment from local residents, displacement of long term tenants and traditional accommodation jobs" all due to the plague of unregulated short stay accommodation.

We respectfully request council endeavours to deliver effective regulations on all non-regulated short stay accommodation within the Shire. This should include but not be restricted to, the payment of the same commercial rates and charges regulated business pay. The provision of safe access and egress to the properties. Provision of adequate off street, off verge parking for all cars and boats, and enforced compliance to all fire, electrical and safety requirements.

Most importantly we request council implement a mandatory registration scheme in the form of a licence for all existing unregulated short stay accommodation and a restriction on the registration on any new or non-compliant unregulated short stay accommodation within the Shire of Shark Bay.

Yours sincerely,

Doug & Joanne Rowe

27 NOVEMBER 2019

Heritage Resort Shark Bay,
63-75 Knight Terrace,
Denham. WA 6537

CEO
The Shire of Shark Bay
Knight Terrace,
Denham.WA 6537

18th November 2019

Attention: Paul Anderson

Dear Paul,

Re: Policy for short term accommodation in Shark Bay

Please be advised that we wish that the above be addressed by the Council as a matter of urgency.

The proliferation of unregulated short stay properties throughout Shark Bay poses a real and growing threat to employment and the viability of the Shark Bay accommodation industry, necessitating action and leadership by the Shark Bay Shire to properly manage this growing black market industry.

Whilst hotels, motels and hostels all comply with a myriad of regulations, many properties that are listed on peer-to-peer platforms, such as Airbnb and through local the Real estate do not.

The amenity and safety of communities is compromised as a result of quasi-hotels operating in residential areas. Neighbourhoods are being adversely impacted with little recourse for affected residents.

1. A mandatory registration scheme

A mandatory registration scheme is a requirement to ensure transparency, accountability and enforcement of short stay accommodation properties in the Shire.

2. That the rates and other shire charges are the same

It should be mandatory that all short term accommodation like holiday homes, bed and breakfasts and homes on peer to peer platforms like Airbnb should be paying the same rates, refuse cost and water as commercial businesses like hotels and motels.

3. Appropriate fire and safety standards

To ensure guests are afforded adequate protections it is critical that currently unregulated short stay accommodation properties have appropriately equipped with minimum health, fire and safety provisions. The current gap in such provisions between unregulated and regulated properties presents an unacceptable risk to guests and hosts alike.

27 NOVEMBER 2019

The effect of allowing unregulated short-stay accommodation is recognised as having contributed to the viability of the commercial accommodation industry which is reducing the ability of the industry to employ more staff and reduces the ability of the commercial operator to invest in and grow their business. It is recognised that there is a shortage of long term rental accommodation in Shark Bay which affects the ability of the town to grow and reduces employment opportunities to people who wish to move to Shark Bay. ie Staff rental accommodation, Which in turn effects the fabric of the local community.

In conclusion

The unimpeded growth of unregulated short-stay accommodation has failed the Shark Bay community. Employment, training and investment opportunities are being placed at risk only a strong, fair regulatory model will secure the above objectives and deliver an outcome that is in the best interests of all of us in Shark Bay.

This problem is not unique to the Shark Bay region, if fact there is a considerable number of regions/Shires that are addressing this growing inequity.

Regards,

Des and Beate Matthews
Heritage Resort Shark Bay

27 NOVEMBER 2019

13.4 WESTERN AUSTRALIAN PLANNING COMMISSION - POSITION STATEMENT: TOURISM LAND USES IN BUSHFIRE PRONE AREAS
LP00017

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved Cr Ridgley
Seconded Cr Fenny

Council Resolution

That Council note that the Western Australian Planning Commission has released a new Position Statement on Tourism Land Uses in Bushfire Prone areas (October 2019).

6/0 CARRIED

BACKGROUND

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

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

This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of ‘State Planning Policy 3.7: Planning in Bushfire Prone Areas’.

The Shire has a mandatory obligation to consider State Planning Policy 3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

The Western Australian Planning Commission released State Planning Policy 3.7 and associated Guidelines for Planning in Bushfire Prone Areas (‘the Guidelines’) in December 2015. These documents apply to all land identified as Bushfire Prone.

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

Any tourist development is considered to be a vulnerable land use under State Planning Policy 3.7, and applications have to be supported by both a Bushfire Management Plan and Emergency Evacuation Plan.

Meeting the current bushfire requirements has been challenging for remote tourist sites of which there are many within the Shire of Shark Bay. Often there are conflicts between clearing vegetation to decrease fuel loads in an environment where retention of vegetation may be preferable from an environmental or visual landscape perspective.

27 NOVEMBER 2019

The natural environment is often the very characteristic that attracts tourists to an area for nature based tourism experiences.

COMMENT

The Shire has long advocated for changes to the current bushfire requirements and recognition that a different approach needs to be undertaken for remote nature based tourist activities which positively contribute to the local economy. Representations on this issue have been made to the Minister for Planning when the Scheme Review was progressed.

The Western Australian Planning Commission has released a new Position Statement on Tourism Land Uses in Bushfire Prone Areas.

The intent of the position statement is '*to provide guidance for tourism land uses within bushfire prone areas. The position statement maintains primacy for the protection of life but also recognises that the protection of property or infrastructure may be secondary to the social and economic development of a region.*'

For the first time there is recognition that there needs to be a balance between bushfire risk management measures, environmental protection, biodiversity management and landscape amenity.

The Statement outlines that different tourism land uses demonstrate different characteristics and may require different levels of protection. Reasons for setting bushfire protection measures specific to the type of tourism land use include, but are not limited to:

- the presence of a resident/manager on site, thereby improving the potential for informed emergency evacuation decisions;
- construction under Australian Standard (AS) 3959 may be impractical (that is, tents and caravans) or the dwelling may already exist and not constructed in accordance with AS 3959;
- remoteness of the site, including proximity to emergency services;
- whether the land use involves overnight stay.

The Position Statement recognises that developing tourism land uses within remote and/or heavily vegetated areas comes with an inherent risk of bushfire, which can be reduced but can never fully eliminated.

It provides for a risk-based assessment and if necessary, the use of contingencies to reduce the risk to acceptable levels.

The National Emergency Risk Assessment Guidelines handbook provides an emergency-related risk assessment method consistent with the Australian/ New Zealand Standard Risk Management – Principles and Guidelines (ISO31000:2009).

These principles and risk assessment can be applied to assist with demonstration of compliance with the Position Statement.

27 NOVEMBER 2019

The Western Australian Planning Commission Position Statement recognises that for different landscape risk scenarios, a range of strategies including sheltering on-site, sheltering off-site (evacuation) and closure of facilities could be developed.

Where a tourism land use, such as a camping ground that provides no facilities or built structures that could be utilised for on-site shelter, the Policy Statement recognises that a risk assessment may determine that an open space area is acceptable for on-site shelter as a last resort.

This is similar to the approach taken for bushfire management for Lots 62 and 303 Dirk Hartog Island (proposed camping) where an open beach evacuation area was supported.

It is too early to ascertain whether the Policy Statement goes far enough to support tourism uses in bushfire prone areas however it at least recognises the importance of tourism, that they warrant a different approach, and has started to look at alternative measures such as open space sheltering areas.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 -

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

Under Clause 67 the local government is to have 'due regard' to any approved State Planning Policy.

Shire of Shark Bay Local Planning Scheme No 4 – The Scheme has specific provisions applicable to a number of Special Use zones that require 'bushfire management' to be addressed.

POLICY IMPLICATIONS

There are no policy implications relating to this report

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

There are no risks associated with this report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

15 November 2019

27 NOVEMBER 2019

13.5 DIRK HARTOG ISLAND - MANAGEMENT AND PRIVATE VEHICLE NUMBER RESTRICTIONS
P4280, P4366

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as an Employee of the Department of Biodiversity, Conservation and Attractions

Declaration of Interest: Cr Fenny

Nature of Interest: Impartiality Interest as runs 4WD Tours on Dirk Hartog Island and Licensed with the Department.

Moved Cr Ridgley
Seconded Cr Cowell

Council Resolution

That Council;

Note:

1. **The purpose of this report is to inform Council of issues relating to management considerations and vehicle number restrictions applicable to the Dirk Hartog Island National Park, and the potential implications for future development of freehold lots.**
2. **The Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012 includes several recommendations as outlined in the body of this report.**
3. **The Department of Biodiversity, Conservation and Attractions lodged a formal submission on the 25 October 2019 commenting on two applications for Lot 62 and 303 Dirk Hartog Island and advised that:**
 - (i) **The 2012 Management Plan allowed for a maximum 10 private vehicles on the island. This limit has since been increased to 20 visitor vehicles per day, although currently vehicle numbers are not monitored closely.**
 - (ii) **The management of vehicle numbers associated with the proposed developments is not addressed. Under the Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012, there is a limit of 20 vehicles per day to the national park.**
 - (iii) **The two recent development applications do not outline how the additional vehicle numbers associated with the proposed development (23 proposed campsites/1 vehicle per campsite) will**

27 NOVEMBER 2019

be reconciled with the 20 visitor vehicles / day limit that currently applies to the national park.

- (iv) To date there has been no consultation between Department of Biodiversity, Conservation and Attractions and the owners of the freehold lots as to how many vehicles are to be catered for on the island, or how the development of the freehold lots will be reconciled with the vehicle number limits specified in the management plan.
- (v) Vehicle numbers within the national park is a key issue that needs to be resolved prior to further development of the freehold lots for tourism accommodation.

The Department of Biodiversity, Conservation and Attractions advice is included as Attachment 1 (letter and subsequent email).

- 4. Town Planning Innovations sought additional clarification on the vehicle number restrictions and the process undertaken when the number was increased (from 10 to 20).

Subsequently, on the 14 November 2019 the Department of Biodiversity, Conservation and Attractions have further clarified that:

- (i) While Director General approval was received for the increase in vehicle numbers (from 10 to 20), there was no formal clarification of what that means in relation to any separation of visitor vehicles, management vehicles, Commercial Tour Operator vehicles, vehicles garaged on freehold land etc. The following endorsed draft guidelines were intended to clarify this matter:
- (ii) Draft guidelines were prepared and were intended to clarify this matter.
- (iii) Draft guidelines were endorsed by the Midwest Regional Manager in March 2017. These guidelines were intended to clarify this matter:
 - Twenty (20) vehicles is the maximum number of vehicles allowable on any given day/overnight.
 - This refers to visitor vehicles only, that are within the Dirk Hartog Island National Park overnight.
 - This 20 vehicle limit does not include:
 - Commercial Tour Operator vehicles
 - Department of Biodiversity, Conservation and Attractions vehicles
 - Private vehicles garaged on freehold land
 - Visitors vehicles overnighting on freehold land
 - Vehicles driven by personnel approved by Department of Biodiversity, Conservation and Attractions assisting with or undertaking works within the national park.

The most recent advice is included as Attachment 2.

27 NOVEMBER 2019

Resolve:

1. To authorise the Chief Executive Officer to advise the Department of Biodiversity, Conservation and Attractions that:

- (a) The Shire acknowledges the Department of Biodiversity, Conservation and Attractions advice on development applications for Lots 62 and 303.
- (b) The Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012 includes a number of recommendations such as providing a four wheel drive tourist destination, monitoring vehicle numbers, considering implementation of an island based hire car system, and other management strategies.

The Shire notes that the Department of Biodiversity, Conservation and Attractions is the key agency for implementation of the Management Plan recommendations.

- (c) The potential for tourism development on freehold lots on the Island is recognised in the:
 - Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012;
 - Existing restrictive covenants imposed by the government;
 - The Shire of Shark Local Planning Strategy and;
 - Can be pursued in accordance with the Shire of Shark Bay Local Planning Scheme No 4.

The Shire would support implementation of the recommendations of the Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012 by the Department of Biodiversity, Conservation and Attractions.

- (d) Based on the Department of Biodiversity, Conservation and Attractions email advice dated 14 November 2019 which referred to Draft Guidelines on private cars endorsed by the Midwest Regional Manager in March 2017, it is not clear that there was ever any intention to restrict private car use associated with development on freehold lots.
- (e) The Shire would support urgent development of a Tourism Strategy for Dirk Hartog Island National Park and surrounding waters given the increasing need for guidance in this area (including consideration of the vehicle limits).

2. To authorise the Chief Executive Officer to write to the:

- Honourable Stephen Dawson MLC (Minister for Environment);
- Honourable Paul Papalia MLA (Minister for Tourism);
- Honourable Ben Wyatt MLA (Minister for Lands); and
- Honourable Alannah MacTiernan (Minister for Regional Development)

27 NOVEMBER 2019

To seek urgent funding and resources to be dedicated to:

- (a) Implementation of the recommendations of the Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012;
And
- (b) Development of a Tourism Strategy for Dirk Hartog Island National Park and surrounding waters (including consideration of the vehicle access).

to provide guidance to the Shire and freehold owners for future eco-tourism development on freehold lots on Dirk Hartog Island.

Note: The letters to each Minister will be prepared by Shire Administration to provide a full explanation and context of the importance of this issue.

6/0 CARRIED

BACKGROUND

- **Restrictive Covenants – Freehold Lots**

There is a restrictive covenant on the Certificate of Title for Lot 62. It only applies to the 35.64 hectare southern portion of Lot 62.

A separate restrictive covenant applies to Lots 303, 304 and 305.

The restrictive covenants allow the lots to be used for the purpose of low impact eco-tourism including visitor accommodation units and staff accommodation, subject to normal local government and other necessary approvals.

The restrictive covenants allow for the following maximum visitor accommodation units:

Lot	Covenant Clause	Calculation	Total Visitor Accommodation Units
62	Limit the visitor accommodation units to not exceed six times the number of hectares of land (rounded down to the nearest whole number)	35.64 hectares x 6 = 213 visitor accommodation units	213 (only applies to southern 25.64ha part of lot)
303	Limit the visitor accommodation units to not exceed three times the number of hectares of land (rounded down to the nearest whole number)	17.35 hectares x 3 = 52	52
304	Limit the visitor accommodation units to not exceed three times the number of hectares of land (rounded down to the nearest whole number)	11.29 hectares x 3 = 33	33
305	Limit the visitor accommodation units to	4.59 hectares x 3 = 13	13

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

	not exceed three times the number of hectares of land (rounded down to the nearest whole number)		
		Total	311

Note: The total number of visitors will be dependent upon the design of the units. The maximum size of the units on Lot 62 can be 200 square metres.

The restrictive covenants are administered by the Minister for Lands.

• **Camping within the Dirk Hartog Island National Park**

Information on the Department of Biodiversity, Conservation and Attractions website indicates there are camping areas at:

- (i) West Point/ The Block;
- (ii) Urchin Point;
- (iii) Sandy Point;
- (iv) Louisa Bay;
- (v) Withnell Point;
- (vi) Dampiers Landing;
- (vii) Quoin Head/Charles Harbour; and
- (viii) Notch Point (can be accessed by boat according to the Department of Biodiversity, Conservation and Attractions website).

A map of camping areas is included as Attachment 3.

Bookings for camping in the National Park can be made through the Dirk Hartog Lodge website - <https://www.dirkhartogisland.com/dhinpcamping/>

The Dirk Hartog Lodge website has additional information on campsite availability and the number of cars each site can accommodate as summarised below:

Campsite	Website information (extracts): https://www.dirkhartogisland.com	Town Planning Innovations summary Estimate of cars
1. West Point/ The Block	The Block is on the north-west of the island and very popular with fishing groups interested in cliff fishing. Department of Parks and Wildlife installed a drop toilet and cubicle for a BYO shower in 2018. This site can have a maximum of 4 vehicles.	4 cars
2. Urchin Point	Urchin Point is a renowned place to fish for local species (make sure you have a cliff gaff and plenty of lures).	1 car Potentially more. <i>Note: There is no information on the number of cars on the website so Town Planning Innovations has allocated 1 car.</i>
3. Sandy Point	Sandy Point Camp is located well away from the waters edge and is more suitable for a short	1 car. Potentially more.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

	<p>overnight stay before heading north or south on the island.</p> <p>Boats can access the beach here.</p>	<p><i>Note: There is no information on the number of cars on the website so Town Planning Innovations has allocated 1 car.</i></p>
4. Louisa Bay	<p>Louisa Bay is a single site which can accommodate a max of <u>4 vehicles</u>. It is one of the most beautiful campsites on the east coast of the island and ideal for guests with small children as the water has a shallow entry.</p> <p>Boats can access the beach in this bay with coral communities about 200m from shore.</p>	4 cars
5. Withnell Point	<p>Withnell Point is a large beachside camping area that can accommodate 3 separate group bookings. There are no facilities. The point itself provides excellent beach fishing - even for kids using plastics or poppers.</p>	3 cars minimum Potentially more as allows for group bookings.
6. Dampiers Landing	<p>Dampier's Landing is at the north-east of the island, approximately a 3-hour drive from the barge transfer drop-off. A single site that can accommodate a maximum of <u>3 vehicles</u>, but NOT recommend for trailers.</p>	3 cars
7. Quoin Head/Charles Harbour	<p>Quoin Head is a single campsite on the west coast of the island and can take a max of <u>4 vehicles</u>. Not ideal for swimming, but great views. Can get windy</p>	4 cars
8. Turtle Bay	<p>Turtle Bay campsite is to the east of the lookout towards Cape Levillain. It is a single site with room for only <u>one vehicle</u>.</p> <p>This campsite is not shown on the Department of Biodiversity, Conservation and Attractions website or brochure, however is available for bookings on the Dirk Hartog Island Lodge website.</p>	1 car
9. Notch Point	No booking information available.	0 – assume main access by boat
	Total (Estimated)	20-21 cars (minimum)

The above is an estimate of vehicles for campsites within the Dirk Hartog Island National Park based on available website information. This number has not been verified with the Department of Biodiversity, Conservation and Attractions.

27 NOVEMBER 2019

It should be noted that at least 3 campsites can be accessed by boat which would potentially reduce the number of cars during some periods.

COMMENT

- ***Department of Biodiversity, Conservation and Attractions Comment on applications for Lots 62 and 303***

The Department of Biodiversity, Conservation and Attractions lodged a written submission on two applications received for camping and associated facilities on Lots 62 and 303, and a visitors centre & bar/café on Lot 62.

The comments by the Department of Biodiversity, Conservation and Attractions most relevant to this report are:

- (i) The 2012 Management Plan allowed for a maximum 10 private vehicles on the island. This limit has since been increased to 20 visitor vehicles per day, although currently vehicle numbers are not monitored closely.
- (ii) The management of vehicle numbers associated with the proposed developments is not addressed. Under the Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012, there is a limit of 20 vehicles per day to the national park.
- (iii) The two recent development applications do not outline how the additional vehicle numbers associated with the proposed development (23 proposed campsites/1 vehicle per campsite) will be reconciled with the 20 visitor vehicles / day limit that currently applies to the national park.
- (iv) To date there has been no consultation between the Department of Biodiversity, Conservation and Attractions and the owners of the freehold lots as to how many vehicles are to be catered for on the island, or how the development of the freehold lots will be reconciled with the vehicle number limits specified in the management plan.
- (v) Vehicle numbers within the national park is a key issue that needs to be resolved prior to further development of the freehold lots for tourism accommodation.

- ***Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012***

The Department of Biodiversity, Conservation and Attractions has advised that the Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012 outlines the following in regards to vehicle numbers and development of the four freehold lots:

- a. The vision for Dirk Hartog Island National Park is to provide a combination of four-wheel drive destinations that offer a range of nature-based recreation, tourism opportunities and experiences in a remote and natural environment that is managed for ecological restoration.

27 NOVEMBER 2019

- b. Any development of the freehold lots on Dirk Hartog Island as eco-tourism accommodation will lead to increased numbers of visitors staying overnight on the island. This could result in pressure for increasing vehicle numbers on the island. However, more vehicles are likely to have a negative impact on the track conditions and potentially affect the ecological restoration project.
- c. The limit of 10 private vehicles per day on the island has been set but will be monitored to determine if the upper limit for vehicle numbers can be changed.
- d. The implementation of an island-based vehicle hire system may also be considered.
- e. Other strategies may be required to consider visitor access around the island.
- f. The impact of the vehicles on the island will be monitored and reviewed on a regular basis and if negative environmental impacts occur then alternative arrangements such as tracking vehicles electronically or a further restriction on the number of vehicles may be considered.
- g. The commencement of the ecological restoration project and especially the reintroduction of threatened native fauna will require access restrictions for both vehicles and boats. Therefore access to Dirk Hartog Island National Park will be by permit.
- h. A permit system will be used to control where visitors can travel, provide valuable visitor information, allow limits to be placed on the number of vehicles, outline appropriate behaviour and provide a means for informing visitors on how they can best avoid disturbing the site whilst visiting the area.

Council should note that the above mentioned Management Plan also states:

Page	Extract of Management Plan
Part E : Managing Visitor Use Section 34. Page 111	Dirk Hartog Island currently provides tourist accommodation and services at the homestead. The proposed ecotourism development on Dirk Hartog Island within the freehold lots at Sunday Island Bay and adjacent to the homestead lot is likely to result in an increased level of commercial tourism on the island.
Part E : Managing Visitor Use Section 44. Page 145	The freehold homestead and proposed adjacent lot and the Sunday Island Bay freehold lots have a 'highly modified' setting. In these areas there will be high- level recreation, education, interpretation and group activities specifically catered for.
Part E : Managing Visitor Use Page 150	As part of the Government's agreement to establish Dirk Hartog Island National Park, three freehold titled lots have been created and are to be developed for ecotourism purposes, two at Sunday Island Bay (13 ha and 4.5ha) and one adjoining the homestead block (17.3 ha).
Part E : Managing Visitor Use Page 150	The maximum size of units on the existing freehold homestead lot can be 200 square metres and a total of 212 units can be constructed. This proposal could potentially result in between 1600 and 2500 people staying overnight in these areas.

• **Issues for Council discussion (Town Planning Innovations Comment)**

The Department of Biodiversity, Conservation and Attractions already has a Management Plan which identifies the core issues, the need for monitoring and development of further management strategies.

27 NOVEMBER 2019

The Department of Biodiversity, Conservation and Attractions initially advised the Shire that *'vehicle numbers within the national park is a key issue that needs to be resolved prior to further development of the freehold lots for tourism accommodation'*.

This issue would be difficult for the Shire to deal with as:

- 1.. The Shire has obligations to comply with statutory timeframes;
2. All of the Shires strategic and statutory planning provides opportunities for eco-facilitate tourism on the freehold lots subject to addressing the Scheme provisions;
3. There are clear owner aspirations to proceed with development and their only access is through easements in the National Park;
4. Initially the Department of Biodiversity, Conservation and Attractions position on vehicle restrictions created uncertainty.

Whilst the Department of Biodiversity, Conservation and Attractions initially indicated that vehicle restrictions may potentially restrict private vehicle access to development on freehold lots, Town Planning Innovations has obtained further clarification that indicates that based on Draft Guidelines developed in 2017, there was no intention (at that time) to restrict vehicle access to freehold lots. The 20 private car limitation was only to apply to vehicles used for overnight camping in the National Park.

The applications for Lots 62 and 303 and consultation by the Shire appear to have elevated internal discussions at the Department of Biodiversity, Conservation and Attractions and the need to consider a Tourist Strategy.

Town Planning Innovations has liaised with the Department of Biodiversity, Conservation and Attractions who are discussing development of a Tourist Strategy, however need to find funding for the project. It is recommended that the Shire write to the relevant Ministers to seek funding support for the Department of Biodiversity, Conservation and Attractions.

It is anticipated that any future Tourism Strategy for the National Park will assist the Shire as a stakeholder, and provide greater certainty for freehold lot owners.

- *Applicant response – Lot 62 and 303*

The Department of Biodiversity, Conservation and Attractions advice has been provided to the applicant as it relates to the two planning applications for Lots 62 and 303.

Mr Kieran Wardle has provided some relevant advice. The main points are summarised below:

- a. Whilst we can assume what negative impacts there will be it would better to outline them and educate visitors on how to drive on the Island. For example, Fraser Island has a training video that every driver must watch before being allowed on the island. This would be a great tool for the Department of Biodiversity, Conservation and Attractions.
- b. The 4WD limits are currently at 20 vehicles 'camping/staying' in the Dirk Hartog Island National Park overnight. There are no limits on the number of vehicles traversing the national park each day and therefore people staying on the freehold

27 NOVEMBER 2019

- are able to access the park each day without informing Department of Biodiversity, Conservation and Attractions or checking how many other vehicles are in the national park.
- c. The 20 vehicles do not include the vehicles staying on the freehold land.
 - d. Visitor numbers also impact the environment however Department of Biodiversity, Conservation and Attractions seem to believe that visitor numbers are restricted by vehicle numbers.
 - e. I have personally informed Department of Biodiversity, Conservation and Attractions of the rapidly increasing numbers and that more infrastructure was required including toilets, signage and camp ground demarcation.
 - f. I have requested that they prepare a tourism management plan to help us plan future developments and to help guide tour operators looking at starting tours in the national park.
 - g. I have been pushing for a tourism management plan since 2016. I have had meetings with Premier of WA in 2016, Department of Biodiversity, Conservation and Attractions Director Jim Sharp in 2016, Nigel Sercombe, Steve Nicholson, Rod Quartermain, Sue Hancock and others in 2016 & 2017 all in regard to preparing a plan for tourism on Dirk Hartog Island. I have raised the issue with Destination Shark Bay during my time as Chair. I also raised the issue in 2017 & 2018 during stakeholder consultation with Department of Biodiversity, Conservation and Attractions in regard to the new airstrip being developed at Herald Bay.
 - h. DBCA's comment that we have not consulted with them is incorrect. I am the one asking for direction, asking for a tourism management plan and asking for guidance.
 - i. DBCA have full access to my online booking system 24hrs a day, 365 days a year for all bookings that are staying in the National Park and are travelling via our barge to the island. They can monitor the visitor numbers closely but have choose not to.
 - j. Our long-term vision is to see a larger barge/ferry service operate directly out of Denham to the Island. This would make Denham the gateway to the island, allow visitors to stock up with supplies, fuel and boost the local accommodation providers as the ferry would depart Denham at 8am and not return until 5pm. Everyone would need to stay in Denham the night prior and stay a night at the end. Any reduction in vehicle numbers by Department of Biodiversity, Conservation and Attractions would make this option unviable.
 - k. A Strategic Tourism Management Plan is required for the national park to help guide all future tourism developments/business on Dirk Hartog Island.
 - l. A Strategic Tourism Plan that covers how tourism will interact with Department of Biodiversity, Conservation and Attractions Ecological Restoration Project is required to help guide Hypermarket to plan future developments on Lot's 62 & 303.
 - m. The current Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012 implies that vehicles numbers will increase overtime subject to environmental impacts.

A copy of Mr Kieran Wardle's advice is included as Attachment 4.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 4 – explained in the body of this report.

Planning and Development (Local Planning Schemes) Regulations 2015 –

27 NOVEMBER 2019

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

POLICY IMPLICATIONS

There are no policy implications.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are strategic implications as any restricted vehicle access affects development of freehold lots on the Island.

VOTING REQUIREMENTS

Simple Majority

Signatures

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

15 November 2019

27 NOVEMBER 2019

ATTACHMENT #1



Department of Biodiversity,
Conservation and Attractions



Your ref: P4280 / O-CR-17976
Our ref: PRS 44574
Enquiries: Nick Detchon
Phone: 9964 0901
Email: nicholas.detchon@dbca.wa.gov.au

Mr Paul Anderson
Chief Executive Officer
Shire of Shark Bay
PO Box 126
DENHAM WA 6537

Email: admin@sharkbay.wa.gov.au

Dear Mr Anderson 

**LOTS 62 and 303 DIRK HARTOG ISLAND – SHIRE OF SHARK BAY REQUEST COMMENT
ON PLANNING PROPOSALS**

Thank you for your letter of 19 September 2019 and supporting information provided regarding the development applications for Camping and Visitor Centre / Café / Bar developments on Lots 62 and 303 Dirk Hartog Island. The Department of Biodiversity, Conservation and Attractions (DBCA) offers the following comments for the Shire's consideration.

1. In respect to the retrospective elements of the application DBCA notes that:
 - i. There has been considerable development on Lots 62 and 303 without development approval.
 - ii. DBCA has not been afforded the opportunity to consider, advise and provide comment on the development through the usual planning approval process.
 - iii. DBCA has not been consulted regarding the development, outside the formal planning approval process.
 - iv. The development has the potential to impact the values of Dirk Hartog Island National Park and Shark Bay World Heritage Area.
 - v. In the absence of a formal planning process, the development has occurred without a demonstrated consideration of broader planning context, such as the *Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012* and the *Shark Bay World Heritage Property Strategic Plan 2008-2020*.
 - vi. In the absence of a formal planning process, the matter of long-term planning for the freehold lots is not addressed.

Given the above, DBCA suggest that the approvals process advocated by the proponent is inconsistent with the principles of orderly and proper planning and recommends that the conditions of the *Shire of Shark Bay Local Planning Scheme No. 4*, including the condition requiring preparation of a Local Development Plan, are applied to the development of Lots 62 and 303.

Midwest Region: 1st Floor, The Foreshore Centre, 201 Foreshore Drive, Geraldton
Phone: (08) 9964 0901 Fax: (08) 9964 0977
Postal Address: PO Box 72, Geraldton, Western Australia 6531
www.dbca.wa.gov.au

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

2. In respect to the applications themselves, DBCA notes:
 - i. the development applications do not identify how the impact of visitors associated with the development (23 proposed campsites / 80 people) to the surrounding national park and marine park will be managed. In particular:
 - The applications do not adequately address the protection of the foreshore portion of national park immediately adjacent to Lot 303. A foreshore management plan is warranted, as per the *Shire of Shark Bay Local Planning Scheme No. 4*.
 - The management of vehicle numbers associated with the proposed developments is not addressed. Under the *Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012*, there is a limit of 20 vehicles per day to the national park.
 - ii. The development applications (for 23 campsites and 80 people) are inconsistent with the bushfire management plan (for a total of 43 campsites and 200 people).
3. DBCA is of the view that the application does not clearly demonstrate consistency with the visual impact requirements of the *Shire of Shark Bay Local Planning Scheme No. 4*, which would ensure development is appropriate for the World Heritage Values of the location. These requirements include:
 - Visual Impact Assessment to demonstrate that the development will not negatively impact on World heritage values or detract from the scenic quality of the land.
 - Proposed development to be of a high architectural quality and to be low scale and sympathetic to the location, taking into account topography, physical characteristics and unique character of the surrounding area
 - Detailed design guidelines be required to achieve a development sympathetic to the natural character of the island.

If you have any queries regarding these comments or would like to discuss further, please contact Nick Detchon on 9964 0901.

Yours sincerely



Nigel Sercombe
REGIONAL MANAGER
Midwest Region

25 October 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

From: [Nicholas Detchon](#)
To: [liz](#)
Cc: [Nigel Sercombe](#); [Kimberley Morcom](#)
Subject: RE: Follow Up - reminder closing date 27 October 2019 - Lot 62 and 303 Dirk Hartog Island applications - TPI
Date: Friday, 25 October 2019 5:21:39 PM

Dear Liz, please see additional comments below regarding your enquiry concerning DBCA's position on the number of vehicles permissible in the Dirk Hartog Island National Park.

FYI Nigel advised he would also give you a quick call on Monday to discuss this. I will be away next week so if you have any further queries during the week please contact him direct.

Many thanks,

Nick

- As you have highlighted, the restrictive covenants that apply to the four freehold lots on the island allow for a theoretical maximum of 340 accommodation units on the four freehold lots on the island (243 units on Lot 62, 51 units on Lot 303, 33 units on Lot 304 and 13 units on Lot 305).
- The 2005 Agreement between State of WA and Hypermarket concerning the transfer of the freehold lots to Hypermarket does not discuss the number of vehicles permitted on the island, but does state:

3.10 Access and Management Plan

- *(b) Hypermarket acknowledges and agrees that after a management plan is implemented under the CALM Act (Management Plan) all future access to the Island and the use of the airstrip will be subject to the terms and conditions of that Management Plan and any rights or licences granted under sub-clause (a) will automatically cease. The draft Management Plan submitted for approval under the CALM Act will include provision for the grant of a non-exclusive licence to Hypermarket to access and use the airstrip on the Island.*
- In regards to vehicle numbers and development of the four freehold lots, the Management Plan (*Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012*) outlines:
 - *The vision for Dirk Hartog Island National Park is to provide a combination of four-wheel drive destinations that offer a range of nature-based recreation, tourism opportunities and experiences in a remote and natural environment that is managed for ecological restoration.*
 - *Any development of the freehold lots on Dirk Hartog Island as eco-tourism accommodation will lead to increased numbers of visitors staying overnight on the island. This could result in pressure for increasing vehicle numbers on the island. However, more vehicles are likely to have a negative impact on the track conditions and potentially affect the ecological restoration project. The limit of 10 private vehicles per day on the island has been set but will be monitored to determine if the upper limit for vehicle numbers can be changed. The implementation of an island-based vehicle hire system may also be considered. Other strategies may be required to consider visitor access around the island.*
 - *The impact of the vehicles on the island will be monitored and reviewed on a regular basis and if negative environmental impacts occur then alternative arrangements such as tracking vehicles electronically or a further restriction on the number of vehicles may be considered.*
 - *The commencement of the ecological restoration project and especially the reintroduction of threatened native fauna will require access restrictions for both vehicles and boats. Therefore access to Dirk Hartog Island National Park will be by permit. A permit system will be used to control where visitors can travel, provide valuable visitor information, allow limits to be placed on the number of vehicles, outline appropriate behaviour and provide a means for informing visitors on how they can best avoid disturbing the site whilst visiting the area.*
- The 2012 management plan allowed for maximum of 10 private vehicles on the island at any one time.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

- This limit has since been increased to 20 visitor vehicles per day, although currently vehicle numbers are not monitored closely.
- The two recent development applications do not outline how the additional vehicle numbers associated with the proposed development (23 proposed campsites / 1 vehicle per campsite) will be reconciled with the 20 visitor vehicles / day limit that currently applies to the National Park.
- To date there has been no consultation between DBCA and the owners of the freehold lots as to how many vehicles are to be catered for on the island, or how development of the freehold lots will be reconciled with the vehicle number limits specified in the management plan.
- Vehicle numbers within the national park is a key issue that needs to be resolved prior to further development of the freehold lots for tourist accommodation.

From: liz <liz@tخطيط.com.au>

Sent: Tuesday, 22 October 2019 11:26 AM

To: Nigel Sercombe <nigel.sercombe@dbca.wa.gov.au>

Cc: 'Kristy Knott' <record@sharkbay.wa.gov.au>; Paul Anderson (<ceo@sharkbay.wa.gov.au> <ceo@sharkbay.wa.gov.au>)

Subject: Follow Up - reminder closing date 27 October 2019 - Lot 62 and 303 Dirk Hartog Island applications - TPI

[External Email] This email was sent from outside the department – be cautious, particularly with links and attachments.

Dear Nigel,

Further to the Shires email and consultation letter dated 20 September 2019 I take this opportunity to remind the DBCA that the closure date is forthcoming as the Shire needs time to consider any submissions and ensure the applicant is also given some opportunity to respond to any issues raised.

Please be advised that copies of any submissions may also be forwarded to the EPA.

I am aware that the Shark Bay World Heritage Committee has queried the DBCA position in regard to the number of vehicles that are permitted on the island at any one time, as per the management plan which states *'in the past, the number of private vehicles on the island at any one time is limited to 10. The number of private vehicles, including any tour operator and service vehicles, on the island at any one time will continue to be limited to a maximum of 10'. This does not include DBCA vehicles which will be kept to a minimum.*

The Shire would also like some clarification on this matter as it appears to conflict with the permissible visitor numbers under the restrictive covenants applicable to the lots.

The restrictive covenant for Lot 62 includes clauses that limit the visitor accommodation units to not exceed six times the number of hectares of land (rounded down to the nearest whole number). Lot 62 has an approximate area of 40.6 hectares therefore the covenant allows 243 visitor accommodation units (rounded down).

The restrictive covenant for Lot 303 includes clauses that limit the visitor accommodation units to not exceed three times the number of hectares of land (rounded down to the nearest whole number). Lot 303 has an area of 17.35 hectares therefore the covenant allows 51 visitor

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

accommodation units (rounded down).

The applicant is seeking an update on any submissions received and we would like to be in a position to provide them with further advice after the 27th October 2019. If you wish to discuss any aspect please do not hesitate to contact me.

Regards

Liz Bushby

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

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

This message is confidential and is intended for the recipient named above. If you are not the intended recipient, you must not disclose, use or copy the message or any part of it. If you received this message in error, please notify the sender immediately by replying to this message, then delete it from your system.

27 NOVEMBER 2019

ATTACHMENT #2

From: Steve Nicholson [<mailto:steve.nicholson@dbca.wa.gov.au>]
Sent: Thursday, 14 November 2019 11:48 AM
To: liz <liz@tخطيط.com.au>
Cc: Tahlia Young <tahlia.young@dbca.wa.gov.au>; Nigel Sercombe <nigel.sercombe@dbca.wa.gov.au>
Subject: FW: Seek more information on vehicle number restrictions - Lot 62 and 303 Dirk Hartog Island applications - TPI

Dear Liz,

As you know the 2012 management plan allowed for maximum of 10 private vehicles on the island at any one time, although the plan does allow for that limit to be altered with Director General approval. In August 2016 the Director General approved the increase from 10 vehicles to 20 vehicles per day. In March 2017 draft guidelines were endorsed for increasing the vehicle numbers limit from 10 to 20 visitor vehicles per day.

It was considered that the level of 10 vehicles per day was relatively minimal given the size of the island and the extensive track network, and the island has a significantly greater capacity. It was considered at that time that an increase from 10 to 20 vehicles per day would be appropriate and sustainable with appropriate and adequate management. In 2017 regional and district staff conducted an analysis of the carrying capacities of the various designated campsites within the national park and considered that was adequate capacity for an increased vehicle quota to be accommodated.

It was also considered that demand for the island had increased significantly over the 18 months since the 1616/2016 celebrations given the wide publicity, and given that the translocation of rare and threatened fauna on the island would also be a significant drawcard.

While Director General approval was received for the increase in vehicle numbers, there was no formal clarification of what that means in relation to any separation of visitor vehicles, management vehicles, CTO vehicles, vehicles garaged on freehold land etc. The following endorsed draft guidelines were intended to clarify this matter:

- 1 Twenty (20) vehicles is the maximum number of vehicles allowable on any given day/overnight.
- 2 This refers to visitor vehicles only, that are within the Dirk Hartog Island National Park overnight.
- 3 This 20 vehicle limit does not include:
 - Commercial Tour Operator vehicles
 - DBCA vehicles
 - Private vehicles garaged on freehold land
 - Visitors vehicles overnighing on freehold land
 - Vehicles driven by personnel approved by DBCA assisting with or undertaking works within the national park.
 - Shark Bay Shire or Australian Maritime Safety Authority vehicles enroute to Cape inscription
- 4 Approval may be granted by the Shark Bay District Manager for 'one off' increase in vehicle numbers under special circumstances or events.

As we discussed this morning, DBCA is looking at developing a Tourism Strategy for Dirk Hartog Island National Park and surrounding waters given the increasing need for guidance in this area. This would also include consideration of the vehicle limits.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Regards
Steve

Steve Nicholson | District Manager | Shark Bay District

Parks and Wildlife Service | Department of Biodiversity, Conservation and Attractions | Denham | Ph: (08) 9948 2226 |
0455 059149

steve.nicholson@dbca.wa.gov.au www.sharkbay.org



Department of Biodiversity,
Conservation and Attractions



*We're working for
Western Australia.*

27 NOVEMBER 2019

ATTACHMENT #3



27 NOVEMBER 2019

ATTACHMENT #4

From: [Kieran Wardle](#)
To: [liz](#)
Cc: [Paul Anderson \(ceo@sharkbay.wa.gov.au\)](#); [Joe Douglas](#)
Subject: Re: DBCA Submission - TPI response to queries
Date: Tuesday, 5 November 2019 4:22:12 PM
Attachments: [image002.png](#)
[image003.png](#)

Hi Liz,

The environmental impacts could be a question that is posed by the Shire to DBCA so we understand what can be done to address this issue.
Please include comments in any future report to council.

Kind Regards
Kieran

From: liz <liz@tخطيط.com.au>
Date: Tuesday, 5 November 2019 at 4:16 pm
To: Kieran Wardle <kieran@dirkhartogisland.com>
Cc: "ceo@sharkbay.wa.gov.au" <ceo@sharkbay.wa.gov.au>, Joe Douglas <joe@urp.com.au>
Subject: RE: DBCA Submission - TPI response to queries

Thank you for your comments Kieran – I am not in a position to answer your queries about environmental impacts.

Do you want me to include these comments in any future report to Council or is this advice just for the Shire Administration to be aware of ?

Regards
Liz Bushby

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

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

From: Kieran Wardle [mailto:kieran@dirkhartogisland.com]
Sent: Tuesday, 5 November 2019 4:11 PM
To: liz <liz@tخطيط.com.au>
Cc: Paul Anderson (ceo@sharkbay.wa.gov.au) <ceo@sharkbay.wa.gov.au>; Joe Douglas <joe@urp.com.au>
Subject: Re: DBCA Submission - TPI response to queries

27 NOVEMBER 2019

Dear Liz,

Thank you for the quick response.

Re DBCA 4WD Limits

It is my understanding that as per the DBCA vision statement, Dirk Hartog Island National Park is to provide a destination for four-wheel drive vehicles based around nature-based experiences. DBCA states that ; *'the impact of the vehicles on the island will be monitored and reviewed on a regular basis and if negative environmental impacts occur then alternative arrangements such as tracking vehicles electronically or a further restriction on the number of vehicles may be considered'*.

What are the negative environmental impacts? We can all assume what they are but it would be much easier to just have them and educate visitors on how to drive on DHI. (Fraser Island has a training video that every driver must watch before being allowed on the island. This would be a great tool for DBCA)

- The 4WD limits are currently at 20 vehicles 'camping/staying' in the DHINP overnight.
- There are no limits on the number of vehicles traversing the DHINP each day and therefore people staying on the freehold are able to access the park each day without informing DBCA or checking how many other vehicles are in the NP
- The 20 vehicles do not include the vehicles staying on the freehold land
- The 20 vehicles do not include tour vehicles
- There are no limits on visitor numbers.
 - We could have 20 Toyota Troop carries with 10 people in each vehicle towing a trailer. This equates to 200 people staying overnight in the NP.
 - We could have 30 boats with 10 people on each. 300 people.

Visitor numbers also impact the environment but DBCA don't seem to be interested in this and believe that visitor numbers are restricted by vehicle numbers.

From memory, Steve Nicholson with input from Nigel increased the limit to 15 and then 20 vehicles in either 2015 or 2016.

I have personally informed DBCA of the rapidly increasing numbers and that more infrastructure was required including toilets, signage and camp ground demarcation. I also asked that they prepare a tourism management plan to help us plan future developments and to help guide tour operators looking at starting tours in DHINP. Nigel's comments are that our numbers are small and there is no 'critical mass' to justify the expense of preparing a plan or providing infrastructure.

I have been pushing for a tourism management plan since 2016. I have had meetings with Premier of WA in 2016, DBCA's Director Jim Sharp in 2016, Nigel, Steve Nicholson, Rod Quartermain, Sue Hancock and others in 2016 & 2017 all in regard to preparing a plan for tourism on DHI. I have raised the issue with Destination Shark Bay during my time as Chair. I raised the issue in 2017 & 2018 during stakeholder consultation with DBCA in regard to the new airstrip being developed at Herald Bay.

DBCA's comment that we have not consulted with them is incorrect. I am the one asking for

27 NOVEMBER 2019

direction, asking for a tourism management plan and asking for help. They have refused to commit to a tourism plan and the only infrastructure that currently exists in the DHINP for tourism is due to my meetings with the Premier and subsequent meetings with Jim Sharp asking for help to control visitors and their impact to the island.

DBCA have full access to my online booking system 24hrs a day, 365 days a year for all bookings that are staying in the National Park and are travelling via our barge to the island. They can monitor this closely but choose not to for what ever reason.

DBCA's last point '*vehicle numbers within the national park is a key issue that needs to be resolved prior to further development of freehold lots for tourist accommodation*'. We can now agree with this statement, as this is the first time we are getting negative feedback from DBCA on vehicle numbers. Our long-term vision is to see a larger barge/ferry service operate directly out of Denham to DHI. This will make Denham the gateway to the island, allow visitors to stock up with supplies, fuel and boost the local accommodation providers as the ferry would depart Denham at 8am and not return until 5pm. Everyone would need to stay in Denham the night prior and stay a night at the end. Any reduction in vehicle numbers by DBCA would make this option unviable.

A Strategic Tourism Management Plan is required for DHINP to help guide all future tourism developments/business on Dirk Hartog Island.

- This strategy needs to cover not just vehicle numbers but also
 - A vision for the Park with input from stakeholders
 - Tourism Planning & promotions
 - Detailed site planning and installation of infrastructure – toilets, interpretive signage, campsite demarcation, visitor numbers, walk trails, access, tour operators etc..
- I have been asking for this since 2016 – DBCA are being reactive instead of proactive

A Strategic Tourism Plan that covers how tourism will interact with DBCA's Ecological Restoration Project is required to help guide Hypermarket to plan future developments on Lot's 62 & 303. The current Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012 implies that vehicles numbers will increase overtime subject to environmental impacts. We have not received any information on negative impacts that are being caused by vehicles and I believe that with the correct planning, resources and funding, any negative impact could be addressed. I understand DBCA's concerns however they need to produce a plan that helps guide future development and explains fully what the vision is for DHINP over the next 10-20 years.

I look forward to the Shire of Shark Bay supporting a small business operator that has lived in the area for over 27 years and who's family have been in the area for over 50 years.

Kind Regards

Kieran Wardle | Director | T: +61 08 99481 211

kieran@dirkhartogisland.com | www.dirkhartogisland.com | [Instagram](#)
[Eco Lodge](#) | [Island Walks](#) | [National Park Camping](#) | [Homestead Camping](#)

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

From: liz <liz@tpiplanning.com.au>
Date: Tuesday, 5 November 2019 at 8:59 am
To: Kieran Wardle <kieran@dirkhartogisland.com>
Cc: "ceo@sharkbay.wa.gov.au" <ceo@sharkbay.wa.gov.au>, Joe Douglas <joe@urp.com.au>
Subject: DBCA Submission - TPI response to queries

Dear Kieran – Thank you for your email. Please find responses in the body of your email below.

If you have any further queries, please do not hesitate to contact me and I will do my best to answer them.

Regards
Liz Bushby

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

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

From: Kieran Wardle [mailto:kieran@dirkhartogisland.com]
Sent: Tuesday, 5 November 2019 8:10 AM
To: liz <liz@tpiplanning.com.au>; Joe Douglas <joe@urp.com.au>
Cc: Paul Anderson (ceo@sharkbay.wa.gov.au) <ceo@sharkbay.wa.gov.au>; Kristy Knott <record@sharkbay.wa.gov.au>
Subject: Re: DBCA Submission - TPI - copies to applicant

Hi Liz,

Thank you for the submissions.

You mention below that DBCA have made comments and recommendations. What are the recommendations? Their recommendation is outlined in their submission which we have provided to you.

What are the comments that Nigel wasn't prepared to put in the official submission? None that I am aware of. The Shire only considers written submissions.

I have emailed DBCA and advised I would like to better understand what triggered the last vehicle number review, when the numbers were reviewed and if there is any official letter or

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

document that refers to the new 20 car limit. I have also asked DBCA how the 20 vehicle limit fits in with the existing Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012 (ie is it now an addendum to that plan and what makes it enforceable).

The additional information I have requested is to assist me at an officer level so I have a full understanding of the situation. I will forward any additional advice from DBCA to you separately as soon as I receive it.

Once I have this information, I can then provide you with a detailed response. Noted. If you want any comments to be included in a general report to the November Council meeting I would need them by the 11 November 2019.

Also, is the DA for the café & visitor centre being considered in this months (November) council meeting? I confirm that a report on the café/ visitor will be referred to the November Council meeting as advertising has now closed.

I'm not actually sure why it wasn't considered last month as it wasn't part of the EPA referral. It was not referred to the EPA however it was still advertised for public comment, which is why it wasn't referred to the October Council meeting.

I look forward to hearing back soon.

Kind Regards

Kieran Wardle | Director | T: +61 08 99481 211

kieran@dirkhartogisland.com | www.dirkhartogisland.com | [Instagram](#)
[Eco Lodge](#) | [Island Walks](#) | [National Park Camping](#) | [Homestead Camping](#)



DIRK HARTOG ISLAND

From: liz <liz@tpiplanning.com.au>

Date: Friday, 1 November 2019 at 4:31 pm

To: Kieran Wardle <kieran@dirkhartogisland.com>, Joe Douglas <joe@urp.com.au>

Cc: "ceo@sharkbay.wa.gov.au" <ceo@sharkbay.wa.gov.au>, Kristy Knott
<record@sharkbay.wa.gov.au>

Subject: DBCA Submission - TPI - copies to applicant

Dear Joe and Kieran,

Apologies for the delay. Please find attached a copy of their submission and their additional email advice on vehicle number restrictions that apply to the National Park.

I did not immediately send these through as I am still investigating the issues raised about vehicle restrictions on the Island, and I have asked DBCA for some additional information / clarification. I was hoping to have that additional advice so I could send you all the information at once, but am waiting for them to get back to me.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Please be advised that DBCA have made comments and recommendations to the Shire, however ultimately it is the Council that is the final decision making authority.

At this stage it is likely that we will refer a general report to Council in November 2019 on the DBCA position. They have raised some issues that have wider implications beyond just your development that we need to inform Council about.

Regards

Liz Bushby

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

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

From: Kieran Wardle [<mailto:kieran@dirkhartogisland.com>]
Sent: Friday, 1 November 2019 2:04 PM
To: liz <liz@tخطيط.com.au>; Joe Douglas <joe@urp.com.au>
Subject: Re: SBWHAC Submission - TPI

Hi Liz,

I met with Steve Nicholson from DBCA on Wednesday and he has advised that comments had been provided by DBCA in regards to the proposal. Can you please forward these?

Kind Regards

Kieran Wardle | Director | T: +61 08 99481 211
kieran@dirkhartogisland.com | www.dirkhartogisland.com | [Instagram](#)
[Eco Lodge](#) | [Island Walks](#) | [National Park Camping](#) | [Homestead Camping](#)



DIRK HARTOG ISLAND

From: liz <liz@tخطيط.com.au>
Date: Friday, 1 November 2019 at 1:49 pm
To: Joe Douglas <joe@urp.com.au>, Kieran Wardle <kieran@dirkhartogisland.com>
Subject: SBWHAC Submission - TPI

Another submission for your information.

Regards

Liz Bushby

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

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

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

From: Cheryl Cowell [<mailto:cheryl.cowell@dbca.wa.gov.au>]
Sent: Friday, 1 November 2019 1:21 PM
To: Paul Anderson (ceo@sharkbay.wa.gov.au) <ceo@sharkbay.wa.gov.au>; liz
<liz@tpiplanning.com.au>
Subject: FW: DHI development applications - TPI

Hi Paul/Liz

SBWHAC response to DHI camp ground proposal referral is attached.

Cheers
Cheryl

27 NOVEMBER 2019

13.6 DEVELOPMENT APPLICATION 25/2019 – RESTAURANT/CAFÉ, EXHIBITION CENTRE / OFFICE (WITH ANCILLARY ABLUTIONS) – LOT 62 DIRK HARTOG ISLAND P4366

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as an Employee of the Department of Biodiversity, Conservation and Attractions

Declaration of Interest: Cr Fenny

Nature of Interest: Impartiality Interest as potential for 4WD Business to utilize this area

Officer Recommendation

That Council:

1. Note that the application has been advertised and note the submissions as summarised in a table included as Attachment 2.
2. Note that the development is proposed on a portion of Lot 62 which is unencumbered by any restrictive covenant.
3. Resolve to Pursue Option 1 outlined in this report to require a Local Development Plan (prior to development) in accordance with the Special Use provisions applicable to Lot 62 and Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

OR

Resolve to Pursue Option 2 to allow development to proceed without a Local Development Plan for the following reasons:

- i. The proposed development has a total floor area of 32.44m² (including ablutions), is small scale, will cater for low visitor numbers and does not warrant preparation of a Local Development Plan in isolation.
 - ii. The proposed development does not conflict with the principles of orderly and proper planning.
The term 'orderly and proper planning' is not defined. Any exercise of discretion to allow development to proceed in the absence of a Local Development Plan must be made in an orderly and proper way (i.e. in a way which is disciplined, methodical, and logical).
It would be orderly to allow small scale ancillary development to proceed without a Local Development Plan.
 - iii. The proposed development would not prejudice the overall development potential of the area. The development is ancillary to the existing Lodge, and will cater for guests already attending the property or adjacent National Park. Cooking for the restaurant/ café will occur in the existing Lodge kitchen.
4. Approve the development application for a restaurant/ café, exhibition centre, office and ancillary ablutions on Lot 62 Dirk Hartog Island subject to the following conditions and footnotes:
 - i. The plans lodged with this application shall form part of this development approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.

27 NOVEMBER 2019

- All colours and materials shall be in accordance with the approved plans.
- ii. The restaurant/café is to accommodate a maximum of 25 persons at any one time as stated in the application.
 - iii. All cooking to service the restaurant/ café shall occur within the existing Lodge kitchen and all food consumption shall occur on site.
 - iv. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent Dirk Hartog National Park or foreshore at any time.
 - v. The owner/ operator to lodge a revised Bushfire Management Plan (including an emergency evacuation plan) for separate written approval of the Shire Chief Executive Officer within 3 months of the date of this approval. The site plans within the revised Bushfire Management Plan are to reflect the plans approved as part of this development application.
 - vi. The owner/ operator shall implement the recommendations of any revised Bushfire Management Plan (approved by the Shire in accordance with Condition vi) to the satisfaction of the Shire Chief Executive Officer prior to commencement of operation of the development, and thereafter for the life of this development.
 - vii. The proponent shall implement the recommendations of any approved bushfire emergency evacuation plan (forming part of a Bushfire Management Plan) at all times to the satisfaction of the Chief Executive Officer.
 - viii. The owner/ operator to undertake adequate precautions and waste management strategies to ensure that no rubbish and/or waste products are deposited in the adjacent Dirk Hartog Island National Park or foreshore/beach area at all times, including during construction.
 - ix. This approval is valid for a maximum period of 25 years from the date of this approval.
 - x. The development is to be removed should it be threatened by coastal erosion during the approval period.

Footnotes:

- (a) Planning consent is not an approval to commence construction. A building permit must be obtained for all work. If the sea containers have already been placed on site in the proposed development location, then a Building Approval Certificate (BA13) may be required.
- (b) Please be advised that you will need to lodge a separate 'application to construct or install an apparatus for the treatment of sewerage' to the Shire which will require approval by the Department of Health.
- (c) Conditions ix. and x. have been imposed as recommended by the Department of Planning, Lands and Heritage as the proposed development may be vulnerable to coastal impacts. If the development is affected in the future the owners may need to lodge a new development if any relocation of the structures is proposed. It is recommended that the owners check private insurance cover in relation to this matter.
- (d) All food related areas are to comply with the *Food Act 2008* and related code. All public areas are to comply with the *Health (Miscellaneous Provisions) Act 1911*.

27 NOVEMBER 2019

The owner/ operator will need to lodge a separate 'Registration Form' to the Shire in accordance with the *Food Act 2008* and this will need to include the kitchen at The Lodge proposed to be used for meal production for the restaurant/ café.

- (e) It is noted that the current Bushfire Management Plan includes camping which is subject to a separate application still being processed by the Shire. The owner/operator should consider all implications of any revised Bushfire Management Plan for Lot 62 as the owner/company will be responsible for implementing all the recommendations of any Bushfire Management Plan endorsed by the Shire.

Moved Cr Fenny
Seconded Cr Ridgley

Council Resolution

That Council:

1. **Note that the application has been advertised and note the submissions as summarised in a table included as Attachment 2.**
2. **Note that the development is proposed on a portion of Lot 62 which is unencumbered by any restrictive covenant.**
3. **Resolve to Pursue Option 2 to allow development to proceed without a Local Development Plan for the following reasons:**
 - i. **The proposed development has a total floor area of 32.44m² (including ablutions), is small scale, will cater for low visitor numbers and does not warrant preparation of a Local Development Plan in isolation.**
 - ii. **The proposed development does not conflict with the principles of orderly and proper planning.**

The term 'orderly and proper planning' is not defined. Any exercise of discretion to allow development to proceed in the absence of a Local Development Plan must be made in an orderly and proper way (i.e. in a way which is disciplined, methodical, and logical).

It would be orderly to allow small scale ancillary development to proceed without a Local Development Plan.
 - iii. **The proposed development would not prejudice the overall development potential of the area. The development is ancillary to the existing Lodge, and will cater for guests already attending the property or adjacent National Park. Cooking for the restaurant/ café will occur in the existing Lodge kitchen.**

27 NOVEMBER 2019

4. **Approve the development application for a restaurant/ café, exhibition centre, office and ancillary ablutions on Lot 62 Dirk Hartog Island subject to the following conditions and footnotes:**
- i. **The plans lodged with this application shall form part of this development approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.**

All colours and materials shall be in accordance with the approved plans.
 - ii. **The restaurant/café is to accommodate a maximum of 25 persons at any one time as stated in the application.**
 - iii. **All cooking to service the restaurant/ café shall occur within the existing Lodge kitchen and all food consumption shall occur on site.**
 - iv. **All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent Dirk Hartog National Park or foreshore at any time.**
 - v. **The owner/ operator to lodge a revised Bushfire Management Plan (including an emergency evacuation plan) for separate written approval of the Shire Chief Executive Officer within 3 months of the date of this approval. The site plans within the revised Bushfire Management Plan are to reflect the plans approved as part of this development application.**
 - vi. **The owner/ operator shall implement the recommendations of any revised Bushfire Management Plan (approved by the Shire in accordance with Condition vi) to the satisfaction of the Shire Chief Executive Officer prior to commencement of operation of the development, and thereafter for the life of this development.**
 - vii. **The proponent shall implement the recommendations of any approved bushfire emergency evacuation plan (forming part of a Bushfire Management Plan) at all times to the satisfaction of the Chief Executive Officer.**
 - viii. **The owner/ operator to undertake adequate precautions and waste management strategies to ensure that no rubbish and/or waste products are deposited in the adjacent Dirk Hartog Island National Park or foreshore/beach area at all times, including during construction.**
 - ix. **This approval is valid for a maximum period of 25 years from the date of this approval.**

27 NOVEMBER 2019

- x. The development is to be removed should it be threatened by coastal erosion during the approval period.

Footnotes:

- (a) Planning consent is not an approval to commence construction. A building permit must be obtained for all work. If the sea containers have already been placed on site in the proposed development location, then a Building Approval Certificate (BA13) may be required.
- (b) Please be advised that you will need to lodge a separate 'application to construct or install an apparatus for the treatment of sewerage' to the Shire which will require approval by the Department of Health.
- (c) Conditions ix. and x. have been imposed as recommended by the Department of Planning, Lands and Heritage as the proposed development may be vulnerable to coastal impacts. If the development is affected in the future the owners may need to lodge a new development if any relocation of the structures is proposed. It is recommended that the owners check private insurance cover in relation to this matter.
- (d) All food related areas are to comply with the *Food Act 2008* and related code. All public areas are to comply with the *Health (Miscellaneous Provisions) Act 1911*.
- The owner/ operator will need to lodge a separate 'Registration Form' to the Shire in accordance with the *Food Act 2008* and this will need to include the kitchen at The Lodge proposed to be used for meal production for the restaurant/ café.
- (e) It is noted that the current Bushfire Management Plan includes camping which is subject to a separate application still being processed by the Shire. The owner/operator should consider all implications of any revised Bushfire Management Plan for Lot 62 as the owner/company will be responsible for implementing all the recommendations of any Bushfire Management Plan endorsed by the Shire.

6/0 CARRIED

BACKGROUND

• ***Restrictive Covenants***

There is a restrictive covenant registered on the Certificate of Title for Lot 62. It only applies to the 35.64 hectare southern portion of Lot 62.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

VER	AMENDMENT	AUTHORISED BY	DATE

FOR INTEREST PURPOSES ONLY

MEADE ISLAND

SHARK

DIRK HARTOG

303 DP 50251

62 DP 103194 C/T 1729-171

350 DP 63583

Restrictive Covenant applies to south portion of Lot 62

INITIAL INTERESTS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
①	RESTRICTIVE COVENANT	SEC 109BA OF THE TLA	THIS PLAN DOC L120041	LOT 62 ON DP 103194	SEE DOCUMENT	

TYPE	FREEHOLD
PURPOSE	INTEREST
PLAN OF	RESTRICTIVE COVENANT AND/OR OTHER INTERESTS OVER LOT 62 ON DP 103194
DISTRICT	EDEL
TOWNSITE	709/2002V17
FILE	SHIRE OF SHARK BAY
LOCAL AUTHORITY	DIRK HARTOG ISLAND
REFERENCE	FILE 709/2002V17 2.205
INDEX	
SCALE	1:7500
SUBJECT TO SURVEY	NOT FOR ALIENATION PURPOSES
LOADED	TYPE OF VALIDATION
DATE	3/8/2009
FEE PAID	N/A
ASSESSED	N/A
SUBJECT TO	IN ORDER FOR DEALINGS
APPROVED	3/8/2009
DEPOSITED PLAN	64208

Above: Deposited Plan obtained from Landgate with TPI notes in red text

The restrictive covenant allows the southern portion of Lot 62 to be used for the purpose of low impact eco-tourism including visitor accommodation units and staff accommodation, subject to normal local government and other necessary approvals.

The restrictive covenant allows for the following maximum visitor accommodation numbers for the southern part of the lot:

Lot	Covenant Clause	Calculation	Total Visitor Accommodation numbers
62	Limit the visitor accommodation units to not exceed six times the number of hectares of land (rounded down to the nearest whole number)	35.64 hectares x 6 = 213 visitor accommodation units	213 (only applies to southern 25.64ha part of lot)

The restrictive covenants are administered by the Minister for Lands.

• Relevant Council Decision July 2019

The Shire has already considered a Bushfire Management Plan for Lot 62 and 303 which was supported by Council in July 2019.

The applicant was advised that support for the Bushfire Management Plan should not be construed as support for any future development, as no formal application had been lodged at the time.

The Bushfire Management Plan indicated that future development would consist of:

- 28 existing tent sites that accommodate 100 people;

27 NOVEMBER 2019

- b. An extension to the existing camp site to include a total of 43 camping sites (15 to be new development) to increase the maximum occupancy to 200 people; and
- c. Associated facilities, internal access tracks, 2 campers kitchens and a laundry.
- d. Café/bar/ visitors centre.

The Shire Council noted that a Local Development Plan and formal development application had to be lodged for separate consideration.

• **Relevant Council Decision October 2019**

A general report on two separate applications for Lot 62 and Lot 303 was referred to the October Council meeting.

Council resolved to:

1. *Note that:*
 - (a) *Two separate development applications have been lodged including:*
 1. Lot 62 and 303 - 23 nature based camp sites to accommodate up to 80 people, 3 camp kitchens, 3 ablution blocks and a number of bare earth pedestrian and internal vehicular access ways.
 2. Lot 62 - a visitors centre & bar/café to be known as Wirruwana Hub. The development comprises 2 new custom designed transportable buildings with decking designed to accommodate up to 25 people at a time.
 - (b) *Both applications have been advertised concurrently. Key government departments, agencies and the Shark Bay World Heritage Committee have been requested to lodge submissions by the 27 October 2019.*
 - (c) *The application for nature based camping and associated facilities proposed on Lots 62 and 303 was referred to the Environmental Protection Authority.*

The Environmental Protection Authority Services of the Department of Water and Environmental Regulation has requested additional information to be provided by the applicant so that they can make an informed decision on whether or not any formal environmental assessment is required – Attachment 6.
 - (d) *The Shire Council cannot make any decisions on the nature based camping application until such time as the Environmental Protection Authority has completed their process.*
 - (e) *The separate application for the visitors centre & bar/café was not referred to the Environmental Protection Authority as it is ancillary to the existing resort on Lot 62 and has a much smaller footprint.*

27 NOVEMBER 2019

- (f) *Instruct Shire Administration not to refer the application for the visitors centre & bar/café on Lot 62 to the Environmental Protection Authority and allow the application to be processed.*
- (g) *Reports on both proposals will be referred to a future Council meeting to consider all available options. ‘*

- **Relevant Council Decision October 2019 (Government Sewerage Policy)**

A report on the Government Sewerage Policy (2019) was considered by Council at the meeting held on the 30 October 2019.

Council resolved ‘*not to require detailed effluent disposal information for development applications that were lodged prior to 23 September 2019 and are currently being processed.*’

- **Zoning**

Lot 62 is zoned ‘Special Use’ (No 14) under the Shire of Shark Bay Local Planning Scheme No 4 (‘the Scheme’). Specific provisions apply under Schedule B of the Scheme – refer Attachment 1.

COMMENT

- **Description of Application**

The application proposes a visitors centre & bar/café to be known as Wirruwana Hub.

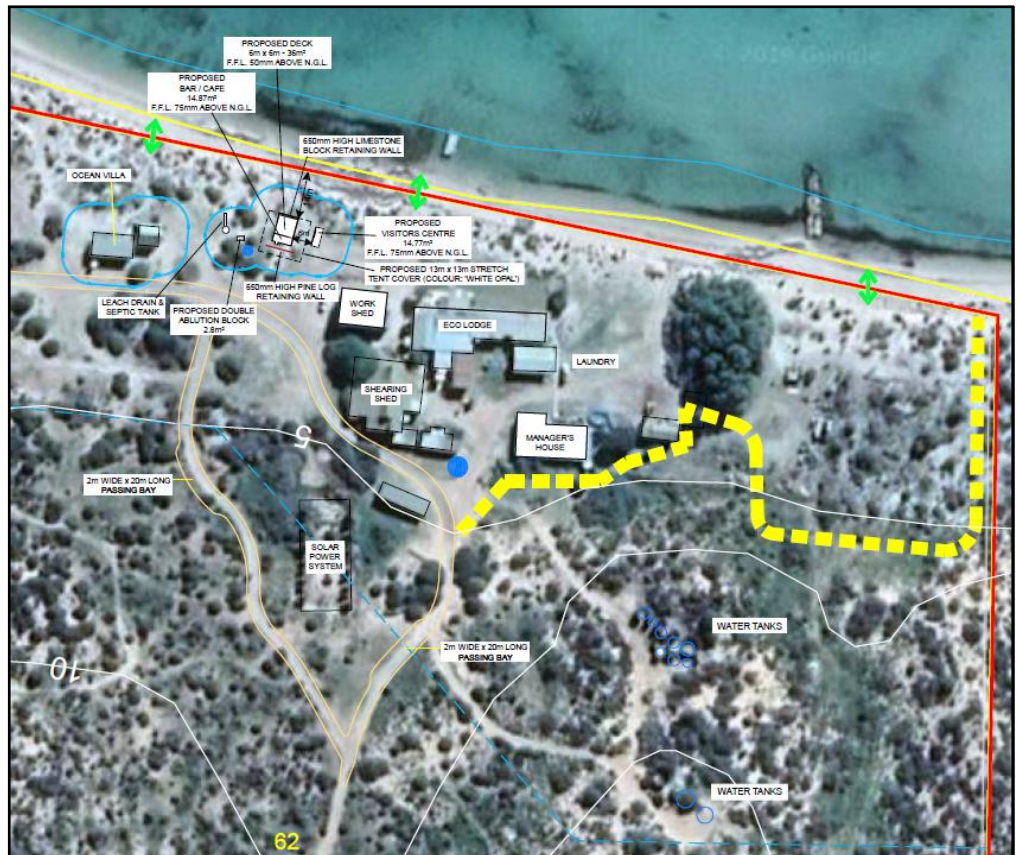
The development comprises 2 new custom designed transportable buildings (sea containers) proposed to be used separately as a café/restaurant and small bar, and a visitors centre. A small 2.8 metres toilet block is also proposed (two toilets).

Extracts of the site plan are included over page. A full copy of the application is available to Councillors on request.

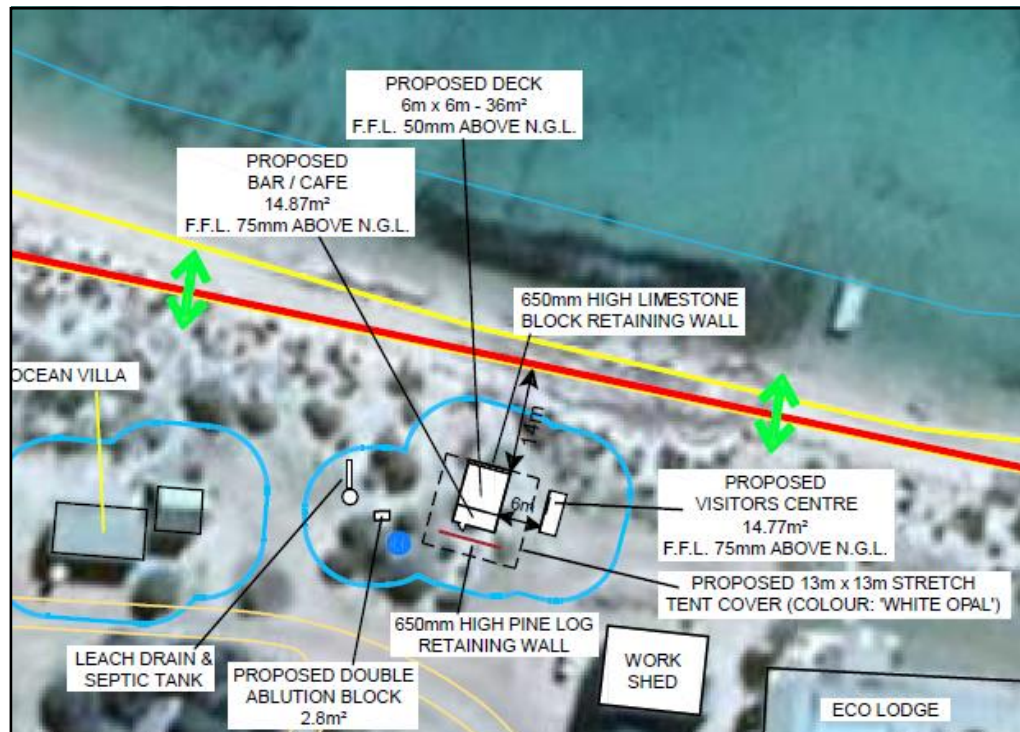
The restaurant/ café (with bar) will have a floor area of 14.87m² with an attached 6 metre by 6 metre deck. It will be setback 14 metres from the ocean side lot boundary. A 650mm retaining wall is proposed to level the area where the building will be placed.

The external walls are proposed to be timber clad and there will be a large tent erected over the structure to protect it from the weather.

27 NOVEMBER 2019

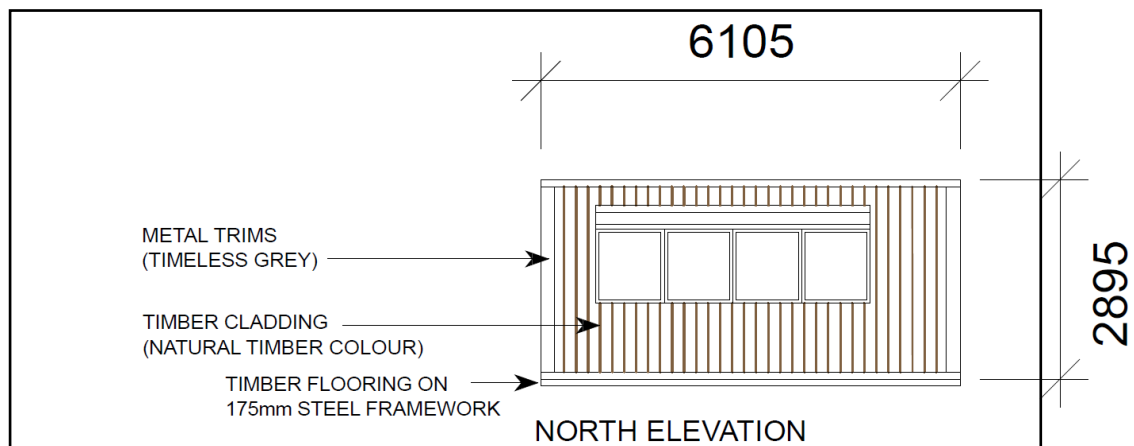
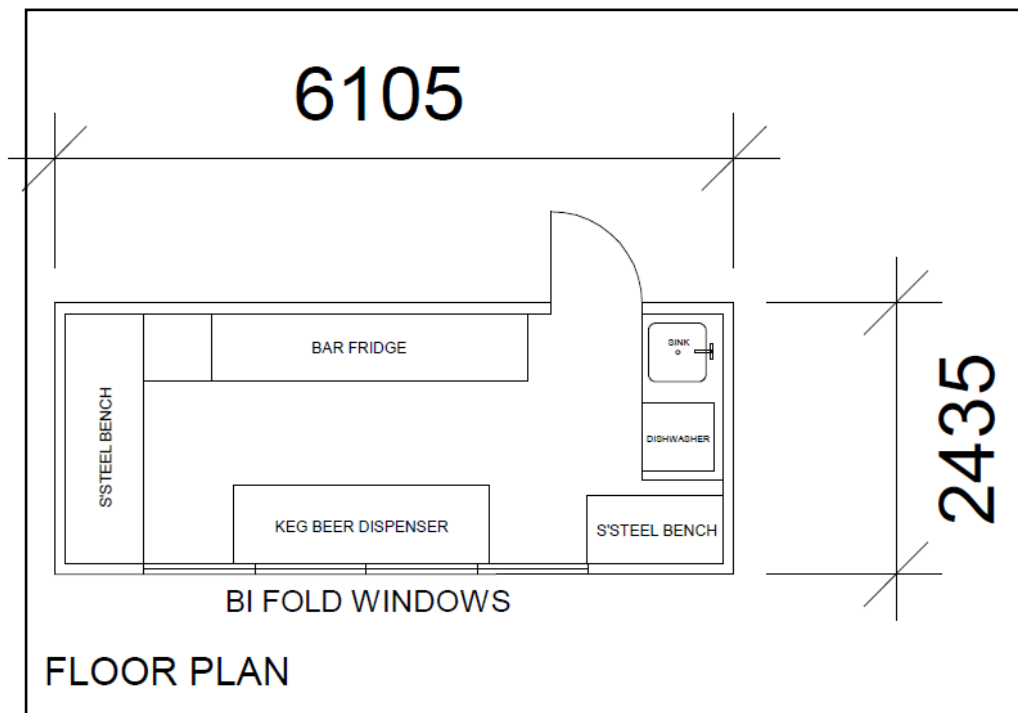


Extract Site Plan



Enlargement extract of site plan

27 NOVEMBER 2019



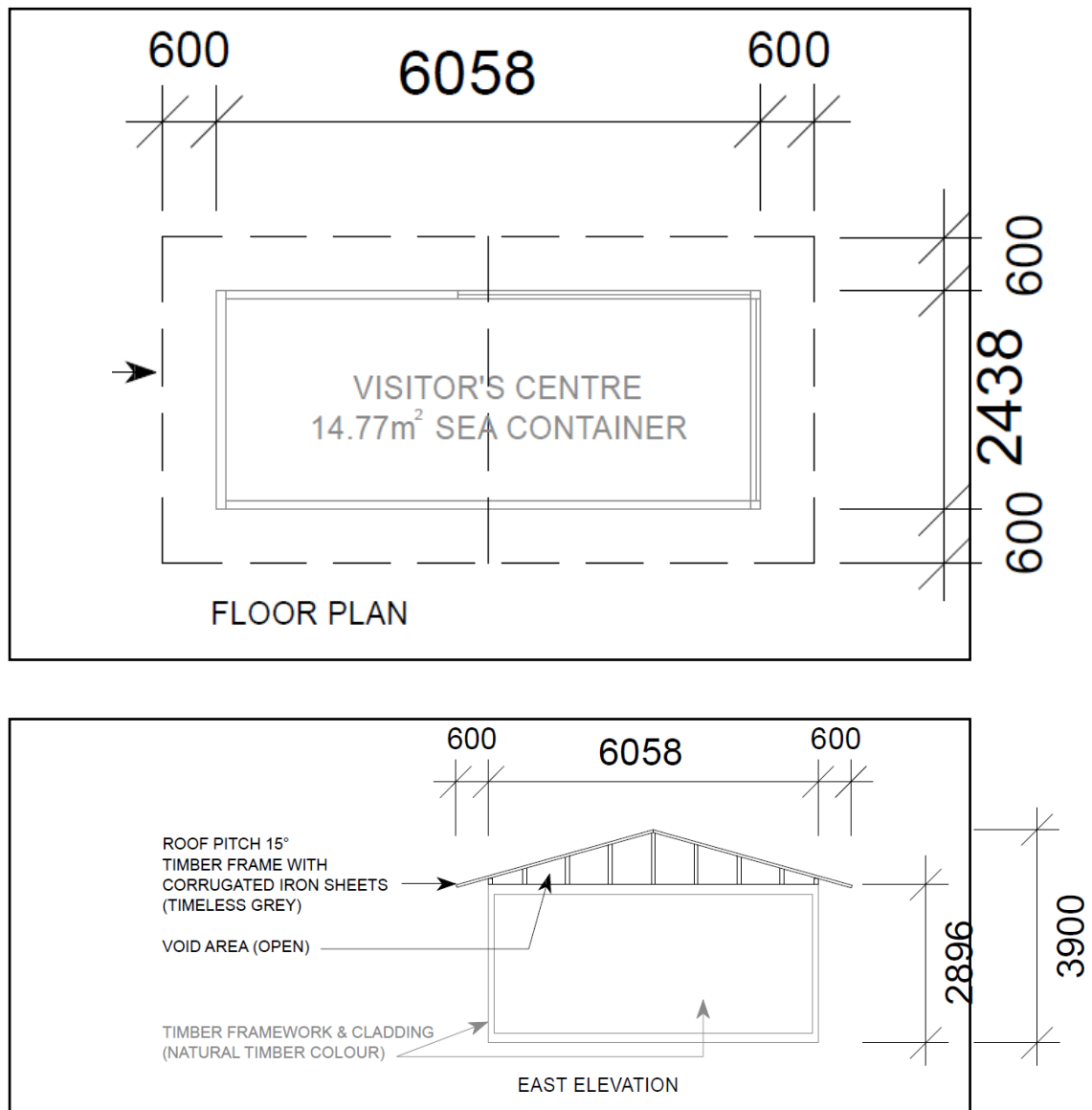
The applicant has advised that the type of meals provided will depend on occupancy and seasons. During school holidays they plan to offer morning teas, late afternoon teas, sunset drinks with finger food, and dinner three nights per week.

The operators also plan to provide locally supplied barbeque style seafood and freshly baked bread. All food will be prepared in the existing kitchen in The Lodge.

In the future the operators intend to apply for a Special Facility Liquor Licence.

The visitor centre will have a floor area of 14.77m² and will be used as a base to co-ordinate tours and display information, photographs and artwork show casing the island and experiences on offer. The external walls of this building will also be timber clad and will be covered by a small timber structure comprising a pitched, steel clad roof.

27 NOVEMBER 2019



- **Local Development Plan**

Under the Special Use provisions applicable to Lot 62 the Shire can require preparation of a Local Development Plan. Council also has discretion to allow development to proceed in the absence of a Local Development Plan if satisfied that it will not prejudice future planning for the lot.

Council has two options on how to proceed:

Option 1 – Require a Local Development Plan

Condition 3 of Schedule B applicable to Lot 62 states that:

27 NOVEMBER 2019

'Prior to commencement of development of any of the four lots a Local Development Plan shall be prepared in accordance with Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015.'

Local Development Plans can be used to guide and coordinate development outcomes for a particular site, and can be useful for sites with specific site characteristics.

A Local Development Plan can be used to strategically plan and co-ordinate all future development on the lot including this proposal, the separate proposed camping use on Lot 62 and 303, and a dwelling (previously proposed by Geoff Wardle for Lot 303).

The Scheme outlines that a Local Development Plan would need to address a management plan, architectural design, coastal setbacks, bushfire management, environmental report and design guidelines.

Option 2 – Approve Development without a Local Development Plan

Council has discretion to allow development to proceed without a Local Development Plan where:

- (a) the proposed development does not conflict with the principles of orderly and proper planning; and
- (b) the proposed development would not prejudice the overall development potential of the area.

Council may pursue Option 2 having regard that:

- i. The proposed development has a total floor area of 32.44m² (including ablutions), is small scale, will cater for low visitor numbers, and does not warrant preparation of a Local Development Plan by itself.
- ii. The proposed development does not conflict with the principles of orderly and proper planning.

The term 'orderly and proper planning' is not defined. Any exercise of discretion to allow development to proceed in the absence of a Local Development Plan must be made in an orderly and proper way (ie in a way which is disciplined, methodical, and logical).

It would be orderly to allow small scale ancillary development to proceed without a Local Development Plan.

- iii. The proposed development would not prejudice the overall development potential of the area. The development is ancillary to the existing Lodge, and will cater for guests already attending the property or adjacent National Park. Cooking for the restaurant/ café will occur in the existing Lodge kitchen.

Town Planning Innovations recommends that Council pursue Option 2 given the ancillary small scale nature of the proposal. Both options are included in the recommendation for convenience.

27 NOVEMBER 2019

- **Land Use Permissibility**

Part of the planning assessment entails examining the proposed land uses and determining the 'best fit' land use definitions to apply. There are specific land use terms contained in Division 2 of the Scheme.

The applicant describes one building as a 'bar/café'. It is noted that the proposal is essentially to provide customers with opportunity to consume food and drinks at the premises.

Town Planning Innovations recommends that the 'bar/café' be construed as a 'restaurant/cafe' defined in the Scheme as *'means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988.'*

The applicant describes the second building as a 'visitor centre'. There is no definition for a 'visitor centre' under the Shires Scheme however the building is essentially proposed to be used for two interrelated functions including:

1. An office where visitors can book tours that will be conducted in the National Park; and
2. An Exhibition Centre where artworks, photographs and other materials will be displayed and may be sold.

The restaurant/ café, office and exhibition centre land uses are listed as 'D' uses in Schedule B of the Scheme which *'means that the use is not permitted unless the local government has exercised its discretion by granting development approval'*.

Council has discretion to approve a restaurant/café, office and exhibition centre in the Special Use zone applicable to Lot 62.

- **Advertising and Submissions**

The application has been advertised for public comment at the same time as a separate application seeking retrospective approval for camping on Lots 62 and 303 Dirk Hartog Island.

Advertising included:

- A. Letters to other freehold lot owners on the Island;
- B. Letters to relevant stakeholders and agencies including the Shark Bay World Heritage Advisory Committee, Department of Biodiversity, Conservation and Attractions, Department of Planning, Lands and Heritage, Department of Health and Department of Fire and Emergency Services.
- C. An advert published in the MidWest Times.
- D. Information on the Shire website.

A total of 5 submissions were received by the:

1. Department of Planning, Lands and Heritage (on Aboriginal Heritage)
2. Department of Biodiversity, Conservation and Attractions
3. Shark Bay World Heritage Advisory Committee
4. Department of Health

27 NOVEMBER 2019

5. Department of Planning, Lands and Heritage (on Land Use Planning)

All submissions are summarised in Attachment 2. It is recommended that the submissions be noted.

The most common issue raised related to the Scheme requirement for Local Development Plan which is already outlined in the body of this report. It should be noted however that the comments related to both this application and a separate application for camping on Lots 62 and 303.

The most complex issue raised was by the Department of Biodiversity, Conservation and Attractions advising that there are restrictions on private car access to the National Park. A separate report on this issue is included in this Agenda as Item 13.5

Further clarification has been obtained by Department of Biodiversity, Conservation and Attractions on vehicle restrictions and at this stage it not clear that any restrictions were ever intended to be applied to freehold lots.

Since the Department of Biodiversity, Conservation and Attractions initial formal submission was lodged further information obtained on the 14 November 2019 has outlined that:

- (i) While Director General approval was received for the increase in vehicle numbers (from 10 to 20), there was no formal clarification of what that means in relation to any separation of visitor vehicles, management vehicles, CTO vehicles, vehicles garaged on freehold land etc.
- (ii) Draft guidelines were prepared and were intended to clarify this matter.
- (iii) Draft guidelines were endorsed by the *Midwest Regional Manager in March 2017*. These guidelines were intended to clarify this matter:
 - Twenty (20) vehicles is the maximum number of vehicles allowable on any given day/overnight.
 - This refers to visitor vehicles only, that are within the Dirk Hartog Island National Park overnight.
 - This 20 vehicle limit does not include:
 - Commercial Tour Operator vehicles
 - Department of Biodiversity, Conservation and Attractions vehicles
 - Private vehicles garaged on freehold land
 - Visitors vehicles overnighing on freehold land
 - Vehicles driven by personnel approved by Department of Biodiversity, Conservation and Attractions assisting with or undertaking works within the national park.

- ***Bushfire Management***

The site plan for the café/bar and visitor centre is slightly different to the site plan that was included in the Bushfire Management Plan already supported by Council.

The buildings are now proposed in a different configuration than shown on the Bushfire Management Plan, and the front setback for the restaurant/café has changed from 18.9 metres to 14 metres.

27 NOVEMBER 2019

The internal access tracks and strategic fire breaks are consistent with the existing Bushfire Management Plan. An additional internal 'loop' access with passing bays has been included in the western part of the development area however that will only increase fire protection and is for the separate proposed camping areas on Lot 303 Dirk Hartog Island.

The existing Bushfire Management Plan will need minor modifications simply to reflect the updated site plan however the proposal is consistent with the core recommendations of the existing Bushfire Management Plan.

Rather than require a revised Bushfire Management Plan 'up front' it is recommended that it be required as a condition, in the event that Council resolves to approve the development.

- ***World Heritage / Colour Palette***

The lot is within the Special Control Area under the Scheme applicable to the Shark Bay World Heritage Property.







The applicant proposes colours and materials generally in accordance with the 'Shark Bay World Heritage Committee Dirk Hartog Island Colour Palette'.

External cladding will consist of natural wood. Trimming of the restaurant/café building and the roof of the open structure proposed over the Exhibition Centre / Office will be a 'timeless grey' colour.

Extracts of the Shark Bay World Heritage Committee Dirk Hartog Island Colour Palette are below and over page.

TRIM












Trim colours should be used for gutters, rainwater pipes, etc., and at the base of dwellings. Colours from the Accent colour palette can also be considered.

	Soft Impala		Plantain
	Poppy Leaf		Timeless Grey
	Bronze Icon		Light Rice

27 NOVEMBER 2019

Metal Roofs

The Colourbond roof colours can be selected from the colours shown below.

	Wilderness		Sandbank		Shale Grey
	Pale Eucalypt		Dune		Classic Cream
	Bushland		Evening Haze		Surf Mist
	Windspray		Paperbark		

- **State Planning Policy 2.6 – State Coastal Policy**

The Policy provides guidance to local governments, state government agencies, the State Administrative Tribunal and the State Government of those aspects of state planning policy concerning the coastal zone that should be taken into account in planning decision-making.

The Policy states that adequate coastal hazard risk management and adaptation planning should be undertaken by the proponent where proposed development is in an area at risk of being affected by coastal hazards over the planning timeframe.

The application was referred to the Department of Planning, Lands and Heritage for advice. They advised that *'given the proximity of the proposed development to the coast, it is likely that the subject area will be exposed to coastal processes within the planning time frame, therefore requiring the proponent to undertake adequate coastal hazard risk management adaptation planning.'*

No formal technical 'coastal hazard risk management adaptation planning' information has been lodged with the application.

The applicant has advised that the adjoining sandy coastal bay is a low energy, low wave environment with a micro-tidal range and gentle currents. The applicant also advises that the coastal foreshore area abutting Lot 62 is stable with limited sand drift and no evidence of coastal erosion. Aerial photographs have been lodged in support of their advice.

Town Planning Innovations is not able to verify or contest the information provided on coastal stability relative to Lot 62. However, a draft Coastal Hazard Risk Management Adaptation Plan for Denham townsites identifies that coastal processes can potentially impact on foreshore areas over long time periods.

If the application is supported Council could impose a condition requiring development of a Coastal Hazard Risk Management Adaptation Plan in line with State Planning Policy 2.6. This would seem onerous given the ancillary nature of development.

Notwithstanding the above the coastal planning policy requirements can be addressed through alternative, more practical conditions of development as follows:

27 NOVEMBER 2019

- (1) The Policy allows adaptation measures to reduce coastal risks to an acceptable or tolerable measure. One of the available adaptation measures is *'the relocation or removal of assets within an area identified as likely to be subject to intolerable risk of damage from coastal hazards over the planning time frame.'*
- (2) The development is in a form that can be relocated or removed if affected by coastal impacts such as erosion.
- (3) The Department of Planning, Lands and Heritage have advised the development proposal has a relatively short lifespan (25 years), and the Policy requirements can be dealt with through conditions should the Shire decide to approve the proposals. The Department of Planning, Lands and Heritage recommend that the conditions imposed reflect the following points:
 1. Time limited approval based on the estimated lifespan of the development (20 years for the nature based park, and 25 years for the visitor centre and bar/café).
 2. The development is to be removed or modified should it be threatened by coastal erosion during the approval period.
- (4) Town Planning Innovations has liaised with the applicant who has agreed to the conditions recommended by the Department of Planning, Lands and Heritage.

Coastal impacts can be addressed as the approval period for development can be limited to 25 years. If development is not impacted on there is mechanism for the owner to seek a modified condition in the future.

If the development is impacted by coastal processes then the owners can apply to relocate the structures, or may remove the structures.

• ***Land Subject to Inundation***

Clause 32.1 (b) of the Scheme requires a minimum finished floor level of not less than RL 4.2 metres AHD for any new development.

However, Council has discretion to consider a minimum finished floor level less than RL 4.2 metres AHD for any minor non habitable development that is ancillary to existing tourist development in the Scheme Area.

It is not recommend that any minimum finished floor level be required as the proposed development is non habitable, and is ancillary to the Lodge which is an existing tourist development on Lot 62.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 4 – explained in the body of this report.

Clause '32.1 Land Subject to Inundation' states:

- (a) No development shall be constructed upon any land within an area considered by the local government as being vulnerable to coastal storm surge inundation unless granted specific development approval by the local government.

27 NOVEMBER 2019

- (b) The local government shall require any new development within an area as being vulnerable to coastal storm surge inundation to comply with a minimum finished floor level not less than RL 4.2 metres AHD.
- (c) Notwithstanding Clause 32.1(b), Council has discretion to consider a minimum finished floor level less than RL 4.2 metres AHD for non-habitable development that is detached from any single house or dwelling unit on the same lot in the Denham townsite and / or any minor non habitable development that is ancillary to existing tourist development in the Scheme Area.

Planning and Development (Local Planning Schemes) Regulations 2015 –

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

POLICY IMPLICATIONS

There are no policy implications associated with the development.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The 'Special Use' zoning of Lot 62 under the Shire of Shark Bay Local Planning Scheme No 4 is consistent with the recommendations of the Local Planning Strategy (with the exception of modifications required by the Minister for Planning).

VOTING REQUIREMENTS

Simple Majority

Signatures

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

15 November 2019

27 NOVEMBER 2019

ATTACHMENT #1

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island	<p>As 'D' Use:</p> <ul style="list-style-type: none"> • Ancillary dwelling • Bed and breakfast • Camping ground • Caravan park • Car park • Convenience store • Educational establishment • Exhibition centre • Fuel depot • Holiday accommodation • Holiday house • Home occupation • Home office • Liquor store-small • Motor vehicle, boats or caravan sales • Nature based park • Office • Recreation-private • Restaurant/cafe • Shop • Single house • Tourist development • Workforce accommodation • Waste storage facility • Waste disposal facility <p>As 'A' Use:</p> <ul style="list-style-type: none"> • Airfield 	<p>1) The objective of this zone is to provide for eco-tourism development.</p> <p>2) No subdivision of lots shall be permitted.</p> <p>3) Prior to commencement of development of any of the four lots a Local Development Plan shall be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and address the following:</p> <p>(i) A Management Plan that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material;</p> <p>(ii) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;</p> <p>(iii) Coastal setbacks in accordance with relevant state planning policy;</p> <p>(iv) Bushfire management in accordance with relevant state planning policy;</p>

27 NOVEMBER 2019

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island (continued)		<p>(v) An environmental report that demonstrates that the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. The report should include information on building envelopes, visitor numbers, a vegetation assessment and how biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved.</p> <p>(vi) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island may be required by the Local Government.</p> <p>4) Any staged development is to address the requirements indicated in (3) above.</p> <p>5) The local government will have due regard to coastal setbacks and bushfire management in accordance with relevant state planning policies and Clause 67, Schedule 2, Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island (continued)		<p>6) Notwithstanding condition (3), the local government may consider development in the absence of a Local Development Plan as provided for under Clause 56(2), Schedule 2, Part 6, of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>7) Any development or Local Development Plan shall demonstrate alignment with the objective of the zone.</p> <p>8) Any development or Local Development Plan shall be referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services), the Shark Bay World Heritage Advisory committee and the Department of Planning Lands and Heritage for comment prior to determination.</p> <p>9) Any design guidelines that form part of a Local Development Plan approved by the Local Government shall be enforced as if the requirements form part of the Scheme.</p> <p>10) A Foreshore Management Plan may be required and referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) for endorsement where a physical foreshore exists between the site and the coast as a condition of development.</p> <p>11) A Visual Impact Assessment may be required to demonstrate that any development will not negatively impact on World heritage values or detract from the scenic quality of the land.</p>

27 NOVEMBER 2019

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island (continued)		12) In relation to the land use 'Motor vehicle, boats or caravan sales' only hire of motor vehicles, boats or caravans may be considered by the local government.
SU15	Lot 142 Denham Road / corner Oakley Ridge, Denham	<p>As 'P' use:</p> <ul style="list-style-type: none"> • Single house • Home office <p>As 'I' use:</p> <ul style="list-style-type: none"> • Car park <p>As 'D' use:</p> <ul style="list-style-type: none"> • Aged care facility • Bed and breakfast • Grouped dwelling • Holiday accommodation • Holiday house • Home Occupation • Tourist development <p>As 'A' use:</p> <ul style="list-style-type: none"> • Park Home Park • Workforce accommodation 	<p>1) The objective is to provide flexibility for a wide range of tourist accommodation and cater for single or grouped dwellings which may also be used for holiday accommodation, guided by a Local Development Plan.</p> <p>2) Development of the site shall be generally in accordance with an approved Local Development Plan, which has been prepared in accordance with Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and approved by the local government.</p> <p>3) A Local Development Plan can ensure a mix of landuses are strategically planned for and coordinated to the satisfaction of the local government.</p> <p>4) Notwithstanding Condition (2), the local government may consider development prior to the approval of a Local Development Plan as provided for under Clause 56(2), Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
SU16	Lot 91 Monkey Mia Road, Denham	<p>As 'P' use:</p> <ul style="list-style-type: none"> • Airfield • Carpark 	1) The intent of this Special Use zone is to recognise the established Shark Bay airport as an essential component of regional transport infrastructure.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

ATTACHMENT #2

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
1. Department of Planning, Lands and Heritage Heritage Officer	1a) A review of the Register of Places and Objects, DPLH Aboriginal Heritage Database and plans provided by yourself, confirms that the proposed works do not intersect with any known Aboriginal Heritage Sites or Places. However the land in question has only been subject to one heritage scoping survey in 1995, and additional surveys are required to determine if any Aboriginal heritage sites or places exist in the area. It is understood the proposed works will consist of the placement of two transportable buildings with decking, capable of accommodating 25 people, placement of a double ablution block, 10000 litre water tank septic tanks and leech drains, the creation of a nine metre wide cleared asset protection zone around the periphery of all structures and widening of existing tracks.	1a) Noted.	That the submission be noted.
	1b) DPLH recommends that proponents refer to the State's Aboriginal Heritage Due Diligence Guidelines (Guidelines). The Guidelines can be found on the DPLH website and allow proponents to undertake their own risk assessment regarding any proposal's potential impact on Aboriginal heritage.	1b) Noted.	
2. Department of Biodiversity, Conservation and Attractions (DBCA)	2a) Thank you for your letter of 19 September 2019 and supporting information provided regarding the development applications for Camping and Visitor Centre / Café / Bar developments on Lots 62 and 303 Dirk Hartog Island. The Department of Biodiversity, Conservation and Attractions	2a) Noted. The DBCA comments are on two applications being the café/bar/visitor centre on Lot 62 and a separate proposal for camping on Lots 62 and 303.	That the submission be noted. Ongoing management of the Dirk Hartog National Park is a broader strategic issue

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
Formal Submission	<p>(DBCA) offers the following comments for the Shire's consideration.</p> <p>2b) In respect to the retrospective elements of the application DBCA notes that:</p> <ul style="list-style-type: none"> i. There has been considerable development on Lots 62 and 303 without development approval. ii. DBCA has not been afforded the opportunity to consider, <u>advise</u> and provide comment on the development through the usual planning approval process. iii. DBCA has not been consulted regarding the development, outside the formal planning approval process. iv. The development has the potential to impact the values of Dirk Hartog Island National Park and Shark Bay World Heritage Area. v. In the absence of a formal planning process, the development has occurred without a demonstrated consideration of broader planning context, such as the <i>Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012</i> and the <i>Shark Bay World Heritage Property Strategic Plan 2008-2020</i>. vi. In the absence of a formal planning process, the matter of long-term planning for the freehold lots is not addressed. 	<p>2b) This comment mainly relates to unauthorised camping that has occurred on Lots 62 and 303. The Shire has consulted with DBCA through the planning process as is standard process.</p>	<p>identified in the <i>Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012</i>. A separate agenda item on the DBCA advice and National Park management is included in the November Council Agenda for Council consideration.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<p>2c) Given the above, DBCA suggest that the approvals process advocated by the proponent is inconsistent with the principles of orderly and proper planning and recommends that the conditions of the <i>Shire of Shark Bay Local Planning Scheme No. 4</i>, including the condition requiring preparation of a Local Development Plan, are applied to the development of Lots 62 and 303.</p> <p>2d) In respect to the applications themselves, DBCA notes:</p> <p>i. <u>the</u> development applications do not identify how the impact of visitors associated with the development (23 proposed campsites / 80 people) to the surrounding national park and marine park will be managed. In particular:</p> <ul style="list-style-type: none"> The applications do not adequately address the protection of the foreshore portion of national park immediately adjacent to Lot 303. A foreshore management plan is warranted, as per the <i>Shire of Shark Bay Local Planning Scheme No. 4</i>. The management of vehicle numbers associated with the proposed developments is not addressed. Under the <i>Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012</i>, there is a limit of 20 vehicles per day to the national park. 	<p>2c) The Shire Council has discretion to allow development to proceed without a Local Development Plan. All options have been outlined in the agenda report for Council consideration.</p> <p>2d) Until such time as DBCA develops further tourist/ access management strategies it is difficult for the Shire as a decision making authority, and private landowners, to be able to respond to issues raised about vehicle access and management of the National Park.</p> <p>Ongoing management is a broader strategic issue identified in the <i>Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012</i>.</p> <p>A separate agenda item on the DBCA advice and National Park management is included in the November Council Agenda for Council consideration.</p>	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<p>ii. The development applications (for 23 campsites and 80 people) are inconsistent with the bushfire management plan (for a total of 43 campsites and 200 people).</p> <p>2e) DBCA is of the view that the application does not clearly demonstrate consistency with the visual impact requirements of the <i>Shire of Shark Bay Local Planning Scheme No. 4</i>, which would ensure development is appropriate for the World Heritage Values of the location. These requirements include:</p> <ul style="list-style-type: none"> • Visual Impact Assessment to demonstrate that the development will not negatively impact on World heritage values or detract from the scenic quality of the land. • Proposed development to be of a high architectural quality and to be low scale and sympathetic to the location, taking into account topography, physical characteristics and unique character of the surrounding area • Detailed design guidelines be required to achieve a development sympathetic to the natural character of the island. 	<p>2e) The requirements referred to by DBCA are those that apply to any Local Development Plan.</p> <p>In terms of this specific application for a visitor centre/ bar and café Council should note:</p> <ul style="list-style-type: none"> • The development is small scale, low impact and has a maximum height of 2.895 metres for the café/ bar and 3.9 metres for the structure over the visitor centre. It will not have a significant visual impact. • The proposed development will be low scale and uses external natural cladding to be sympathetic to the adjacent area. • Detailed design guidelines are not relevant for such a small structure. 	
2. (continued) Department of Biodiversity,	2f) As you have highlighted, the restrictive covenants that apply to the four freehold lots on the island allow for a theoretical maximum of 340 accommodation units on the four freehold	2f) Noted.	That the submission be noted.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
Conservation and Attractions (DBCA)	lots on the island (243 units on Lot 62, 51 units on Lot 303, 33 units on Lot 304 and 13 units on Lot 305.		
Supplementary Email Advice	<p>2g) The 2005 Agreement between State of WA and Hypermarket concerning the transfer of the freehold lots to Hypermarket does not discuss the number of vehicles permitted on the island, but does state:</p> <p>3.10 <i>Access and Management Plan</i> <i>(b) Hypermarket acknowledges and agrees that after a management plan is implemented under the CALM Act (Management Plan) all future access to the Island and the use of the airstrip will be subject to the terms and conditions of that Management Plan and any rights or licences granted under sub-clause (a) will automatically cease. The draft Management Plan submitted for approval under the CALM Act will include provision for the grant of a non-exclusive licence to Hypermarket to access and use the airstrip on the Island.</i></p> <p>2h) In regards to vehicle numbers and development of the four freehold lots, the Management Plan (<i>Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012</i>) outlines:</p> <ul style="list-style-type: none"> o <i>The vision for Dirk Hartog Island National Park is to provide a combination of four-wheel drive destinations that offer a range of nature-based recreation, tourism opportunities and experiences in a remote</i> 	<p>2g) Noted. It is not clear how this is relevant as that requirement is not included in the restrictive covenant registered for part of the lot on the Certificate of Title.</p> <p>Informal telephone discussions with DBCA revealed this may have been a condition of the contract of sale, however that would not likely be enforceable after the land transfer has occurred (if it was in fact included as a condition of the sale contract). DBCA has indicated they do not have a copy of the said State Agreement.</p> <p>2h) Ongoing management is a broader strategic issue identified in the <i>Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012</i>. A separate agenda item is included in the November Council Agenda for Council consideration.</p>	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<p>and natural environment that is managed for ecological restoration.</p> <ul style="list-style-type: none"> Any development of the freehold lots on Dirk Hartog Island as eco-tourism accommodation will lead to increased numbers of visitors staying overnight on the island. This could result in pressure for increasing vehicle numbers on the island. However, more vehicles are likely to have a negative impact on the track conditions and potentially affect the ecological restoration project. The limit of 10 private vehicles per day on the island has been set but will be monitored to determine if the upper limit for vehicle numbers can be changed. The implementation of an island-based vehicle hire system may also be considered. Other strategies may be required to consider visitor access around the island. The impact of the vehicles on the island will be monitored and reviewed on a regular basis and if negative environmental impacts occur then alternative arrangements such as tracking vehicles electronically or a further restriction on the number of vehicles may be considered. The commencement of the ecological restoration project and especially the reintroduction of threatened native fauna will require access restrictions for both vehicles and boats. Therefore access to Dirk Hartog Island National Park will be by permit. A permit system will be used to 		

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<p><i>control where visitors can travel, provide valuable visitor information, allow limits to be placed on the number of vehicles, outline appropriate behaviour and provide a means for informing visitors on how they can best avoid disturbing the site whilst visiting the area.</i></p> <p>2i) The 2012 management plan allowed for maximum of 10 private vehicles on the island at any one time.</p> <p>2j) This limit has since been increased to 20 visitor vehicles per day, although currently vehicle numbers are not monitored closely.</p> <p>2k) The two recent development applications do not outline how the additional vehicle numbers associated with the proposed development (23 proposed campsites / 1 vehicle per campsite) will be reconciled with the 20 visitor vehicles / day limit that currently applies to the National Park.</p> <p>2l) To date there has been no consultation between DBCA and the owners of the freehold lots as to how many vehicles are to be catered for on the island, or how development of the freehold lots will be reconciled with the vehicle number limits specified in the management plan.</p>	<p>As per 2h).</p> <p>As per 2h).</p> <p>2k) This issue is beyond the scope of the applicant to address.</p> <p>2l) This issue is beyond the scope of the applicant to address. DBCA have been aware of the issue through consultation conducted by the Shire.</p>	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	2m) Vehicle numbers within the national park is a key issue that needs to be resolved prior to further development of the freehold lots for tourist accommodation.	2m) This issue is beyond the scope of the applicant to address.	
2. (continued) Department of Biodiversity, Conservation and Attractions (DBCA) Supplementary Email Advice	<p><i>Note: TPI sought clarification from DBCA on the increase of vehicle limit from 10 to 20 and received subsequent email advice below.</i></p> <p>2n) As you know the 2012 management plan allowed for maximum of 10 private vehicles on the island at any one time, although the plan does allow for that limit to be altered with Director General approval. In August 2016 the Director General approved the increase from 10 vehicles to 20 vehicles per day.</p> <p>2o) In March 2017 draft guidelines were endorsed for increasing the vehicle numbers limit from 10 to 20 visitor vehicles per day. It was considered that the level of 10 vehicles per day was relatively minimal given the size of the island and the extensive track network, and the island has a significantly greater capacity. It was considered at that time that an increase from 10 to 20 vehicles per day would be appropriate and sustainable with appropriate and adequate management.</p> <p>2p) In 2017 regional and district staff conducted an analysis of the carrying capacities of the various designated campsites within the national park and considered that was adequate capacity for an increased vehicle quota to be</p>	<p>2n) Noted. TPI sought clarification on the review process from DBCA.</p> <p>2o) Noted.</p> <p>2p) Noted.</p>	That the submission be noted.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<p>accommodated. It was also considered that demand for the island had increased significantly over the 18 months since the 1616/2016 celebrations given the wide publicity, and given that the translocation of rare and threatened fauna on the island would also be a significant drawback.</p> <p>2q) While Director General approval was received for the increase in vehicle numbers, there was no formal clarification of what that means in relation to any separation of visitor vehicles, management vehicles, CTO vehicles, vehicles garaged on freehold land etc. The following endorsed draft guidelines were intended to clarify this matter:</p> <ol style="list-style-type: none"> 1. Twenty (20) vehicles is the maximum number of vehicles allowable on any given day/overnight. 2. This refers to visitor vehicles only, that are within the Dirk Hartog Island National Park overnight. 3. This 20 vehicle limit does not include: <ul style="list-style-type: none"> • Commercial Tour Operator vehicles • DBCA vehicles • Private vehicles garaged on freehold land • Visitors vehicles overnighing on freehold land • Vehicles driven by personnel approved by DBCA assisting with or undertaking works within the national park. 	<p>2q) Noted. This is very different advice than the initial DBCA submission. It is certainly not clear that the 20 car restriction was intended to apply to visitors staying over night on freehold lots.</p> <p>Based on the Draft Guidelines, which seems to be the only current guide, the restrictions were limited to vehicle staying overnight on the Island and not to visitors staying overnight on freehold lots.</p>	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<ul style="list-style-type: none"> Shark Bay Shire or Australian Maritime Safety Authority vehicles <u>enroute</u> to Cape inscription <p>4. Approval may be granted by the Shark Bay District Manager for 'one off' increase in vehicle numbers under special circumstances or events.</p> <p>2r) As we discussed this morning, DBCA is looking at developing a Tourism Strategy for Dirk <u>Hartog</u> Island National Park and surrounding waters given the increasing need for guidance in this area. This would also include consideration of the vehicle limits.</p>	<p>2r) Noted. It is essential that this matter be resolved to provide guidance to the Shire and landowners of freehold lots.</p>	
<p>3.</p> <p>Shark Bay World Heritage Advisory Committee (SBWHAC)</p> <p>Formal correspondence.</p>	<p>3a) Comments below relate to the Shire's referral for comments from the Shark Bay World Heritage Advisory Committee (SBWHAC) to planning proposals by Hypermarket Pty Ltd, the current owner of freehold Lots 62 and 303 on Dirk <u>Hartog</u> Island.</p> <p>3b) It is noted that the camp kitchens and camping sites at '<u>Salty's</u>' and '<u>Buddy's</u>' have already been established, in 2015 and 2016 respectively. However, referral of these developments is retrospective as no planning or building permits have previously been applied for, with the '<u>Jed's</u>' camp proposal yet to commence.</p> <p>3c) Also noted is that the Shire has referred these applications to the Environment Protection</p>	<p>3a) Noted. The SBWHAC comments are on two applications being the café/bar/visitor centre on Lot 62 and a separate proposal for camping on Lots 62 and 303.</p> <p>3b) This comment relates to unauthorised camping that has occurred on Lots 62 and 303.</p> <p>3c) The application for the café/bar/visitor centre was not referred to the EPA. The separate application seeking</p>	That the submission be noted.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<p>Authority (EPA) and the Department of Planning, Lands and Heritage (DPLH).</p> <p>3d) The on-going management of requirements in relation to the Department of Biodiversity, Conservation and Attraction's (DBCA) <i>Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012</i>, should be the subject of discussions between the freehold owners and the Parks and Wildlife Service, as the Plan recommends development of a limited number of camping sites, limitations on the number of private vehicles on the island, no pets, biosecurity issues, etc.</p> <p>3g) The current existing 28 camp sites have the capacity to accommodate 100 people. With maximum occupancy on both lots, the owner has the ability to provide for up to 200 people.</p> <p>3h) As a consequence of a development referral at Sunday Island Bay in 2015, the EPA identified environmental factors such as;</p> <ul style="list-style-type: none"> • Protocols to minimise impacts to the Dirk Hartog Island National Park through management of visitor access and recreation, 	<p>retrospective planning approval for unauthorised camping on Lots 62 and 303 has been referred to the EPA. At the October meeting Council endorsed the position not to refer the café/bar/visitor centre to the EPA.</p> <p>3d) This issue is beyond the scope of the applicant to address.</p> <p>3g) Noted.</p> <p>3h) Noted. The EPA comments were on a past application that did not proceed.</p>	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<ul style="list-style-type: none"> Procedures to ensure that the development does not introduce nor proliferate non-indigenous terrestrial species to the island, Sewage and on-site effluent disposal, water provisioning from multiple sources (due to unreliability of rainfall and long-term sustainability of groundwater), and The use of the appropriate World Heritage colour palette for the island so buildings and infrastructure blend to the landscape with minimal negative visual amenity. <p>3i) The requirement for a Local Development Plan (LDP) would provide clear guidelines in regard to accommodation numbers by specifying limits for development of these lots. Without an LDP and Foreshore Management Plan, insufficient information is available for all parties to assess the impact of the proposal and the development has the potential to impact the World Heritage values of Dirk Hartog Island.</p>	<p>3i) The Shire Council has discretion to allow development to proceed without a Local Development Plan. All options have been outlined in the agenda report for Council consideration.</p>	
4. Department of Health	4a) The development is to have access from a sufficient potable water supply that is of the quality specified under the Australian Drinking Water Quality Guidelines 2004.	4a) Noted.	That the submission be noted.
Formal correspondence.	4b) Suitable provisions of an adequate on site effluent disposal area is to be accommodated in accordance with the Government Sewer	4b) On the 30 October 2019 Council resolved not to require detailed effluent disposal information for development	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<p>Policy (2019). A wet season 'site and soil evaluation' is required.</p> <p>4c) All food related areas are to comply with the <i>Food Act 2008</i> and related code.</p> <p>4d) All public areas are to comply with the <i>Health (Miscellaneous Provisions) Act 1911</i>.</p> <p>4e) An emergency response plan should be developed to address issues for areas subject to hazards.</p>	<p>applications that were lodged prior to 23 September 2019 that are currently being processed.</p> <p>TPI has liaised with the Shire Environmental Health Officer and provided Kieran Wardle with a separate application to install on site effluent disposal, which requires separate approval by the Department of Health.</p> <p>4c) Noted.</p> <p>4d) Noted.</p> <p>4e) Noted.</p>	
<p>5. Department of Planning, Lands and Heritage</p> <p>Land Use Planning</p>	<p>5a) We would like to note that the first application is on Lots 62 and 303 for the development of 23 camp sites (accommodating up to 80 people), 3 camp kitchens, 3 ablution blocks and several pedestrian and vehicle access ways. The second application which is on Lot 62 for the development of a visitor centre and bar/café, comprised of two transportable buildings designed to accommodate up to 25 people at a time.</p> <p>5b) We have reviewed both proposals and would like to advise on the following:</p>	<p>5a) Noted. Two separate applications were advertised concurrently.</p> <p>5b) Noted.</p>	That the submission be noted.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<p>5c) Coastal hazard risk management and adaptation planning The proposals lack supporting information regarding coastal processes making it difficult to determine whether they are located in appropriate areas that will not be subject to coastal processes during the 100-year planning time frame. However, given the proximity of the proposed development to the coast, it is likely that the subject area will be exposed to coastal processes within the planning time frame, therefore requiring the proponent to undertake adequate coastal hazard risk management adaptation planning.</p>	<p>5c) Noted.</p>	
	<p>5d) However, it is noted that the development proposals are easily relocatable should they be threatened by coastal hazards such as erosion. In addition, both development proposals have a relatively short lifespan (20 and 25 years). Therefore these policy requirements can be appropriately dealt with through conditions should the Shire decide to approve the proposals. It is recommended that the conditions imposed reflect the following points:</p> <ol style="list-style-type: none"> 1. Time limited approval based on the estimated lifespan of the development (20 years for the nature based park, and 25 years for the visitor centre and bar/café). 2. The development is to be removed or modified should it be threatened 	<p>5d) Noted. TPI has liaised with the applicant who has no objection to recommended conditions 1 and 2.</p> <p>Recommended conditions 3 is not applicant as an EEP forms part of any Bushfire Management Plan.</p>	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<p>by coastal erosion during the approval period.</p> <p>3. An emergency evacuation management plan be prepared.</p> <p>5e) Shire of Shark Bay Local Planning Scheme No.4 (LPS4)</p> <p>The subject site forms part of the Special Use zone under LPS4 (SU14) and is surrounded by a 'Environmental Conservation' reserve also under LPS4. The subject site and surrounds are also under Special Control Area (SCA(a)) - Shark Bay World Heritage Property.</p> <p>5g) We expect that the Shire will consider applying the provisions for SCA(a) and the conditions for SU14 under LPS4 during their assessment of both proposals. However, it is noted in provision 3 of <u>SU14</u>, that prior to commencement of development of the subject site a Local Development Plan (LDP) shall be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. Considering the nature of the proposals, although provision 6 of SU14 states that the local government may consider development in the absence of an LDP, an LDP is recommended in this instance.</p> <p>5h) We also expect the Shire will consider reviewing the proposals under the objectives of the Shire's Local Planning Strategy (LPS).</p>	<p>5e) Noted.</p> <p>5g) Noted. The Shire Council has discretion to allow development to proceed without a Local Development Plan. All options have been outlined in the agenda report for Council consideration.</p>	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

SCHEDULE OF SUBMISSIONS – LOT 62 DIRK HARTOG ISLAND (CAFE/BAR/VISITOR CENTRE)			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	Shark Bay Regional Strategy, Gascoyne Coast Sub-Regional Strategy and Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan No. 75 (2012) for Dirk <u>Hartog</u> Island.	5h) Noted.	
	5i) The subject site falls within a Bushfire Prone Area and is subject to State Planning Policy 3.7 – Planning in Bushfire Prone Areas and associated Guidelines. We understand that a Bushfire Management Plan has been provided to the satisfaction of the Shire and that the applicant/owner will apply the necessary requirements.		
	5j) It would be advisable for the Shire to refer the proposals to the Department of Biodiversity, Conservation and Attractions (DBCA), the Department of Water and Environmental Regulation, Tourism Western Australia (TWA) and the Shark Bay World Heritage Area (SBWHA).	5i) Noted.	
		5j) Noted. Consultation has been completed.	

27 NOVEMBER 2019

14.0 TOURISM, RECREATION AND CULTURE REPORT

14.1 BLUE TREE PROJECT
CS00001

AUTHOR

Community Development Officer

DISCLOSURE OF ANY INTEREST

Nil

Officers Recommendation

Council authorise the Shire Administration to represent Denham in the Blue Tree Project by painting a tree blue, located in the Information Bay on the corner of Shark Bay Road and Monkey Mia Road to raise awareness for mental health wellbeing.

Council include in the draft 2020/2021 budget deliberations an amount of \$1,500 to support Mental Health Week (October 2020) for community activities to continue raising awareness for mental health wellbeing.

AMENDMENT TO OFFICERS RECOMMENDATION

Reason: Council felt it appropriate to put signage at the site to help awareness why the tree is painted blue

Moved Cr Cowell
Seconded Cr Ridgley

Council Resolution

Council authorise the Shire Administration to represent Denham in the Blue Tree Project by painting a tree blue, located in the Information Bay on the corner of Shark Bay Road and Monkey Mia Road to raise awareness for mental health wellbeing, with appropriate signage being placed in close proximity to the site.

Council include in the draft 2020/2021 budget deliberations an amount of \$1,500 to support Mental Health Week (October 2020) for community activities to continue raising awareness for mental health wellbeing.

6/0 CARRIED

BACKGROUND

The Blue Tree Project concept is to paint and/or decorate a dead tree in the colour blue to help spark difficult conversation and encourage people to speak up when battling mental health concerns. The Blue Tree Project is a Western Australian initiative that is now recognised nationally by spreading the paint and spreading the message that "it's OK to not be OK" to help break down the stigma that's still largely attached to mental health.

The Australian Bureau of Statistics mental and behavioural conditions highlights:

27 NOVEMBER 2019

- In 2017-18, one in five (20.1%) or 4.8 million Australians had a mental or behavioural condition, an increase from 4.0 million Australians (17.5%) in 2014-15.
- In 2017-18, 3.2 million Australians (13.1%) had an anxiety-related condition, an increase from 11.2% in 2014-15.
- In 2017-18, one in ten people (10.4%) had depression or feelings of depression, an increase from 8.9% in 2014-15.

To date, the Blue Tree Project has 250 registered trees including our neighbouring Local Governments taking part in the project (Shire of Exmouth, Shire of Northampton and City of Greater Geraldton).

COMMENT

The Shire's Community Development Unit will project manage the Blue Tree Project and facilitate future community activities to continue raising awareness for mental health wellbeing. The collaborative project will involve participants from Real Futures Program and extend the invite to local community groups such as Shark Bay Men's Shed, Shark Bay Arts Council, Denham Crafters, along with other interested community members to partake in The Blue Tree Project in Denham.

The proposed location for the Blue Tree Project is to take place at the Information Bay on the corner of Shark Bay Road and Monkey Mia Road. The project will include painting the tree blue and constructing a sign with the message "it's OK to not be OK" to be displayed next to the tree. The project guidelines recommend painting the tree to a height that allows the higher branches of the dead tree to be absent of paint.



Picture: proposed project location, Information Bay on the corner of Shark Bay Road and Monkey Mia Road

The tree is located in an ideal position to be viewed by visitors travelling into Denham and Monkey Mia, as well as residents commuting on Shark Bay Road. The tree is well-structured and stable for this project to be completed.

27 NOVEMBER 2019

Mental Health Awareness Week is recognised annually, coinciding with World Mental Health Day on 10 October. It is proposed to include \$1,500 into the 2020/2021 Council budget deliberations to recognise Mental Health Week in October 2020 to continue raising awareness for mental health wellbeing. The funds can be used towards maintaining and/or expanding the current Blue Tree Project or community capacity building for mental health wellbeing initiatives for our community.

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

POLICY IMPLICATIONS

The budget recommendations comply with current Policies made by Council 2.2 Financial Assistance/Donations.

FINANCIAL IMPLICATIONS

It is estimated \$300 will be allocated from the 2019/2020 Community Development Projects/Activities budget to purchase materials for the Blue Tree Project.

Council include in the draft 2020/2021 budget deliberations an amount of \$1,500 to support Mental Health Week (October 2020) for community activities to continue raising awareness for mental health wellbeing.

STRATEGIC IMPLICATIONS

Social Objective: A safe, welcoming and inclusive community.

RISK MANAGEMENT

The participants involved in the project will require to be supervised due to working with heights while painting the tree. The Shire of Shark Bay staff will be onsite for the duration of the project.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Community Development Officer *C Uszko*

Chief Executive Officer *P Anderson*

Date of Report 15 November 2019

27 NOVEMBER 2019

14.2 SHARK BAY YOUTH GROUP ASSOCIATION INCORPORATED
CP00004

AUTHOR

Community Development Officer

DISCLOSURE OF ANY INTEREST

Nil

Officer Recommendation

1. Council approves the request by the Shark Bay Youth Group Association Incorporated for the free use of the Shark Bay Recreation Centre Courts to conduct Dodgeball sessions, every Thursday from 6pm-7pm during the ten weeks of school term one 2020 (6 February 2020 – 9 April 2020).

As per the Shire's Fees and Charges, The Shark Bay Youth Group are considered a long term seasonal user (once a week). The use of Council facility be subject to and in accordance with Council's Recreation and Culture Policy.

Or

2. A charge of \$427 or \$_____ as determined by Council is requested from Shark Bay Youth Group Association Incorporated, as per the Shire's Fees and Charges for long term seasonal use (once a week) for Shark Bay Recreation Centre Courts.

Moved Cr Ridgley
Seconded Cr Fenny

Council Resolution

Council approves the request by the Shark Bay Youth Group Association Incorporated for the free use of the Shark Bay Recreation Centre Courts to conduct Dodgeball sessions, every Thursday from 6pm-7pm during the ten weeks of school term one 2020 (6 February 2020 – 9 April 2020).

As per the Shire's Fees and Charges, The Shark Bay Youth Group are considered a long term seasonal user (once a week). The use of Council facility be subject to and in accordance with Council's Recreation and Culture Policy.

6/0 CARRIED

BACKGROUND

Over the past two years, the Shire has provided support to young people through the Shark Bay Youth Group's activities and programs conducted at the Recreation Centre facilities. This has included the free use of the Recreation Centre Courts to conduct Dodgeball sessions.

As a fundraising exercise, the Youth Group participants are charged a fee of \$2 per Dodgeball session. A rotational roster is organised by the Chairperson of the Shark Bay Youth Group for an adult to be in attendance to supervise the Youth Group.

At the November 2018 Ordinary Council meeting, Council endorsed the Recreation and Culture Policy –General stipulates:

27 NOVEMBER 2019

Section 1: *'Use of all Shire venues for fund raising activities is to be made available to as many local organisations as practicable and monopolising of prime venue booking times by any organisation is to be avoided when there are other organisations seeking to use the venue'*

Section 3: *'Bookings accepted on a regular basis may be cancelled to allow special events at the discretion of the Chief Executive Officer'.*

At the September 2019 Ordinary Council meeting, Council endorsed free use for the Shark Bay Youth Group to use the Shark Bay Recreation Centre courts during Term 4 2019 to conduct Dodgeball.

COMMENT

The Shark Bay Youth Group has requested to continue the use of the Shark Bay Recreation Centre Courts on Thursdays during Term 1 2020, to conduct Dodgeball sessions. The sessions continue to receive a consistent attendance from a variety of boys and girls, indigenous and culturally diverse youth.

Summary of attendance records during 2019 for Dodgeball sessions:

Term	Total Participants	Average attendance per session
Term 1 (10 weeks)	243	24
Term 2 (10 weeks)	180	18
Term 3 (10 weeks)	194	19
Term 4 (3 weeks)*	55	18

**data collated on 14 November 2019*

The Shark Bay Community Resource Centre has confirmed there is no booking conflict regarding the requested dates at the Shark Bay Recreation Centre Courts. As per Recreation and Culture Policy, bookings accepted on a regular basis may be cancelled to allow special events at the discretion of the Chief Executive Officer.

Participation in active recreation contributes to an individual's mental and physical well-being, and the development of strong networks and support structures within the community. The Shark Bay Youth Group sessions contribute to the recreation precinct activities and promotes the use of the Shark Bay Recreation Centre.

The sponsorship that the Shire is providing through the free use of the Shark Bay Recreation Centre, the Community Development Officer will encourage Shark Bay Youth Group to include the Shire's logo in any promotional materials (e.g. Inscription Post and Social Media) outlining "Proudly supported by the Shire of Shark Bay".

LEGAL IMPLICATIONS

There are no legal implications relating to this report.

POLICY IMPLICATIONS

Recreation and Culture

Standard Conditions for Hire of Shire Venues, Facilities and Equipment

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

FINANCIAL IMPLICATIONS

Fees & Charges Recreation Centre Room Hire – Community Groups

- Long-term Seasonal Use Community Groups (Shark Bay domiciled)
- Once a week user: \$427 annual charge

OR

\$_____ as determined by Council

STRATEGIC IMPLICATIONS

Social Objective: A safe, welcoming and inclusive community

3.1 Strong sense of spirit and pride in an inclusive community

3.1.2: Encourage inclusion, involvement and wellbeing

RISK MANAGEMENT

The Shark Bay Youth Group Association has provided their public liability insurance to the Shire Administration.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

C Uszko

Chief Executive Officer

P Anderson

Date of Report

15 November 2019

27 NOVEMBER 2019

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

13th November 2019

Dear Paul,

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

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

Shark Bay Youth Group's objectives are;

- 1). To afford the opportunity for personal development through the provision of programs that enhance life skills, self-image and vocational motivation in youth attending high school.
- 2). To provide an opportunity for social interaction for youth attending high school.
- 3). To generate in young people (youth attending high school) a sense of responsibility and ownership for the actions they undertake and to develop their citizenship and involvement in their communities.
- 4). To provide an opportunity for youth attending high school to develop as individuals and enjoy new challenges.

We are seeking your support in the use of the Shark Bay Recreation Centre Courts for our Dodgeball Sessions during Term 1 2020 from 6pm to 7pm.

The dates we are requesting for our Dodgeball Sessions in Term 1 2020 are;

Term 1 - 6/2, 13/2, 20/2, 27/2, 5/3, 12/3, 19/3, 26/3, 2/4 and 9/4.

Looking forward to your confirmation of our usage of the Shark Bay Recreation Centre Courts for our Term 1 Dodgeball Sessions for 2020.

Regards,



Rebecca Moroney
Chairperson
Shark Bay Youth Group Association Incorporated

27 NOVEMBER 2019

14.3 CLB FITNESS
CP00004

AUTHOR

Community Development Officer

DISCLOSURE OF ANY INTEREST

Nil

Officer Recommendation

1. Council approves the fee waiver request for additional (two hours per week) hire for CLB Fitness at Shark Bay Recreation Centre Courts and Town Oval, to conduct group fitness classes until 30 June 2020.

In response to the community's demand for CLB Fitness classes, Ms Butterworth is proposing an additional two classes per week (two hours per week) to be conducted on a Friday. In conclusion, the total number of hire hours will be six classes per week (six hours per week). The use of Council facility be subject to and in accordance with Council's Recreation and Culture Policy.

Or

2. An annual charge of \$840 or \$_____ as determined by Council is requested from CLB Fitness, as per the Shire's Fees and Charges for long term seasonal use – Community Groups (Shark Bay domiciled) twice or more a week for Shark Bay Recreation Centre Courts.

Or

3. An hourly fee is charged of \$50 per hour or \$_____ as determined by Council is requested from CLB Fitness, as per the Shire's Fees and Charges for Functions/Meetings Private less than or Equal to 5 hours. Total of \$3,000 for 30 weeks from 1 December 2019 – 30 June 2020.

Moved Cr Smith
Seconded Cr Fenny

Council Resolution

Council approves the fee waiver request for additional (two hours per week) hire for CLB Fitness at Shark Bay Recreation Centre Courts and Town Oval, to conduct group fitness classes until 30 June 2020.

In response to the community's demand for CLB Fitness classes, Ms Butterworth is proposing an additional two classes per week (two hours per week) to be conducted on a Friday. In conclusion, the total number of hire hours will be six classes per week (six hours per week). The use of Council facility be subject to and in accordance with Council's Recreation and Culture Policy.

6/0 CARRIED

27 NOVEMBER 2019

BACKGROUND

Mrs Chelsea Butterworth is the business owner and qualified Group Fitness Instructor for CLB Fitness, providing affordable group fitness classes for Shark Bay community members since October 2019.

At the September 2019 Ordinary Council Meeting, Council approved the request for CLB Fitness to hire the Shark Bay Recreation Centre Courts and Town Oval free of charge hire for four classes per week (four hours per week). The participants are charged \$10 per person, per class or \$50 per person for six classes. The duration of the free of charge hire aligns with the current financial year.

At the November 2018 Ordinary Council meeting, Council endorsed the Recreation and Culture Policy –General stipulates:

Section 1: *'Use of all Shire venues for fund raising activities is to be made available to as many local organisations as practicable and monopolising of prime venue booking times by any organisation is to be avoided when there are other organisations seeking to use the venue'*

Section 3: *'Bookings accepted on a regular basis may be cancelled to allow special events at the discretion of the Chief Executive Officer'.*

COMMENT

The Shire Administration has advised CLB Fitness of regular scheduled bookings at the Shark Bay Recreation Centre and Town Oval, therefore the requested additional hire is in line with current availability. As per the Shire's Recreation and Culture Policy, bookings accepted on a regular basis may be cancelled to allow special events at the discretion of the Chief Executive Officer. The Shark Bay Community Resource Centre and has confirmed no conflict of interest for CLB Fitness to conduct group fitness classes at the Shark Bay Recreation Centre.

CLB Fitness operates self-sufficiently by using their own equipment to conduct the fitness classes. Participation for each class varies from 3 – 9 participants and is attended by residents and tourists, variety of ages, gender and fitness capabilities. In addition, the Shark Bay Youth Group has recently engaged with CLB Fitness to provide weekly classes operating from Shark Bay School premises for six week period.

Participation in active recreation contributes to an individual's mental and physical well-being, and the development of strong networks and support structures within the community. CLB Fitness is providing the only organised group fitness classes in Denham and is contributing to the recreation precinct activities and promotes the use of the Shark Bay Recreation Centre facility. The Shark Bay community has responded positively to the new recreational activity and have requested additional classes as stated in Ms Butterworth's letter. Ms Butterworth is proposing an additional two classes per week (two hours per week). In conclusion, the total number of hire hours will be six classes per week (six hours per week).

CLB Fitness proposed weekly class schedule:

Day	Time	Location	Status
Monday	6am – 7am	Shark Bay Recreation Centre Courts	Approved
Tuesday	5:45pm – 6:45pm	Denham Town Oval	Approved
Wednesday	6am – 7am	Shark Bay Recreation Centre Courts	Approved

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Thursday	5:45pm – 6:45pm	Denham Town Oval	Approved
Friday	6am – 7am	Shark Bay Recreation Centre Courts	<i>Proposed</i>
Friday	9am – 10am	Denham Town Oval	<i>Proposed</i>
<i>Total: 6 hours per week</i>			

The sponsorship that the Shire is providing through the free use of the Shark Bay Recreation Centre and Town Oval, the Community Development Officer will encourage Mrs Butterworth to include the Shire's logo in any CLB Fitness promotional materials (e.g. Inscription Post and Social Media) outlining "Proudly supported by the Shire of Shark Bay".

LEGAL IMPLICATIONS

There are no legal implications relating to this report.

POLICY IMPLICATIONS

Recreation and Culture: Standard Conditions for Hire of Shire Venues, Facilities and Equipment.

FINANCIAL IMPLICATIONS

Fees & Charges Room Hire

- Twice or more week user: \$840 annual charge
OR
- \$3,000 for 30 weeks hire fee
OR
- \$_____ determined by Council.

STRATEGIC IMPLICATIONS

Social Objective: A safe, welcoming and inclusive community

3.1 Strong sense of spirit and pride in an inclusive community.

Economic Objective: A progressive, resilient and diverse economy

1.2 Support local business and further investment in the district encouraged.

RISK MANAGEMENT

CLB Fitness have provided a copy of their public liability insurance.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

C Uszka

Chief Executive Officer

P Anderson

Date of Report

15 November 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019



Mrs Chelsea Butterworth
56 Durlacher Street
Denham WA 6537

FAO: Paul Anderson and Members of the Council
Shire of Shark Bay
65 Knight Terrace
Denham WA
6537

6th November 2019

Dear Mr Anderson and Members of the Council

RE: Additional use of Shark Bay Recreation Centre & Town Oval

I am writing in regards to the fitness classes that I, Chelsea Butterworth of CLB Fitness have been conducting over the past 6 weeks. Each morning class that is held at the Recreation Centre at 6:00am tends to have anywhere between 4-9 participants and the evening classes that are held at 5:45pm on the Oval have between 3-8 participants. Each week the number of new clients is increasing this includes members of the local community and tourists. The community attending are from all different backgrounds, age, gender and fitness capabilities which shows that there is a general interest in the community to focus on their health and wellbeing both physically and mentally.

I have been asking clients for feedback on the classes weekly and have also had members of the community approach me for feedback and requests of my services. One of the feedback factors is to incorporate an additional morning class to my schedule preferably on a Friday at 6:00am and another piece of feedback is a request to conduct a class after the school drop off time as some want to attend however they do not have the care for their school aged children to be able to attend.

I am requesting that the Shire of Shark Bay provide me the use of the Recreation Centre on a Friday Morning at 6:00am and to have use of the Town Oval at 9:00am also on a Friday morning. I feel that these additional classes will benefit the community as it is helping people take charge of their fitness levels and providing them with the confidence, stress release and mental clarity they need for their day to day lives. I feel that these fitness classes are bringing the community together in a different way in which we are all interacting in a positive and encouraging environment.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019



Mrs Chelsea Butterworth
56 Durlacher Street
Denham WA 6537

If this is approved my schedule will be as follows:

Day:	Time:	Location:
Monday	6:00am	Recreation Centre
Tuesday	5:45pm	Town Oval
Wednesday	6:00am	Recreation Centre
Thursday	5:45pm	Town Oval
Friday	6:00am	Recreation Centre
Friday	9:00am	Town Oval

I appreciate you providing me with the use of the facilities currently and I look forward to hearing from you.

Kind Regards,

Chelsea Butterworth
Tel: 0450480793
Email: Chelseabutterworth@outlook.com

27 NOVEMBER 2019



PO Box 126,
Denham WA 6537
ph: 08 9948 1218
fax: 08 9948 1237
admin@sharkbay.wa.gov.au
www.sharkbay.wa.gov.au

F
A
C
I
L
I
T
I
E
S

Application Form - Regular User Facility Hire

Contact Name: Chelsea Butterworth	
Business / Organisation Name: CLB Fitness	
Address: 56 Durlacher Street	
Town/Suburb: Denham	P/Code: 6537
Phone:	Mobile: 0450480793
Email: chelseabutterworth@outlook.com	
Facility Required:	
Denham Hall <input type="checkbox"/>	Denham Foreshore – George Wear Park <input type="checkbox"/>
Denham Oval <input checked="" type="checkbox"/>	Rec. Centre Meeting Room <input type="checkbox"/> Rec. Centre Courts <input checked="" type="checkbox"/>
Other <input type="checkbox"/>	Overlander Hall <input type="checkbox"/>
Purpose of Hire: Group Fitness Classes	
How many people will be attending? (approx) 10	
Date/s: 6th December onwards	
Start Time: 5:30AM / 8:45AM	Finish Time: 7:00AM / 10:00AM
Please note: booking time must include set up and pack down time	
Is the function for profit (Commercial) <input checked="" type="checkbox"/> or not for profit (Private)? <input type="checkbox"/>	
Will Alcohol be consumed? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <i>If alcohol is to be consumed you will require permission from the Shire of Shark Bay and may need to obtain a licence from Department of Racing, Gaming and Liquor.</i>	
Will there be alcohol sold at the function? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <i>If alcohol is to be sold, you will require permission from the Shire of Shark Bay to accompany an application for a Liquor Licence from Dept. of Racing, Gaming and Liquor</i>	
Other Requirements?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Please attach a copy of any special requirements for this booking.

I am over the age of 18 years and agree that the above booking details are tentative until confirmed by the Shire of Shark Bay.


SIGNATURE OF APPLICANT

6/11/19
DATE

Please sign at the bottom of the next page to indicate that you have read and understood the Terms & Conditions of this facility booking.

Payment Details

Card Type Visa ☐ MasterCard ☐

Credit Number _____

Expiry Date _____

Name on Card _____

Office use only

☐
Booking
Confirmed

☐
Calendar
& Depot

☐
Bond
Received

☐
Invoice
Sent

☐
Payment
Received

27 NOVEMBER 2019



Terms and Conditions – Community Facilities

☒Hours of Hire

Bookings must be completed within the hours of hire.

☒Booking Payments

Booking payments are payable in advance or as arranged with the Shire of Shark Bay. If payment is not received in advance or as arranged, the Shire has the right not to allow the facility to be used until payment is made.

☒Building Access

Keys can be collected from the Shire of Shark Bay or as arranged with Customer Service.

☒Exiting the Buildings

Ensure all lights and equipment is switched off, including fans and air conditioners. Keys are to be returned to Shire of Shark Bay as soon as possible after the booking period ends.

☒Smoking

Smoking is not permitted in any Shire of Shark Bay buildings.

☒Cleaning

It is expected for all users to leave Community Facilities clean and tidy for the next user. All rubbish removed and placed in outside bin. If kitchen facilities used all dishes washed, benches wiped, floors cleaned as necessary. Stack chairs and tables neatly.

☒Waste

The Shire provides a standard number of bins for waste disposal. Hirers are responsible for all areas to be left clean and free of litter with waste placed in the bins provided.

☒Reporting of Damage

Damage to a Community Facility should be reported immediately to the Shire Office.

☒Alcohol Usage

Alcohol Consumption

If alcohol is to be consumed then you are required to apply for an **Alcohol Permit** obtained from the Shire of Shark Bay. Please allow 5 working days for approval. The Shire may also require you to obtain a licence from the Department of Racing Gaming, and Liquor.

Sale of Alcohol

A licence from the Department of Racing Gaming, and Liquor (DRGL) is required for the sale of alcohol. *Note:* DRGL require written permission from the Shire of Shark Bay confirming the booking prior to a licence being issued.

Public Liability

All clubs/groups are required to have Public Liability Insurance to cover their activities. (If so, please provide a copy of the certificate of currency to the Shire). Clubs/Groups that do not have Public Liability Insurance are encouraged to contact the Shire of Shark Bay for assistance.

Already provided

DECLARATION

I have read and understood the above Terms and Conditions – Community Facilities and agree to uphold them for the term of the hire agreement.

Chelsea-Louise Butterworth

Name


Signature

6/11/19

Date

27 NOVEMBER 2019



PO Box 126,
Denham WA 6537
ph: 08 9948 1218
fax: 08 9948 1237
admin@sharkbay.wa.gov.au
www.sharkbay.wa.gov.au

Application Form - Regular User Facility Hire

Other Requirements:

Example: Chairs, Sprinklers turned off etc.

Sprinklers turned off for the Oval booking.

F
A
C
I
L
I
T
I
E
S

27 NOVEMBER 2019

14.4 NINETY DEGREE FIVE 2016 INSCRIPTION EXHIBITION – RAC LOAN
ED00005

AUTHOR

Coordinator, Shark Bay World Heritage Discovery and Visitor Centre

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Bellottie
Seconded Cr Cowell

Council Resolution

That Council approves a loan extension of 12 months to the 10 pieces of the 2016 Inscription Collection displayed at the RAC Monkey Mia Dolphin Resort Malgana Centre. The loan agreement is for the purposes of a temporary public display,

And

That the Shark Bay World Heritage Discovery and Visitor Centre trained staff are involved in the packing and return of the chosen items at the end of the 12 month loan extension which will expire on 13 November 2020,

And

That the provenance of the artists, including the interpretations is protected.
6/0 CARRIED

BACKGROUND

At the November 2016 Ordinary Council Meeting, Council agreed to purchase the *2016 Inscription* Photographic Collection from Ninety Degree Five (ND5) for \$5,500. There is 40 pieces to the Collection – of which 37 are exhibition worthy. As part of the purchase, it was agreed by Council that the Collection would not be sold.

The Ninety Degree Five artists include, Peter Eastway, Michael Fletcher, Tony Hewitt, Christian Fletcher and Les Walkling.

The RAC sent a written request Council in October 2018 requesting a loan of up to twenty (20) items of the *2016 Inscription* Collection for a period of twelve months. Please see attached letter.

The pieces were chosen, condition reported and curated by trained Shark Bay Discovery and Visitor Centre staff for display at the RAC Monkey Mia Dolphin Resort Malgana Centre.

The loan agreement for this collection expired on the 13 November 2019, the RAC have requested a 12 month extension on the loan of the artworks.

27 NOVEMBER 2019

COMMENT

Since taking ownership in 2016, the Collection has formed an important element of the annual exhibition program for the Rose de Freycinet Gallery.

The current planned 2016 *Inscription* Collection program for the Gallery is from November 2019 to March 2020, and will be used to fill out the art work program in the gallery after June 2020. A combination of between 20-28 pieces are exhibited at any one time.

Central to the Collection, is the photographer's interpretation of their work which forms an essential component of the exhibition.

As part of the redevelopment of the Monkey Mia Dolphin Resort, the RAC has built the Malgana Centre. The intent of the Malgana Centre, which is open to the public, is to present and display cultural heritage information about the past and present Malgana people through works of art and other items of cultural significance.

If Council approve the extension of the loan agreement on the 10 pieces of artwork already displayed in the RAC Dolphin Resort Malgana Centre, the loan extension will expire on the 13th November 2020.

LEGAL IMPLICATIONS

Council to ensure they meet the obligations under Australian Arts Law - Moral Rights of the creator.

There is a requirement for a formal Loan Agreement between the Shire and the RAC for the selected pieces of the 2016 *Inscription* Collection.

POLICY IMPLICATIONS

There are no policy implication relating to this report

FINANCIAL IMPLICATIONS

The cost of staff hours in assisting with packing, transporting and storing of each chosen item once the loan agreement ends.

STRATEGIC IMPLICATIONS

Outcome 3.1 Strong sense of spirit and pride in an inclusive community.

RISK MANAGEMENT

There are no risks associated with this report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author *E Craig*

Chief Executive Officer *P Anderson*

Date of Report 19 November 2019

27 NOVEMBER 2019



23 October 2018

Paul Anderson
CEO
Shire of Shark Bay
65 Knight Terrace
Denham WA 6537

Dear Paul

RE: "2016 – Shark Bay: Inscription" Aerial Photography – Medium Term Loan

As part of the redevelopment of the Monkey Mia Dolphin Resort, we have built the Malgana Centre, which forms part of our arrivals building.

The Malgana Centre was built for the Malgana people to showcase the aboriginal heritage for the area. At present they are working with RAC to develop a Strategic and Operational Business Plan to develop the aboriginal cultural centre. The intent is that the Malgana Centre, which is open to the public, will present and display information about the past and present Malgana people, which is of significance.

Until the centre is finalised, we are looking at utilising the space to display the Malgana people's artworks, along with aerial images of Shark Bay, showing the relevance of this landscape to the Malgana people.

RAC would like to borrow, for display in the Malgana Centre, up to 20 of the "2016 – Shark Bay: Inscription" aerial photographs for a period of up to 12 months.

Working with the Malgana people, the photographs will be chosen, which present special meaning to the group and the meaning will be set out on a plaque to accompany the imagery when displayed.

We look forward to your support on this important initiative.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dean Massie', is written over a light blue horizontal line.

Dean Massie
General Manager Operations
RAC Parks and Resorts

rac.com.au

27 NOVEMBER 2019

15.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There are no motions of which previous notice have been given for the November 2019 Ordinary Council meeting.

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Moved Cr Fenny
Seconded Cr Ridgley

Council Resolution

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

16.1 Proposed Local Development Plan for Lot 304 Sunday Island Bay, Dirk Hartog Island

16.2 Infringement # O-FM-17709 – Monkey Mia Jetty.

6/0 CARRIED

16.1 PROPOSED LOCAL DEVELOPMENT PLAN FOR LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND
P4281

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved Cr Ridgley
Seconded Cr Smith

Council Resolution

That Council:

- A. Note that a Local Development Plan, Bushfire Management Plan and Flora Report has been lodged for Lot 304 Sunday Island Bay, Dirk Hartog Island.**
- B. Resolve to authorise the Chief Executive Officer to write to the applicant and request additional information that specifically addresses Clauses 3(i) to 3(vi) of the Shire of Shark Bay Local Planning Scheme No 4 and matters identified by Shire Administration as outlined in the body of this report and Attachment 3.**
- C. Note that the Shire has 7 days in which to assess whether any additional information lodged is sufficient to allow for processing and advertising of any revised Local Development Plan in accordance with Clause 49(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

27 NOVEMBER 2019

- D. Due to the statutory timeframe limitations, resolve to authorise the Chief Executive Officer to determine if any additional information lodged is sufficient to allow processing and advertising of a Local Development Plan.
- E. Endorse issue of an invoice to the applicant for the fee estimate outlined in Attachment 4. The fee has to be paid before any Local Development Plan will be processed.
- F. Note that staff and consultant availability may be limited over the Christmas / New Year period.

6/0 CARRIED

BACKGROUND

- ***Location***

Lot 304 is vacant land located adjacent to Sunday Island Bay on Dirk Hartog Island.

- ***Ownership***

Lot 304 is owned by DHI Developments Pty Ltd, John Gardner, Leon Hodges and Verity Hodges.

- ***General History***

Planning approval for 8 short term accommodation units (4 duplexes) and staff accommodation was originally issued on the 3 August 2015. At the time of the first approval, Lot 304 was zoned 'Rural/Pastoral' under the Shire of Shark Bay Local Planning Scheme No 3.

Since 2015, the owners have lodged several revised proposals and sought extensions of time to allow development to substantially commence.

A new 'Special Use' zone applicable to Lot 304 was introduced through the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme') with specific provisions outlining the matters to be addressed by any Local Development Plan.

The final provisions under Scheme 4 were approved by the Minister for Planning and became effective on the 1 October 2018 when the Scheme was gazetted.

On the 29 August 2019 Council resolved to:

1. Refuse an application to modify Condition (xix) of the planning approval dated 3 August 2015 for eight (8) short term accommodation units (4 duplex's) and (3) workers accommodation units.
2. Advised Geoff Wardle that a Local Development Plan needed to be prepared in accordance with the Scheme.

The full resolution is included in the August 2019 minutes.

27 NOVEMBER 2019

- ***Restrictive Covenant***

There is a restrictive covenant recorded on the Certificate of Title of Lot 304 which places limitations on the number of Visitor Accommodation Units to three times the number of hectares of land (rounded down), and includes other conditions such as restricting the use of the land to low impact ecotourism.

An 'Accommodation Unit' is defined in the covenant as '*means either or both a Visitor Accommodation unit and Staff Accommodation.*'

The term 'low impact' is defined as '*means low impact on the environment having regard to the number of tourists visiting the land and the facilities and other services provided for their use.*'

The covenants are administered by the Minister for Lands.

COMMENT

- ***Local Development Plan***

A Local Development Plan for Lot 304 prepared by Taylor Burrell Barnett was lodged on the 15 November 2019. A Bushfire Management Plan and Flora Assessment Report was also lodged.

The Local Development Plan is included as Attachment 1.

- ***Relevant Statutory Timeframes***

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* the Shire has 14 days from lodgement of a Local Development Plan to:

1. Decide there is sufficient information and accept the Local Development Plan for processing; or
2. Request additional information be lodged by the applicant.

Any request for additional information must be made to the applicant in writing by the 29 November 2019, hence the reason for this late report.

- ***Summary of Scheme Requirements***

The special use provisions applicable to the Special Use zone that applies to Lot 304 are included as Attachment 2.

For ease of reference the most relevant Scheme requirements are summarised in the table below:

Scheme Requirement under Schedule B	Town Planning Innovations Comment
3) Prior to commencement of development of any of the four lots a Local Development Plan <u>shall</u> be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and address the following:	The use of the term 'shall' in the Scheme means that it is a legal statutory requirement for these provisions to be met.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

<p>(i) A Management Plan that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material;</p>	<p>Not Provided.</p> <p>No Management Plan or substantial explanation of how the use will be managed has been lodged.</p> <p>There is no information on the estimated visitor numbers or numbers/use of private vehicles.</p> <p>The Local Development Plan includes a clause stating that a management plan will be provided at the subsequent development stage, however it needs to be provided up front to support the Local Development Plan.</p>
<p>(iii) Coastal setbacks in accordance with relevant state planning policy;</p>	<p>Not Provided.</p> <p>As part of a previous application for Lot 304 that had a different layout, a coastal setback report was lodged in 2014 by Damara. It recommended certain setbacks for different envelopes and examined finished floor levels.</p> <p>The Local Development Plan proposes an 11 metre setback to the ocean lot boundary which is different to the setback recommended in the Damara Report.</p> <p>No updated coastal setback report or addendum to the 2014 report to support the Local Development Plan has been provided.</p>
<p>(iv) Bushfire management in accordance with relevant state planning policy;</p>	<p>A Bushfire Management Plan has been lodged but is not supported.</p> <p>The Bushfire Management Plan is discussed separately in this report.</p>
<p>(v) An environmental report that demonstrates that the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. The report should include information on building envelopes, visitor numbers, a vegetation assessment and how biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved.</p>	<p>Not Provided.</p> <p>An environmental report has not been lodged.</p> <p>A flora assessment has been lodged however that is only addresses one environmental aspect.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

(vi) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island may be required by the Local Government.	<p>Not Provided.</p> <p>No detailed design guidelines have been lodged to guide the architectural quality or provide for a co-ordinated cohesive development.</p>
4) Any staged development is to address the requirements indicated in (3) above.	<p>Not Provided.</p> <p>No information on staging has been provided.</p>
7) Any development or Local Development Plan shall demonstrate alignment with the objective of the zone.	<p>Not Demonstrated.</p> <p>The Local Development Plan refers to short stay however it uses the term 'visitor accommodation units' which does not align with any land use defined in the Shires Scheme.</p> <p>The Local Development Plan does not specify the proposed future land uses.</p> <p>It is not clear if each envelope will be developed for exclusive use of a co-owner or if any unit will be used for short stay by the general public (and how it will be managed).</p>
10) A Foreshore Management Plan may be required and referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) for endorsement where a physical foreshore exists between the site and the coast as a condition of development.	<p>No new foreshore management plan has been lodged.</p> <p>The Shire has an old Foreshore Management Plan on file which was related to a previous application for 7 units. The layout of the envelopes has since changed.</p>
11) A Visual Impact Assessment may be required to demonstrate that any development will not negatively impact on World heritage values or detract from the scenic quality of the land.	<p>Not Provided.</p> <p>If a visual impact assessment is not provided then the Local Development Plan needs to identify triggers for when one will be required.</p>

The purpose of a Local Development Plan is to significantly address the Scheme requirements in a comprehensive manner so as to guide future development, and form a basis for decision making by the Shire on any future development applications.

A thorough Local Development Plan will essentially pave the way for future development applications, and the subsequent development application process should then be relatively straightforward.

27 NOVEMBER 2019

The Local Development Plan as submitted does not address the Scheme requirements and does not provide detailed guidance for future development or decision making.

Town Planning Innovations has undertaken a preliminary assessment of the Local Development Plan which is summarised in Attachment 3.

It is recommended that the Shire request that the applicant provide additional information.

- *Bushfire Management Plan*

A Bushfire Management Plan has been prepared by Ecosystem Solutions.

TPI has a number of concerns over the Bushfire Management Plan however the most prevalent issues are:

- The current Western Australian Planning Commission Statement Position Statement: Tourism Land Uses in Bushfire Prone Areas (Nov 2019) requires an on-site shelter building that can accommodate all guests and staff and be designed to withstand a bushfire attack in the form of wind, smoke, embers, radiant heat and flame contact. The building is to have a sufficient separation distance from the predominant bushfire prone vegetation to avoid exposure to a radiant heat flux exceeding 10kW/m² (with an assumed flame temperature of 1200K).
- The current Western Australian Planning Commission Position requires any on site shelter to be purposed built, designed and certified by a suitably qualified fire engineer.
- The Bushfire Management Plan proposes that all guests stay in the 33 proposed habitable buildings in the event of a fire. It does not provide justification as to why a purpose built shelter is not proposed other than referencing the development as 'unavoidable'.

Construction of accommodation to a higher Australian Standard does not make them safe for on-site shelter. Guests will be isolated from staff, may panic and make dangerous choices. It would be difficult to keep track of guest movements.

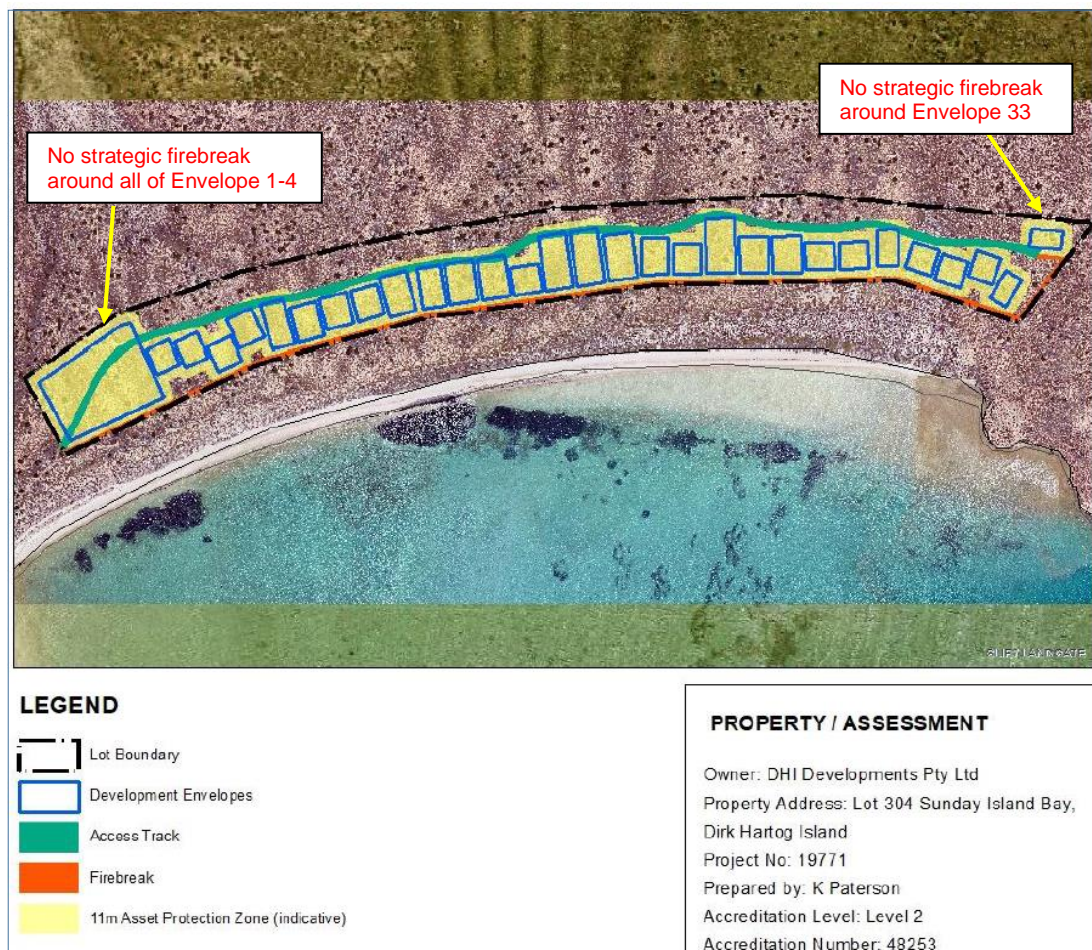
- The Bushfire Management Plan assumes that guests can read and understand the English language.

There is no area for guests to evacuate to if habitable buildings catch on fire and no rescue is available.

- The Shire's firebreak notice requires 2 metre firebreaks around the perimeter lot boundaries.

The Bushfire Management Plan proposes strategic fire breaks combined with an access track for separation to vegetation. That concept is supported, however the Bushfire Management Plan does not provide any strategic firebreaks around part of Envelopes 1-4 or Envelope 33.

27 NOVEMBER 2019



Extract Bushfire Management Plan with Town Planning Innovations notes in red text

- Unlike Lot 303 Dirk Hartog Island which is located close to the beach so could access an open beach evacuation area (which was supported by the Shire), Lot 304 is some distance from the beach therefore maximising safety for shelter on site is of greater importance.
- As Lot 304 is surrounded by vegetation on all sides it is recommended consideration be given to increasing the width of strategic fire breaks from 4 metres to 6 metres consistent with the track width for increased separation to any potential fire source.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 4 – The special use provisions applicable to these lots are included as Attachment 2.

Planning and Development (Local Planning Schemes) Regulations 2015 - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Shark Bay Local Planning Scheme No 4.

27 NOVEMBER 2019

The Regulations outline statutory timeframes for processing Local Development applications which are referred to in the body of this report.

Planning and Development Regulations 2009 – The Shire is required to provide the applicant with a fee estimate within 14 days of receiving the Local Development Plan. The estimate is based on fixed maximum hourly rates and an estimate of officer time.

A conservative fee estimate is included as Attachment 4.

POLICY IMPLICATIONS

- ***State Planning Policy 3.7 Planning for Bushfire Protection***

State Planning Policy 3.7 states that any Bushfire Management Plan and Bushfire Attack Level assessment should be prepared by an accredited Bushfire Planning Practitioner.

Fire practitioners are accredited through Fire Protection Association Australia which is the national peak body for fire safety. The Bushfire Management Plan for Lot 304 has been prepared by a Level 3 accredited bushfire consultant.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Shark Bay Local Planning Strategy recognises potential for eco tourism on freehold lots at Dirk Hartog Island.

Although this is not a Shire document, it is noted that there is a 'Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan' (2012) produced by the then known Department of Environment and Conservation (now known as the Department of Biodiversity, Conservation and Attractions).

Relevant to Lot 304 it states:

- Dirk Hartog Island currently provides tourist accommodation and services at the homestead. The proposed ecotourism development on Dirk Hartog Island within the freehold lots at Sunday Island Bay and adjacent to the homestead lot is likely to result in an increased level of commercial tourism on the island.
- Following analysis to define the type and level of recreation that can be sustained on Dirk Hartog Island National Park, a number of visitor management settings have been proposed for the Island including 'Highly Modified', 'Recreation', 'Natural-Recreation' and 'Natural'.
- The freehold homestead and proposed adjacent lot and the proposed Sunday Island Bay freehold lots have a 'Highly Modified' setting. In these areas there will be high-level recreation, education and interpretation and group activities specifically catered for.
- Private tourism developments exist and others are likely to be proposed for Dirk Hartog Island. It is important that, such tourism developments do not adversely

27 NOVEMBER 2019

impact on World Heritage and other key values and this will be monitored through the approvals process.

- Dirk Hartog Island currently provides tourist accommodation and services at the homestead. The eco-tourism development at the homestead and the proposed eco-tourism development within the freehold lots at Sunday Island Bay and area adjacent to the homestead is likely to result in an increased level of commercial tourism on the island.
- Creation of the proposed national park and the proposed development of eco-tourism accommodation with the freehold lots on Dirk Hartog Island, will increase demand for the development of day-use sites on the island over the life of this plan.

RISK MANAGEMENT

The Shire may be liable if it knowingly approves a Bushfire Management Plan that is not in accordance with the Western Australian Planning Commission State Position Statement: Tourism Land Uses in Bushfire Prone Areas.

The Shire may engage an independent accredited fire consultant to review the Bushfire Management Plan to gain independent advice if desired.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

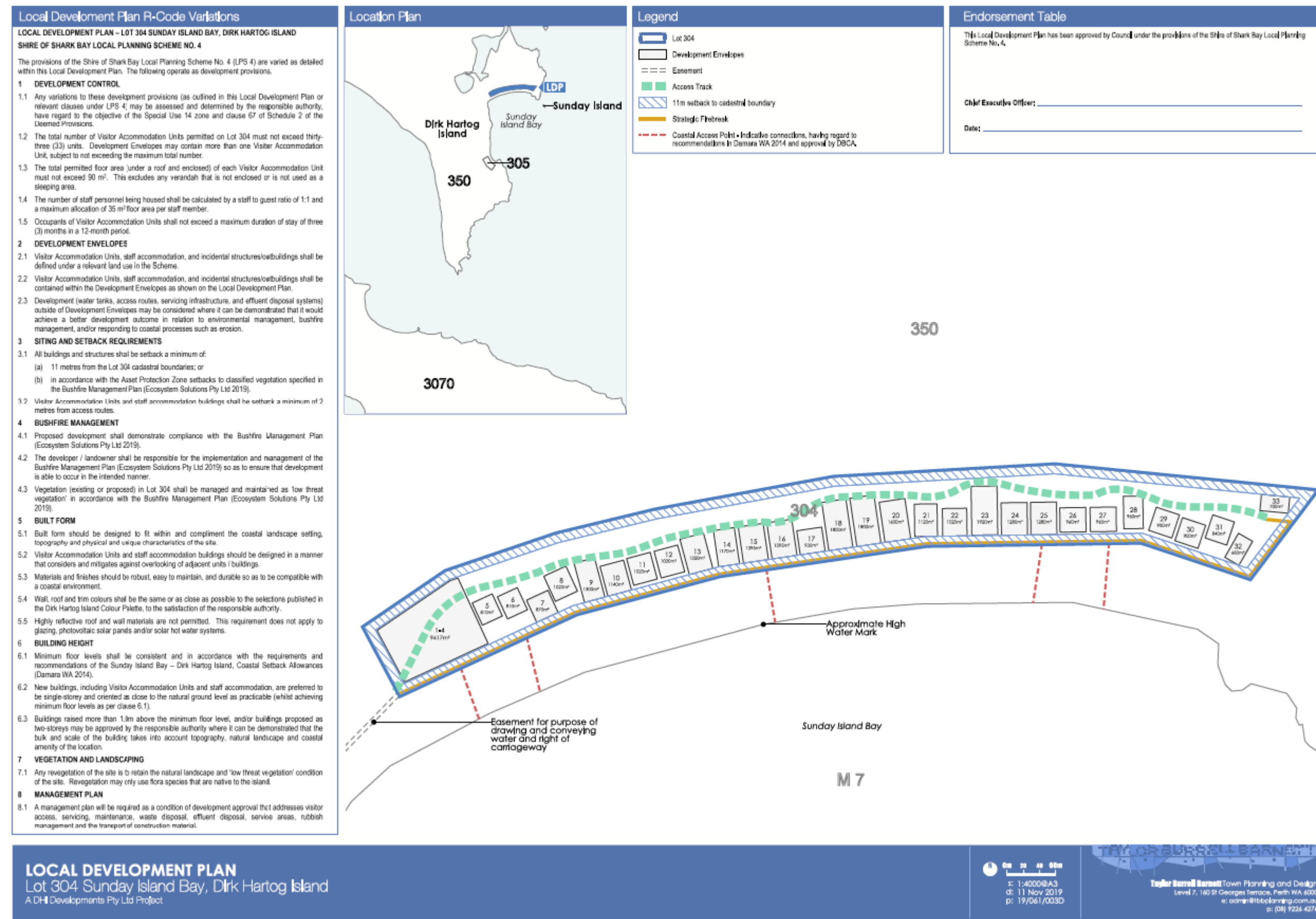
P Anderson

Date of Report

26 November 2019

27 NOVEMBER 2019

ATTACHMENT # 1



27 NOVEMBER 2019

ATTACHMENT # 2

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island	<p>As 'D' Use:</p> <ul style="list-style-type: none"> Ancillary dwelling Bed and breakfast Camping ground Caravan park Car park Convenience store Educational establishment Exhibition centre Fuel depot Holiday accommodation Holiday house Home occupation Home office Liquor store-small Motor vehicle, boats or caravan sales Nature based park Office Recreation-private Restaurant/cafe Shop Single house Tourist development Workforce accommodation Waste storage facility Waste disposal facility <p>As 'A' Use:</p> <ul style="list-style-type: none"> Airfield 	<p>1) The objective of this zone is to provide for eco-tourism development.</p> <p>2) No subdivision of lots shall be permitted.</p> <p>3) Prior to commencement of development of any of the four lots a Local Development Plan shall be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and address the following:</p> <p>(i) A Management Plan that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material;</p> <p>(ii) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;</p> <p>(iii) Coastal setbacks in accordance with relevant state planning policy;</p> <p>(iv) Bushfire management in accordance with relevant state planning policy;</p>

27 NOVEMBER 2019

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island (continued)		<p>(v) An environmental report that demonstrates that the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. The report should include information on building envelopes, visitor numbers, a vegetation assessment and how biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved.</p> <p>(vi) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island may be required by the Local Government.</p> <p>4) Any staged development is to address the requirements indicated in (3) above.</p> <p>5) The local government will have due regard to coastal setbacks and bushfire management in accordance with relevant state planning policies and Clause 67, Schedule 2, Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

27 NOVEMBER 2019

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island (continued)		<p>6) Notwithstanding condition (3), the local government may consider development in the absence of a Local Development Plan as provided for under Clause 56(2), Schedule 2, Part 6, of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>7) Any development or Local Development Plan shall demonstrate alignment with the objective of the zone.</p> <p>8) Any development or Local Development Plan shall be referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services), the Shark Bay World Heritage Advisory committee and the Department of Planning Lands and Heritage for comment prior to determination.</p> <p>9) Any design guidelines that form part of a Local Development Plan approved by the Local Government shall be enforced as if the requirements form part of the Scheme.</p> <p>10) A Foreshore Management Plan may be required and referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) for endorsement where a physical foreshore exists between the site and the coast as a condition of development.</p> <p>11) A Visual Impact Assessment may be required to demonstrate that any development will not negatively impact on World heritage values or detract from the scenic quality of the land.</p>

27 NOVEMBER 2019

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island (continued)		12) In relation to the land use 'Motor vehicle, boats or caravan sales' only hire of motor vehicles, boats or caravans may be considered by the local government.
SU15	Lot 142 Denham Road / corner Oakley Ridge, Denham	<p>As 'P' use:</p> <ul style="list-style-type: none"> • Single house • Home office <p>As 'I' use:</p> <ul style="list-style-type: none"> • Car park <p>As 'D' use:</p> <ul style="list-style-type: none"> • Aged care facility • Bed and breakfast • Grouped dwelling • Holiday accommodation • Holiday house • Home Occupation • Tourist development <p>As 'A' use:</p> <ul style="list-style-type: none"> • Park Home Park • Workforce accommodation 	<p>1) The objective is to provide flexibility for a wide range of tourist accommodation and cater for single or grouped dwellings which may also be used for holiday accommodation, guided by a Local Development Plan.</p> <p>2) Development of the site shall be generally in accordance with an approved Local Development Plan, which has been prepared in accordance with Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and approved by the local government.</p> <p>3) A Local Development Plan can ensure a mix of landuses are strategically planned for and coordinated to the satisfaction of the local government.</p> <p>4) Notwithstanding Condition (2), the local government may consider development prior to the approval of a Local Development Plan as provided for under Clause 56(2), Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
SU16	Lot 91 Monkey Mia Road, Denham	<p>As 'P' use:</p> <ul style="list-style-type: none"> • Airfield • Carpark 	1) The intent of this Special Use zone is to recognise the established Shark Bay airport as an essential component of regional transport infrastructure.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

ATTACHMENT # 3

Requirement under Schedule B-Special Use Zones – Shire of Shark Bay Local Planning Scheme No 4	Preliminary Assessment / Notes	Additional Information Recommended
3) Prior to commencement of development of any of the four lots a Local Development Plan <u>shall</u> be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and address the following:	The use of the term ‘shall’ means it is a requirement of the Scheme that any Local Development Plan address the criteria listed under Clause 3 (i) to 3(vii).	
(i) A Management Plan that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material;	<p>Currently there are already a number of owners of the lot. Development may continue in stages and there may additional future co-owners. It is important that a Management Plan form part of the LDP. Unless management is addressed ‘up front’ it can occur in a piecemeal ad hoc manner which is undesirable from the Shires perspective.</p> <p>There is no information indicating who or how the development will be managed. There is potential for each accommodation unit to be individually owned for exclusive use which is not in line with the zone objective.</p> <p>The application needs to further explain the proposal and how it will be managed.</p>	<p>A Management Plan is required and has not been submitted.</p> <p>Require information on any on-site manager presence which is important for implementation of any BMP and EEP.</p> <p>Seek explanation as to whether Accommodation Units will be individually purchased and used for exclusive use, or whether the units will be available to the public when not in use by the owners (and how that will be managed / achieved).</p> <p>Seek advice on vehicle numbers and if each ‘envelope’ may accommodate large groups and more than one vehicle.</p>
(ii) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;	<p><u>High architectural quality</u> – not addressed. Can be addressed through detailed design guidelines which can form part of the LDP or adopted as a local planning policy.</p> <p>Low scale - The LDP only states that there is a preference for single storey and two</p>	<p>Require Design Guidelines to achieve a co-ordinated and cohesive development outcome.</p> <p>Include provisions that require development to be low scale consistent with the Scheme, and include triggers for a Visual Assessment – eg if development is</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

	<p>storey development may be approved by the responsible authority.</p> <p>There is nothing to prevent applications multiple storey buildings in an envelope.</p>	<p>more than two storeys (with loft) or above a specified building height.</p>
(iii) Coastal setbacks in accordance with relevant state planning policy;	<p>The LDP does not fully address coastal setbacks. A coastal report by Damara WA Pty Ltd was previously lodged in 2014. The last letter from Damara was dated 21 November 2014 recommending changes to building envelope locations.</p> <p>The layout of envelopes in the LDP is different to the layout included in the 2014 Damara report, therefore revised information is needed to support the LDP.</p> <p>The 11 metre setback to the ocean side lot boundary appears inconsistent with the setback advice by Damara WA Pty Ltd.</p>	<p>Updated report on coastal setbacks to support LDP or Addendum by Damara Pty Ltd supporting the revised envelope layout.</p> <p>The LDP plan to include:</p> <ul style="list-style-type: none"> - The Erosion setback 2020 line from the Damara Report; - Revised setbacks that address coastal processes. <p>The LDP provisions should provide guidance on minimum FFL for future development otherwise 4.2m above AHD will be applied as per Clause 32.1(b) of the Scheme.</p> <p>The LDP needs to consider the recommendations from the 2014 report. May need to acknowledge the need for future relocation or planned retreat.</p>
(iv) Bushfire management in accordance with relevant state planning policy;	<p>A Bushfire Management Plan has been lodged. Any BMP will need to be referred to DFES for comment.</p>	<p>Require revised BMP that addresses all aspects of the WAPC Position Statement Tourism Land Uses in Bushfire Prone Areas (and includes Table 2 from that statement.)</p> <p>Additional advice:</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

		<ul style="list-style-type: none">- The use of the 33 proposed habitable buildings for sheltering on site is not supported. Guests will be isolated from staff and may panic. It would be difficult to keep track of guest movements. Construction to the higher Aust Standard does not necessarily make the units safe for on site sheltering, and there is a higher risk as no emergency services are likely to attend the lot.- There is no area for guests to evacuate to if habitable buildings catch on fire and no rescue is available.- If shelter is to be on site the BMP needs to include more than one contingency.- Current WAPC Position Statement (Nov 2019) requires an on site shelter building that can accommodate all guests and staff and be designed to withstand a bushfire attack in the form of wind, smoke, embers, radiant heat and flame contact. The building is to have a sufficient separation distance from the predominant bushfire prone vegetation to avoid exposure to a radiant heat flux exceeding 10kW/m2 (with an assumed flame temperature of 1200K). The BMP does not justify why this cannot be achieved.
--	--	---

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

		<ul style="list-style-type: none">- Any shelter should be a purpose built building consistent with the current WAPC Position Statement.- Any shelter building will need to be designed and certified by a suitably qualified fire engineer.- Concern over statement '<i>Any assistance in an emergency situation would be provided via air or sea.</i>' The BMP should recognise there may not be any assistance provided in an emergency situation due to the remoteness of the site.- The BMP refers to an APZ 9m upslope/flat, 10m downslope 0-5 degrees and 11 upslope flat. The mapping only shows downslopes (eg Figure 3).- Figure 12 should show a 6m access track and strategic fire break width to reflect the BMP recommendation.- Request that Figure 12 include some notes about the requirements for passing bays etc- The strategic firebreak needs to be extended and form a perimeter around all envelopes including envelope 1-4, and envelope 33. Due to the distance to the beach a 6 metre perimeter firebreak should be considered.
--	--	---

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

		<ul style="list-style-type: none">- Request all mapping include numbered envelopes consistent with the LDP.- Clarify if G Wardle will be the 'landowner/manager' responsible for implementation of the BMP and EEP, and/or who will be on site at all times of development occupation to implement the EEP.- Clarify if any refuge open space is proposed as it is listed under 14. on page 35. No refuge open space area is shown on the maps.- Modify Table 4 to delete Shire responsibilities and include in Table 3 the following:<ol style="list-style-type: none">1. The co-owners of Lot 304 understand, agree to and accept that the Shire will impose a condition on any development approval that: 'A notification, pursuant to Section 70A of the Transfer of Land Act 1983, is to be placed on the certificate of title of Lot 304 with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). <p>The notification is to state as follows: "This land is within a bushfire prone area as designated</p>
--	--	--

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

		<p>by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements apply to development on this land’.</p> <ul style="list-style-type: none"> - Modify Table 3 to state ‘<i>The co-owners of Lot 304 shall be responsible for all costs associated with registering a Notification on the Certificate of Title of Lot 304 as required by any condition of any development approval issued by the Shire of Shark Bay.</i>’ - Modify Table 3 to make it clear that G Wardle or any employed on site manager or an owner (whatever the arrangements are) will be in residence on Lot 304 at all times that any habitable building is being occupied to implement the recommendations of this BMP and EEP. - The track access crosses over envelope boundaries on some of the maps, however the LDP cites a 2 metre setback to the track. - The BMP states that ‘<i>This report is valid for a period of two years only from the date of its issue. All BAL ratings identified in this report are indicative and are required to be verified at the time of construction of individual</i>
--	--	---

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

		<p><i>buildings to ensure appropriate setbacks identified in the Site/building have been achieved.'</i> How will this be achieved? Further sign off by fire consultant at building permit stage? Should be listed as landowner responsibility.</p> <ul style="list-style-type: none"> - Can the maps show the dimensions of the BAL's for ease of application at DA stage? Attachment 3. - BMP only recommends that a dedicated trailer with a water supply and independent pump be available during the fire season. Given the risks this should be an owner responsibility. - BMP only requires a 10,000 litre water tank per envelope however the LDP allows for more than one accommodation unit in each envelope. Not consistent with the current WAPC Policy Statement which requires 10,000 litres per building/structure. - Explain how water will be deployed from water tanks if fire services not able to attend.
<p>(v) An environmental report that demonstrates that the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. The report should include information on building envelopes, visitor numbers, a vegetation assessment and how biosecurity</p>	<p>An environmental report has not been lodged.</p> <ul style="list-style-type: none"> - low impact on the natural environment <p>Not addressed.</p>	<p>An environmental report is required and has not been submitted.</p> <p>It is recommended any environmental report should be</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

<p>measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved.</p>	<ul style="list-style-type: none"> - not compromise the high conservation values Not addressed. - have regard for the need to protect the ecological values and special attributes of the island. Not addressed. <p>Building envelopes Provided</p> <p>Visitor numbers Not Addressed. Number of units is limited to 33 but visitor number estimates are not known.</p> <p>A vegetation assessment Provided. A vegetation report has been lodged.</p> <p>How biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved.</p> <p>Not Provided. Can likely be sourced through DBCA documents however proponent should explain any measures they will take to educate guests.</p>	<p>prepared by a suitably qualified environmental consultant.</p> <p>Any environmental report will be referred to DBCA.</p>
<p>(vi) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island may be required by the Local Government.</p>	<p>Not provided. There is potential for a different design within each building envelope and an uncoordinated development outcome.</p>	<p>Detailed design guidelines are required and have not been submitted.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

4) Any staged development is to address the requirements indicated in (3) above.	To date, new owners have 'purchased' an envelope and development has potential to be staged. It is not clear if the current situation is proposed to continue, or whether the existing co-owners intend to build any first stage of development. No information on staging has been provided.	Additional information on operation and staging.
5) The local government will have due regard to coastal setbacks and bushfire management in accordance with relevant state planning policies and Clause 67, Schedule 2, Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .	Noted. This is a criteria that forms part of the local governments assessment of the LDP.	N/A
7) Any development or Local Development Plan shall demonstrate alignment with the objective of the zone.	The objective of the special use zone applicable to Lot 304 is to provide for eco-tourism development. No information has been lodged referencing the objective of the zone or any detailed information on an eco-tourism use.	Written planning report in support of the LDP that specifically addresses the provisions of the Shire of Shark Bay Local Planning Scheme No 4. Include provision in the LDP that states 'Lot 304 is zoned Special Use (No 14) under the Shire of Shark Bay Local Planning Scheme No 14 and specific conditions apply to any future development. The objective of the Special Use zone is to provide for eco-tourism development.' Explain how it is eco tourism and how guests will be educated to minimise their impact.
10) A Foreshore Management Plan may be required and referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) for endorsement where a physical foreshore exists between the site and the coast as a condition of development.	An older foreshore management plan exists dated December 2014 however it was only for 7 accommodation units and needs to be updated to address access for guests on Lot 304 to the beach.	Require revised foreshore management plan. Recommend owners consult with DBCA on a revised report and access to the beach.
11) A Visual Impact Assessment may be required to demonstrate that any development will not negatively impact on World heritage values or detract from the scenic quality of the land.	Not considered by LDP.	Suggest LDP include triggers for visual assessment – eg development

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

		more than 2 storeys with a loft or buildings above a specified height.
General Comments on LDP		
The LDP provisions refer to 'Visitor Accommodation Units' which are not defined under the Shire of Shark Bay Local Planning Scheme No 4.	<p>The proposed land uses are not described in a way that aligns with the land use terms under the Shires Scheme.</p> <p>The use of the term 'Visitor Accommodation Unit' will cause uncertainty as it is not consistent with any of the uses listed as 'D' (discretionary) for this special use zone.</p>	<p>The LDP should use terms that are consistent with terms in the Shires Scheme or the Regulations.</p> <p>The proposed land uses should be explained – ie whether it is a tourist development, holiday accommodation, workforce accommodation.</p> <p>It is unclear whether any other ancillary uses such as vehicle hire, offices for tours etc are proposed.</p> <p>Use the term 'local government' instead of 'responsible authority'. The term local government is defined in the Deemed Provisions, Schedule 2, Part 1 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
Clause 1.1 1.1 Any variations to these development provisions (as outlined in this Local Development Plan or relevant clauses under LPS 4) may be assessed and determined by the responsible authority, have regard to the objective of the Special Use 14 zone and clause 67 of Schedule 2 of the Deemed Provisions.	Duplication of Deemed Provisions that already automatically applies.	Delete. Not required.
Clause 2.2 1.2 The total number of Visitor Accommodation Units permitted on Lot 304 must not exceed thirty-three (33) units. Development Envelopes may contain more than one Visitor Accommodation Unit, subject to not exceeding the maximum total number.	<p>Concern that the clause allows more than one 'Visitor Accommodation Unit' in an envelope and lack of information on staging.</p> <p>If for example, the first 15 envelopes are developed with 2 visitor accommodation units then 30 visitor accommodation units will result.</p> <p>The LDP will show a remaining 18 envelopes that can only accommodate 3 visitor accommodation units. Some of the</p>	<p>Clarify implementation and review practical implementation of this clause to address Shire concerns. Recommend provisions be strengthened.</p> <p>If the LDP allows for more than one visitor accommodation per envelope the applicant is requested to consider additional clauses for increased clarification. Example clauses</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

	<p>remaining envelopes will then be restricted to other uses (such as Workforce accommodation, office etc). New landowners may have expectations they can develop in the vacant envelopes. The LDP creates uncertainty and needs to provide greater clarity to guide the Shire in future decision making.</p>	<p>provided below for guidance/consideration:</p> <p>1.3 Despite any envelope layout shown on this Local Development Plan once Lot 304 has been issued with development approval for 33 (eg holiday accommodation units – if that is what is proposed) by the local government the use and development of any remaining envelopes shall be limited to:</p> <ul style="list-style-type: none"> - Workforce accommodation - office <p>subject to specific approval of the local government.</p> <p><i>* Wording to be refined by applicant. Proposed land uses are not explained in the LDP.</i></p> <p>1.4 The local government shall not approve more than a total of 33 holiday accommodation units on Lot 304. Once the local government has issued development approval for 33 (holiday accommodation) units, no additional approvals for holiday accommodation units shall be granted under any circumstances. This can replace part of Clause 1.2.</p> <p>1.5 The number of envelopes depicted on this Local Development Plan may be reduced and restricted by the permissible maximum number of holiday accommodation units or</p>
--	---	--

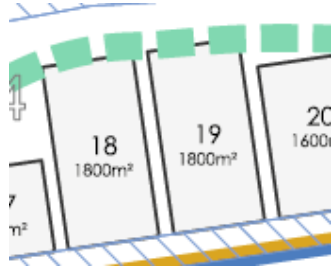
MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

		<p>work force accommodation units outlined in Clause 1.2 and 1.4.</p> <p>1.6 Where there is a conflict between the number of envelopes shown the LDP and any written clause, the written clause shall prevail.</p> <p>1.7 The number of building envelopes shown the LDP is nominal and not all of the building envelopes may be able to be built on.</p>
<p>Clause 2.3</p> <p>2.3 Development (water tanks, access routes, servicing infrastructure, and effluent disposal systems) outside of Development Envelopes may be considered where it can be demonstrated that it would achieve a better development outcome in relation to environmental management, bushfire management, and/or responding to coastal processes such as erosion.</p>	<p>May be too restrictive particularly for water tanks and effluent disposal.</p>	<p>Re-word</p> <p>All ancillary development including water tanks, car parking, servicing infrastructure, ancillary outbuildings and effluent disposal systems are to be contained within a development envelope depicted on this Local Development unless otherwise approved by the local government having regard for:</p> <ul style="list-style-type: none"> - Soil suitability for effluent disposal; - Minimising removal of remnant vegetation; - Bushfire management; - Coastal impacts such as erosion; - Any other practical considerations such as topography; - Minimising the visual impact as viewed from

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

		<p>the ocean side of Lot 304.</p> <p>The Shire may require an updated flora report or vegetation information for any clearing outside of a development envelope.</p>
<p>Clause 3.1</p> <p>3.1 All buildings and structures shall be setback a minimum of:</p> <p>(a) 11 metres from the Lot 304 cadastral boundaries; or</p> <p>(b) in accordance with the Asset Protection Zone setbacks to classified vegetation specified in the Bushfire Management Plan (Ecosystem Solutions Pty Ltd 2019).</p>	<p>Consider coastal setbacks</p>	<p>LDP needs to consider coastal and erosion setbacks 2070 (Damara report).</p> <p>Bushfire Management Plan may change so clause b) should refer to any Bushfire Management Plan and / or BAL Assessment approved by the local government.</p>
<p>Clause 3.2</p> <p>3.2 Visitor Accommodation Units and staff accommodation buildings shall be setback a minimum metres from access routes.</p>	<p>It is understood the LDP is indicative however the access track traverses the envelopes.</p>	<p>Move track to north of envelope boundaries.</p>  <p>Show track as 6m wide as per BMP.</p> <p>Show strategic firebreak width as per BMP.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

<p>4 BUSHFIRE MANAGEMENT</p> <p>4.1 Proposed development shall demonstrate compliance with the Bushfire Management Plan (Ecosystem Solutions Pty Ltd 2019).</p> <p>4.2 The developer / landowner shall be responsible for the implementation and management of the Bushfire Management Plan (Ecosystem Solutions Pty Ltd 2019) so as to ensure that development is able to occur in the intended manner.</p> <p>4.3 Vegetation (existing or proposed) in Lot 304 shall be managed and maintained as 'low threat vegetation' in accordance with the Bushfire Management Plan (Ecosystem Solutions Pty Ltd 2019).</p>	<p>The Bushfire Management Plan is valid for 2 years and may change.</p> <p>This needs to be reflected in the LDP.</p>	<p>The Bushfire Management Plan is valid for 2 years and may change so Clause b) should refer to any Bushfire Management Plan and / or BAL Assessment approved by the local government.</p> <p>There may be BALs at building permit stage.</p> <p>Include clause to reflect the BMP recommendation that <i>'All BAL ratings identified in the Bushfire Management Plan are indicative and are required to be verified at the time of construction of individual buildings to ensure appropriate setbacks identified have been achieved.'</i></p> <p>Include reference to maintaining asset protection zones.</p> <p>Use term 'landowners' as multiple co-owners involved.</p> <p>Include note that 'Lot 304 is in a designated bushfire prone area. Landowners will educate and inform all guests of the increased risks associated with bushfire when staying on a remote tourism/ holiday accommodation development'.</p>
<p>Clause 5.1</p> <p>5.1 Built form should be designed to fit within and compliment the coastal landscape setting, topography and physical and unique characteristics of the site.</p>	<p>Broad and difficult to assess.</p>	<p>Require detailed design guidelines.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

<p>Clause 5.2</p> <p>5.2 Visitor Accommodation Units and staff accommodation buildings should be designed in a manner that considers and mitigates against overlooking of adjacent units / buildings.</p>	<p>Broad and difficult to assess.</p> <p>The LDP does not provide any guidance on how overlooking would be assessed.</p>	<p>Delete or provide increased guidance for assessment of future development applications. There is no need from the Shires perspective to prevent overlooking between units as it is for short stay so will not have the same level of amenity as residential development.</p>
<p>Clause 5.2</p> <p>5.3 Materials and finishes should be robust, easy to maintain, and durable so as to be compatible with a coastal environment.</p>	<p>Broad and difficult to assess.</p>	<p>No guidance on materials provided. Suggest delete or refine by listing materials. Wood can be considered less durable however can be maintained.</p>
<p>Clause 5.4</p> <p>5.4 Wall, roof and trim colours shall be the same or as close as possible to the selections published in the Dirk Hartog Island Colour Palette, to the satisfaction of the responsible authority.</p>	<p>Suggest minor re-wording.</p>	<p>Wall, roof and trims colours should be the same or similar to the colours in the Dirk Hartog Island Colour Pallet published by the (then) Department of Conservation and Environment, to the satisfaction of the local government.</p>
<p>Clause 5.5</p> <p>5.5 Highly reflective roof and wall materials are not permitted. This requirement does not apply to glazing, photovoltaic solar panels and/or solar hot water systems.</p>	<p>Suggest minor re-wording.</p>	<p>Highly reflective roof and wall materials and colours such as white or zinculume are not permitted. Retain second part of sentence.</p>
<p>Clause 6.1</p> <p>6.1 Minimum floor levels shall be consistent and in accordance with the requirements recommendations of the Sunday Island Bay – Dirk Hartog Island, Coastal Setback Allowance (Damara WA 2014).</p>	<p>Damara report is out of date and does not reflect proposed layout.</p>	<p>Include the min FFL in LDP.</p>
<p>Clause 6.2 – 3.3 Building Height</p>	<p>Refer to 3(ii) comments.</p>	<p>Refer to 3(ii) comments.</p>
<p>7.1 Any revegetation of the site is to retain the natural landscape and 'low threat vegetation' of the site. Revegetation may only use flora species that are native to the island.</p>	<p>Appears to conflict with BMP. BMP states that '<i>No active revegetation is required.</i>'</p>	<p>Suggest reword:</p> <p>No introduced non native species shall be planted on the lot.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

	<i>Any future planting of vegetation, or a failure to maintain the Asset Protection Zone requirements as detailed in this Bushfire Management Plan can change the BAL rating significantly.'</i>	Revegetation shall not occur in conflict with the recommendations of any Bushfire Management Plan approved by the local government.
8.1 A management plan will be required as a condition of development approval that addresses access, servicing, maintenance, waste disposal, effluent disposal, service areas, management and the transport of construction material.	Refer to 3(i) comments.	Refer to 3(i) comments.
Outbuildings	<p>The size and visual impact of outbuildings has been an issue in Denham townsite.</p> <p>The LDP provides no guidance on outbuildings.</p> <p>The Shire is concerned over potential future applications for oversized outbuildings that may have visual impact.</p>	<p>Include development controls over outbuildings or provisions for a communal storage shed (boats etc)</p> <p>Consider provisions for outbuildings to be contained in the designated envelopes and located to the rear of the unit.</p> <p>Require use of heritage colour palette.</p>
Water Tanks – fire fighting	The BMP recommends installation of 10,000 L water tanks	LDP include requirement for 10,000 litre water tank per accommodation unit / workers accommodation unit dedicated to fire fighting separate to water supply. Tanks to be constructed out of non combustible materials.
Water Tanks – water supply	LDP does not address lack of water supply.	Requirement for separate tank for water supply.
Electricity	LDP does not address servicing	<p>LDP to consider provisions to require/ encourage solar on roofs.</p> <p>Consider generators.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Wind Turbines	Shire has previously expressed concern over potential for individual applications for wind turbines for each unit.	LDP to include prohibition of wind turbines or a nominated shared communal infrastructure area where combined services such as a solar array, wind turbines etc can be accommodated.
Second hand buildings / materials / sea containers	LDP is silent on development issues which could be addressed to guide future owners, and the Shire.	LDP needs to consider wider development controls for future development. Suggest also consider construction – ie allowing temporary sea containers for max period of 12 months during construction as long as they are relocated / removed.
Government Sewerage Policy (2019)	No information provided on Government Sewerage Policy.	Need some supporting information on effluent disposal assuming that one system is proposed per unit. Require liaison with Environmental Health Officer.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

ATTACHMENT 1 – Altered layout and setbacks (some envelopes greater than 11 metres from ocean lot side)

Extract Damara Coastal Report 2014

Damara WA Pty Ltd

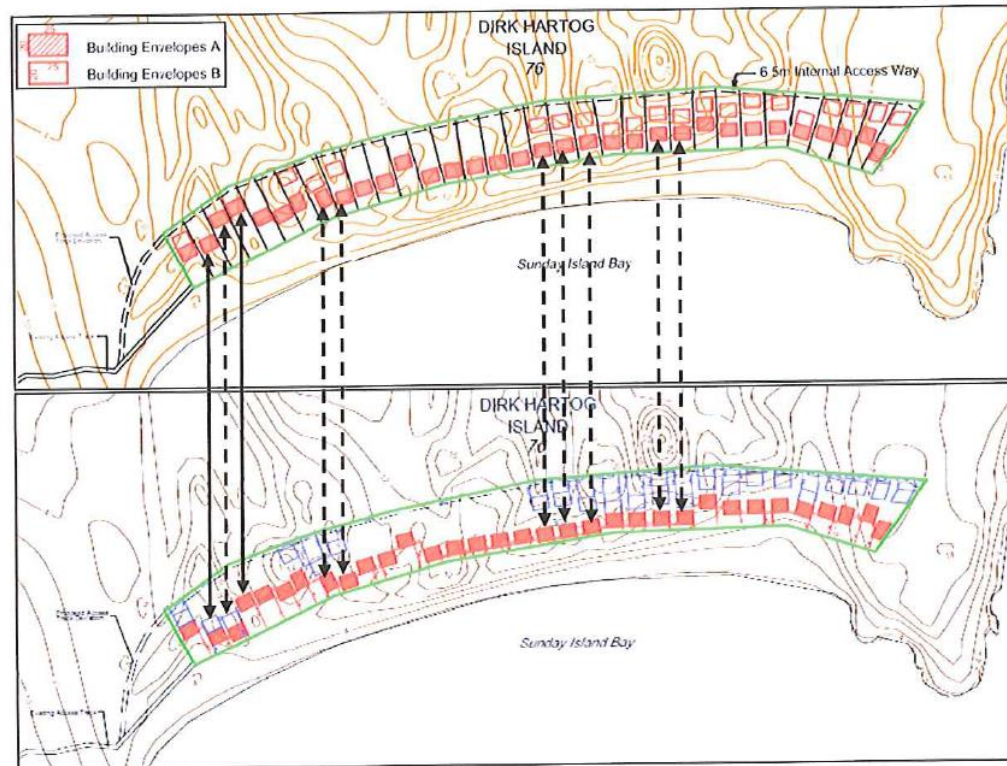


Figure 2: Altered Layouts with New Layout (Top) and Previous Layout (Base)
Changes according to recommendations are in black solid line with changes satisfying avoidance of mapped coastal and inundation hazard in black dashed line (see Table 1 for further detail).

27 NOVEMBER 2019

ATTACHMENT 2 – Erosion setback 2020 E

Extract Damara Coastal Report 2014

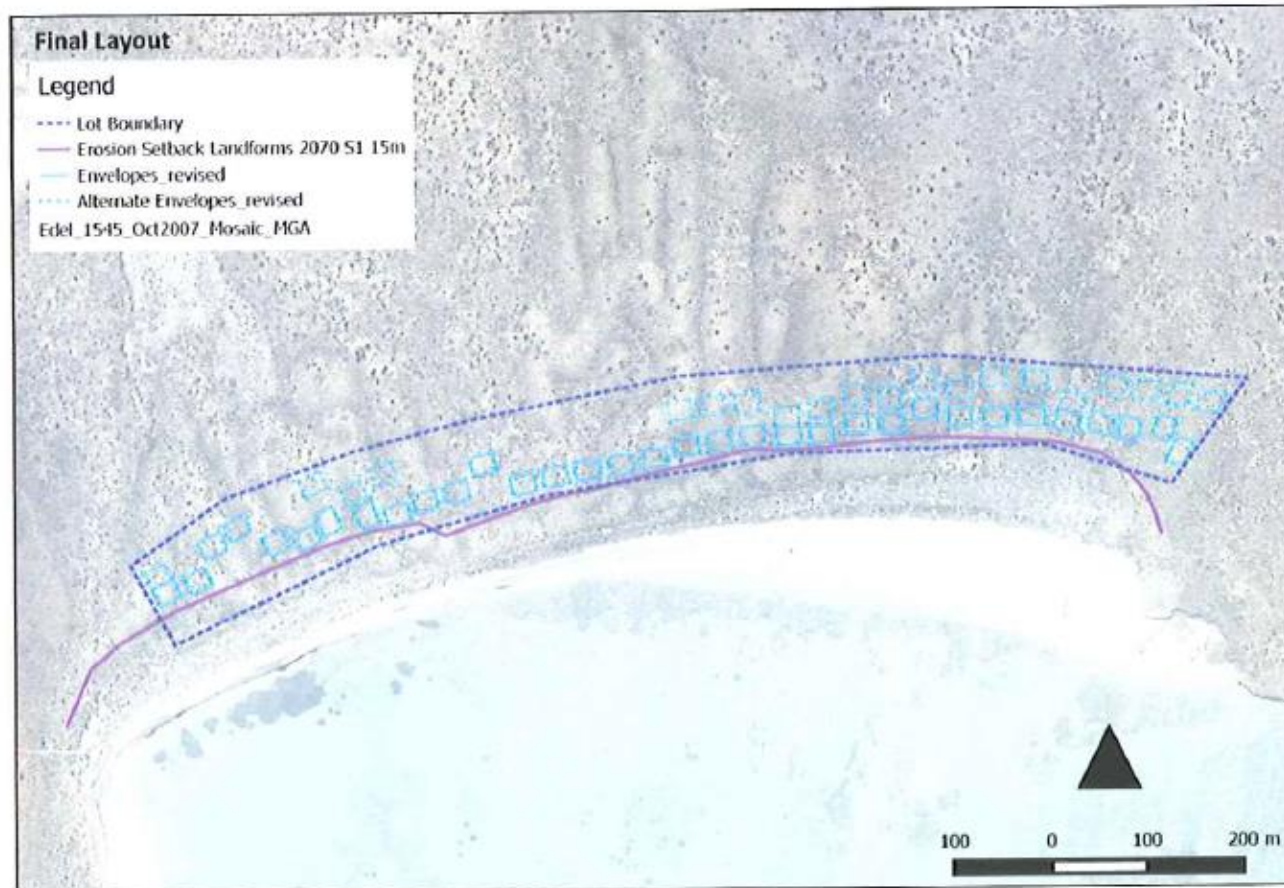
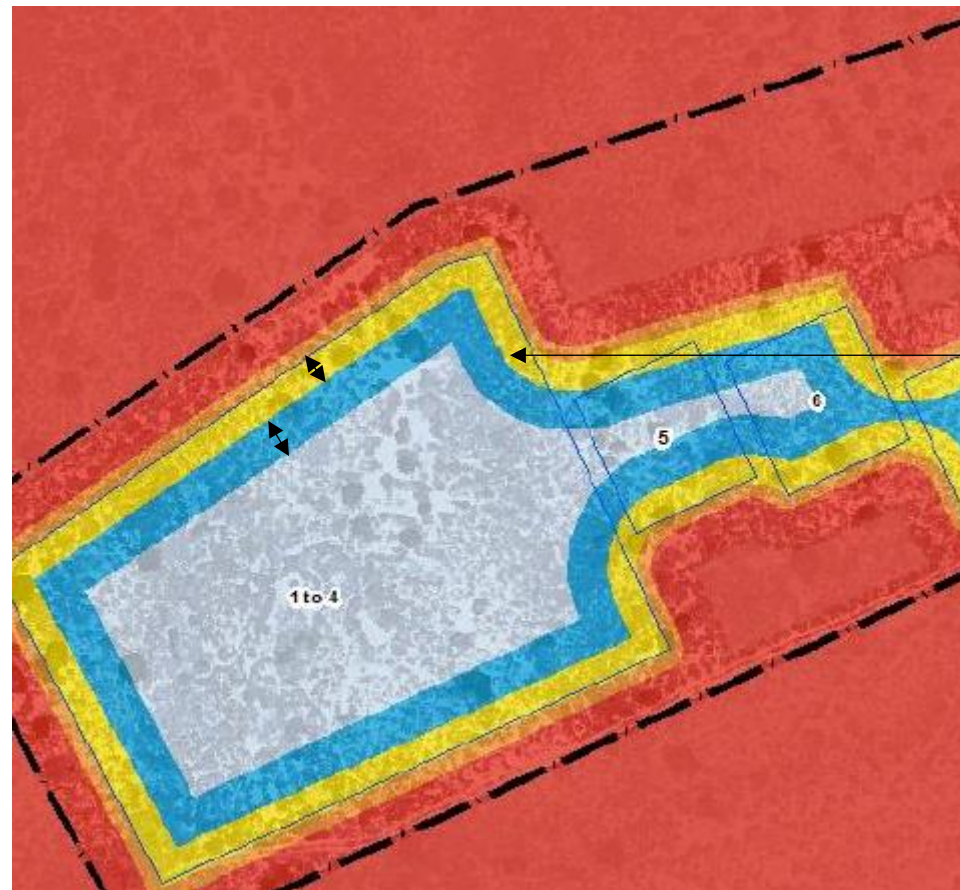


Figure 4: Final Layout

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Attachment 3 – BMP



Review if widths of each ASP
for ease of reference / future
development applications

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

ATTACHMENT # 4 Form of estimate of fees for services for local planning scheme amendments
Regulation 48(3)]

Task	Estimated hours ¹				
	Head of planning \$88.00	Senior Planner/ Manager \$66.00	Planning Officer	environmental health officer \$36.86	Secretary/ administrative officer \$30.20
1. Preliminaries:					
Preliminary discussions and registration of application	6			0.5 EHO	1
2. Decision to initiate:					
Information and site visit	6				
Applicant discussion					
Development Control Unit (DCU) meeting	N/A				
Action DCU recommendation	N/A				
Assessment report and agenda preparation MINOR MAJOR	6			2 EHO	0.5
3. Approval to advertise:					
Action local government recommendation					
(b) Refer to Commission for approval	0.5				0.5
(c) Advertising, notifications, referrals	3				3
(d) Deal with enquiries	2				1
(e) Assess submissions	4				2
(f) Liaise with external agencies	6				1
(g) Applicant discussion and liaison	4				
4. Decision to adopt:					
(a) Finalise amendment, plan, report and agenda preparation	6				1
(b) Applicant discussion					
(c) Action local government recommendation	0.5	0			1
Total hours	44.00			2.5	11
Hourly rate (r. 48(5))	\$88.00	\$	\$	\$36.86	\$30.20
Total hours x rate = \$	\$3872.00	\$	\$	\$92.15	\$332.00
+ 33.3% (To recover operating overhead costs)	\$1289.37	\$	\$	\$30.68	\$110.55
= Total salary costs	\$5161.00	\$	\$	\$122.83	\$442.55
Total salary costs b/f (sum of amounts in previous row)		\$5726.38			
+ Direct costs – newspaper advertising		\$400.00 Note: If the publishing cost is less than \$400.00 the balance will be refunded.			
+ Special costs		\$			
+ Scheme map and text preparation costs		\$			
= Estimated total fee		\$6126.38			

Notes to Form — 1. If readvertising of substantial modifications is required, the hours needed to arrange the readvertising and review the submissions and the direct costs incurred in readvertising the amendment are to be included in items 3, 4 and 5.

27 NOVEMBER 2019

16.2 INFRINGEMENT # O-FM-17709 – MONKEY MIA JETTY
LE00011

AUTHOR
President

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Ridgley

Nature of Interest: Financial Interest as works from the Monkey Mia Jetty and has also been infringed.

Cr Ridgley left the Council Chamber at 6.03pm.

Ms K Knott left the Council Chamber at 6.07pm.

Ms K Knott returned to the Council Chamber at 6.10pm.

President Recommendation

That Council note the correspondence from Mr Raven and advise that the Councils resolution at item 11.1 infringement #O-FM-17709 Monkey Mia Jetty of the Ordinary Council meeting held on 31 July 2019 and 28 August 2019 remains.

AMENDMENT TO PRESIDENTS RECOMMENDATION

Reason: That Council only note the correspondence from Mr Raven as the proposed recommendation is a repetition of the resolution of the August 2019 meeting.

Moved Cr Fenny
Seconded Cr Stubberfield

Council Resolution

That Council note the correspondence from Mr Raven.

5/0 CARRIED

Consideration to Revoke a decision of Council

Councillor Fenny advised the he would like Council to consider revoking the decision made at item 16.2 infringement #O-FM-17709 Monkey Mia jetty of the Ordinary Council meeting held on 28 August 2019.

Note # Must be supported by an absolute majority of the number of offices of council (7) (whether vacant or not)

Moved Cr Fenny
Seconded Cr Stubberfield

Councillor Motion

Consider a motion to revoke the decision made at item 16.2 infringement #O-FM-17709 Monkey Mia jetty of the Ordinary Council meeting held on 28 August 2019.

3/2 MOTION LOST AS ABSOLUTE MAJORITY REQUIRED

27 NOVEMBER 2019

BACKGROUND

On the 4 June 2019 infringement # O-FM-17709 was issued to a vessel that was moored to the Monkey Mia jetty in Excess of the two hour limit in breach of the Shire of Shark Bay Local Government Property Local Law part 7 Monkey Mia jetties and Boat Ramp section 7.3(1)(c)(iii).

The infringement was identified by the ranger utilising the CCTV equipment located at Monkey Mia.

The Council at the Ordinary meeting held in July 2019 resolved the following

Refuse the request to withdraw infringement # O-FM-17709 and instruct the administration to advise Mr Raven that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

And again at the Ordinary Council meeting held in August 2019 resolved the following:

That Council note the correspondence from Mr Raven and advise that the Council's resolution at item 11.1 Infringement # O-FM-17709 Monkey Mia Jetty of the Ordinary Council meeting held on 31 July 2019 remains.

An extract of the August 2019 minutes for item 16.2 – Infringement # O-FM-17709 – Monkey Mia Jetty is attached at the end of this report for Councillors reference.

COMMENT

Mr Raven was advised of council decision on both occasions and has now forwarded the following emails:

27 NOVEMBER 2019

1

ACCOMMODATION

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

From: Harvey Raven <hr@widsights.com.au>
Subject: Money Mia Jetty 27 April 2019.
Date: 23 September 2019 at 1:15:57 pm AWST
To: Mr Paul Anderson <ceo@sharkbay.wa.gov.au>
Cc: Greg Ridgley <gregridg@westnet.com.au>, Jamie Burton <jamieriegart@hotmail.com>, Cheryl Cowell <chezza@westnet.com.au>, Kevin Laundry <twintub1@bigpond.com>, benjaminbellottie@gmail.com, Ed Fenny <ed@oceanpark.com.au>

Hello Paul,

My original intention had been to attend the Council meeting but I am now required to be in Perth at that time. Hence this email.

2

When we first arrived to operate Shotover at Monkey Mia 26 years ago we had permission to use the jetty every day in the afternoon without any time limit to service the vessel. This continued for over 20 years and all that time we could service our vessel every afternoon for however long we needed. Back then we had up to 5 vessels using the jetty at the same time, without issue. Generally these days only 2 boats regularly use the jetty. Basically there is no jetty traffic to speak of in the afternoon.

Apart from some instances involving a lack of cooperation between vessels years ago, which were resolved between the operators years ago, there have been no issues between the operators for years.

The problem these days has become the Shire's enforcement of the latest Local Laws for situations which were previously accepted by the CEO. The CEO's approval enabled the use of the jetty despite the Local Laws failing to adequately address the needs of the users.

Since this enforcement has begun we have tried to limit our time at the jetty to the stipulated two hours and that has been very inconvenient. We actually do have to use the jetty frequently at times longer than the Local Laws permit. Abandoning work in progress to get off the jetty and stay off for an hour before being able to resume work is an unnecessary impost, especially when there is little or no traffic at the jetty.

Being able to service the vessel for only two hour periods at a time interrupted in between by one hour makes it difficult for us to efficiently service our vessel. The Monkey Mia jetty does not provide facilities of water, power or fuel. All of this must be provided by the operators, unlike the Denham jetty which has all these conveniences laid on.

I believe that the simplest solution to the management of the jetty is to have a Local Law that attracts a penalty for breach only upon complaint of another user for failure to abide by the Local Law. The current Local Law presently remains ambiguous, as found by the Court in October 2017. As it still needs to be re-written then it could simultaneously be amended in plain English to reflect my suggestion.

Other issues for consideration are:

- Is there a necessity for a time limit on the use of the jetty?
- What is intended to be achieved by a time limit?
- What is the criteria for the length of the time limit?
- Why was 2 hours chosen as the appropriate limit?
- Why is there a time interval required between departing from and then again berthing at the jetty?
- What is that intended to achieve?

A few Council meetings ago we were told to automatically expect an infringement to be issued for any perceived breach, and the onus would then be on us to submit mitigating circumstances to the Councillors for their approval or otherwise.

The first time that situation arose we explained:

- We arrived at the jetty at the end of our morning cruise.
- Under the Local Laws we had to depart the jetty after the 2 hour time limit expired.
- It was to be a job that we believed would be readily completed within the time available.
- We needed the calm conditions provided at the jetty to do a job that had to be technically correct.
- To do the job the vessel had to be jury rigged. That is a quick, temporary alteration, which resulted in the rig left safely but improperly attached for operation of the vessel.
- In the meantime the boat was inoperable until the job was completed.
- The job took a lot longer than was anticipated.
- When the 2 hour time limit was up the job was incomplete and could not be completed away from the jetty because wind and sea conditions at the mooring could jeopardise the

3

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

rig and preclude further work on the job until the boat was again in the protection of the shore at the jetty.

- To operate the vessel in that condition would have been unseamanlike and unsafe.
- Having lost a mast a few years ago due to a backstay fitting failure we are very aware that these things can happen.
- Even had we could have gone to the mooring at the expiration of the time limit, under the Local Laws we could not return to the jetty until an hour had elapsed since our leaving the jetty. That would then have left insufficient time to complete the job before our sunset cruise departure with 41 guests.
- Even if, when the job was finally completed, had the boat then gone to the mooring, it could not return for an hour, which would have been well after the scheduled departure time of the sunset cruise.

I feel these are genuine mitigating circumstances.

The Pearl Farm House wasn't in distress when it first berthed at the jetty but the wind conditions changed and to move the vessel would have been unseamanlike and unsafe. Council accepted that as a mitigating circumstance for removal of the breach. Ours was the same situation.

We weren't in distress when we first berthed. But to move from the jetty before the work was completed would have been unseamanlike and unsafe.

Safety of our vessel and those on or near it should not be compromised in order to comply with a time limit of a Local Law. Especially when there were no repercussions for third parties i.e. no one had been detrimentally affected in anyway. Had we complied with the time limits, there would have been repercussions for our 41 guests.

I respectfully again request that you reconsider our submission for withdrawal of the penalty which occurred on the 27th April, 2019.

Cheers,

Harvey Raven



Monkey Mia Wildsights - "Love it, or it's free!" since 1994.
Award-winning wildlife cruises, optimising 4WD tours & luxury holiday villas
PHONE: 08 99 481 481 WEB: www.wildsights.com.au
FREE CALL: 1800 241 401 E-MAIL: hr@monkeymiawildsights.com.au
MAIL: PO Box 22, Denham, Western Australia, 6537 [f](https://www.facebook.com/monkeymiatours) [i](https://www.instagram.com/monkeymiatours) [y](https://www.youtube.com/monkeymiatours) /monkeymiatours
Raven Multihulls Pty. Ltd. (ABN 62 010 001 562) trading as Monkey Mia Wildsights



This message has been scanned by the PPS spam filtering system.

Then the second email as follows:

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

From: Harvey Raven <hr@wildsights.com.au>
Sent: Monday, 25 November 2019 12:26 PM
To: Jamie Burton <jamieriegert@hotmail.com>; Paul Anderson <paul@sharkbay.wa.gov.au>; Cheryl Cowell <chezza@westnet.com.au>; Ben & Debbie Bellotti <deben8@bigpond.com>; Greg Ridgely <gregridg@westnet.com.au>; Ben & Debbie Bellotti <deben8@bigpond.com>; Paul Anderson <paul@sharkbay.wa.gov.au>; Cheryl Cowell <chezza@westnet.com.au>; Ed Fenny <info@oceanpark.com.au>; Greg Ridgely <gregridg@westnet.com.au>; Mark Smith <mark_smith_690@outlook.com>; Peter Stubbfield <pstubbers@inet.net.au>
Cc: Paul Anderson <paul@sharkbay.wa.gov.au>
Subject: Fwd: Money Mia Jetty 27 April 2019.

1

This is the second email following on from, and referred to in my previous email.

Harvey Raven



MONKEY MIA WILDSIGHTS
WESTERN AUSTRALIA

Monkey Mia Wildsights - "Love it, or it's free!" since 1998.
Adoptive Wildlife Devices, specialising in Monkeys & Seals Holiday Villages

PHONE: 08 99 481 481 WEB: www.wildsights.com.au
FREE CALL: 1800 241 481 E-MAIL: hr@monkeymiawildsights.com.au
MAIL: PO Box 22, Denham, Western Australia, 6537 0000 / monkeymiatours

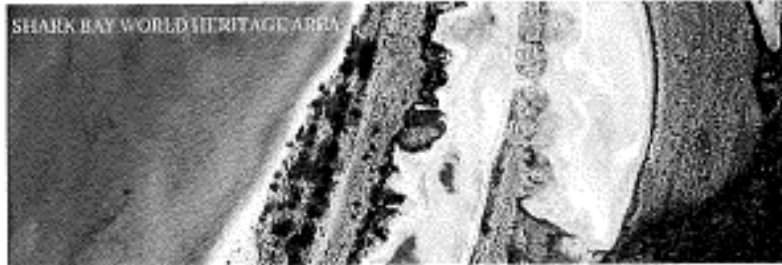
Raven Multimedia Pty. Ltd. (ABN 62 010 881 562) trading as Monkey Mia Wildsights




MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Mobile: 0427 948 925
Shire Office: 08 9948 1218
Address : 65 Knight Tce, Denham, WA 6537
Shire Depot: 08 9948 1013
Shark Bay World Heritage Discovery & Visitor Centre: 08 9948 1590
Visitors Centre Website: <http://www.sharkbayvisit.com.au/>
Shire Website: <http://www.sharkbay.wa.gov.au/>



 Please consider the environment before printing this e-mail
This message (including attachments) is confidential and may be privileged.
If you received it in error you may not disclose or use it - please notify us then delete it.

From: Harvey Raven <hr@wildsights.com.au>
Sent: Monday, 23 September 2019 1:16 PM
To: Paul Anderson <paul@sharkbay.wa.gov.au>
Cc: Greg Ridgley <gregridg@westnet.com.au>; Jamie Burton <jamieriegert@hotmail.com>; Cheryl Cowell <chezza@westnet.com.au>; Kevin Laundry <twintub1@bigpond.com>; benjaminbellottie@gmail.com; Ed Fenny <ed@oceanpark.com.au>
Subject: Monkey Mia Jetty 27 April 2019.

Hello Paul,

My original intention had been to attend the Council meeting but I am now required to be in Perth at that time. Hence this email.

When we first arrived to operate Shotover at Monkey Mia 26 years ago we had permission to use the jetty every day in the afternoon without any time limit to service the vessel. This continued for over 20 years and all that time we could service our vessel every afternoon for however long we needed. Back then we had up to 5 vessels using the jetty at the same time, without issue. Generally these days only 2 boats regularly use the jetty. Basically there is no jetty traffic to speak of in the afternoon.

Apart from some instances involving a lack of cooperation between vessels years ago, which were resolved between the operators years ago, there have been no issues between the operators for years.

The problem these days has become the Shire's enforcement of the latest Local Laws for situations which were previously accepted by the CEO. The CEO's approval enabled the use of the jetty despite the Local Laws failing to adequately address the needs of the users.

Since this enforcement has begun we have tried to limit our time at the jetty to the stipulated two hours and that has been very inconvenient. We actually do have to use the jetty frequently at times longer than the Local Laws permit. Abandoning work in progress to get off the jetty and stay off for an hour before being able to resume work is an unnecessary impost, especially when there is little or no traffic at the jetty.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

Being able to service the vessel for only two hour periods at a time interrupted in between by one hour makes it difficult for us to efficiently service our vessel. The Monkey Mia jetty does not provide facilities of water, power or fuel. All of this must be provided by the operators, unlike the Denham jetty which has all these conveniences laid on.

I believe that the simplest solution to the management of the jetty is to have a Local Law that attracts a penalty for breach only upon complaint of another user for failure to abide by the Local Law. The current Local Law presently remains ambiguous, as found by the Court in October 2017. As it still needs to be re-written then it could simultaneously be amended in plain English to reflect my suggestion.

Other issues for consideration are:

- Is there a necessity for a time limit on the use of the jetty?
- What is intended to be achieved by a time limit?
- What is the criteria for the length of the time limit?
- Why was 2 hours chosen as the appropriate limit?
- Why is there a time interval required between departing from and then again berthing at the jetty?
- What is that intended to achieve?

A few Council meetings ago we were told to automatically expect an infringement to be issued for any perceived breach, and the onus would then be on us to submit mitigating circumstances to the Councillors for their approval or otherwise.

The first time that situation arose we explained:

- We arrived at the jetty at the end of our morning cruise.
- Under the Local Laws we had to depart the jetty after the 2 hour time limit expired.
- It was to be a job that we believed would be readily completed within the time available.
- We needed the calm conditions provided at the jetty to do a job that had to be technically correct.
- To do the job the vessel had to be jury rigged. That is a quick, temporary alteration, which resulted in the rig left safely but improperly attached for operation of the vessel.
- In the meantime the boat was inoperable until the job was completed.
- The job took a lot longer than was anticipated.
- When the 2 hour time limit was up the job was incomplete and could not be completed away from the jetty because wind and sea conditions at the mooring could jeopardise the rig and preclude further work on the job until the boat was again in the protection of the shore at the jetty.
- To operate the vessel in that condition would have been unseamanlike and unsafe.
- Having lost a mast a few years ago due to a backstay fitting failure we are very aware that these things can happen.
- Even had we could have gone to the mooring at the expiration of the time limit, under the Local Laws we could not return to the jetty until an hour had elapsed since our leaving the jetty. That would then have left insufficient time to complete the job before our sunset cruise departure with 41 guests.
- Even if, when the job was finally completed, had the boat then gone to the mooring, it could not return for an hour, which would have been well after the scheduled departure time of the sunset cruise.

I feel these are genuine mitigating circumstances.

The Pearl Farm House wasn't in distress when it first berthed at the jetty but the wind conditions changed and to move the vessel would have been unseamanlike and unsafe. Council accepted that as a mitigating circumstance for removal of the breach. Ours was the same situation.

We weren't in distress when we first berthed. But to move from the jetty before the work was completed would have been unseamanlike and unsafe.

Safety of our vessel and those on or near it should not be compromised in order to comply with a time limit of a Local Law. Especially when there were no repercussions for third parties i.e. no

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

one had been detrimentally affected in anyway. Had we complied with the time limits, there would have been repercussions for our 41 guests.

I respectfully again request that you reconsider our submission for withdrawal of the penalty which occurred on the 27th April, 2019.

Cheers,

Harvey Raven



Monkey Mia Wildsights - "Love it, or it's free!" since 1998.

Australian Wildlife Centre, 4/6 Seawatching Place, Towns & Country Holiday Villages

PHONE: 08 99 481 481 WEB: www.wildsights.com.au

FREE CALL: 1800 261 481 E-MAIL: info@monkeymiawildsights.com.au

MAIL: PO Box 22, Denham, Western Australia, 6537 [facebook.com/monkeymiatours](https://www.facebook.com/monkeymiatours)

Raven Multihulls Pty. Ltd. (ABN 62 988 881 542) trading as Monkey Mia Wildsights



* This message has been scanned by the PPS spam filtering system.

* This message has been scanned by the PPS spam filtering system.

27 NOVEMBER 2019

Council has already considered the following options

Option 1

That Council note the correspondence from Mr Raven and advise that the Councils resolution at item 11.1 infringement #O-FM-17709 Monkey Mia Jetty of the Ordinary Council meeting held on 31 July 2019 and 28 August 2019 remains.

Option 2 – If this option is taken then it needs to be By Absolute Majority

Consideration to Revoke a decision of Council

Council consider revoking the decision made at item 11.1 infringement #O-FM-17709 Monkey Mia jetty of the Ordinary Council meeting held on 31 July 2019.

Note # Must be supported by at least 1/3 of the number of offices of council (7) (whether vacant or not)

And

only if option 2 is passed by Council

Decision to Revoke

Moved Cr

Seconded Cr

Council revoke the decision made at item 11.1 infringement #O-FM-17709 Monkey Mia jetty of the Ordinary Council meeting held on 31 July 2019 being

That Council refuse the request to withdraw infringement # O-FM-17709 and instruct the administration to advise Mr Raven that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

Note # Must be supported by at least 1/3 of the number of offices of Council (7) (whether vacant or not)

Reason for Revoking of Council Resolution

Council to provide reason for revoking the previous decision

And

Withdrawal of Infringement

Moved Cr

Seconded Cr

Request the administration to withdraw infringement # O-FM-17709 and advise Mr Raven that no further action will be taken in regard to this matter.

This option would revoke the previous decision of Council.

Reasons for the consideration of the revocation should be provided.

If this option is passed by council the previous decision to refuse to withdraw the infringement is revoked, however the infringement still stands and the council would need to consider and resolve the following to finalise the matter

27 NOVEMBER 2019

For Council consideration if option 2 is passed by Council

Request the administration to withdraw infringement # O-FM-17709 and advise Mr Raven that no further action will be taken in regard to this matter.

LEGAL IMPLICATIONS

Section 10 of the Local Government (Administration) Regulations 1996 require the following when revoking or changing a decision of council

Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

The infringement has been issued in accordance with the Shire of Shark Bay Property Local Law part 7 Monkey Mia jetties and Boat Ram section 7.3(1)(c)(iii)

7.3 When vessels may be moored

- (1) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if —
 - (a) the vessel is in distress, and then only —
 - (i) to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;
 - (ii) the vessel is moored to the side of the jetty; and
 - (iii) is not deemed to be obstructing in accordance with clause 7.5;
 - (b) the vessel is not a commercial vessel, and —
 - (i) the embarking or disembarking of passengers is in progress;
 - (ii) is not deemed to be obstructing in accordance with clause 7.5;
 - (iii) the vessel is moored for no longer than 30 minutes; and
 - (iv) a period of more than 30 minutes has passed since the vessel last departed the jetty;
 - (c) the vessel is a commercial vessel other than a fishing vessel, and —
 - (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;
 - (ii) is not deemed to be obstructing in accordance with clause 7.5;
 - (iii) the vessel is moored for not more than two hours; and
 - (iv) a period of more than one hour has passed since the boat last cast off from the jetty.
 - (d) the vessel is a fishing vessel, and —
 - (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;
 - (ii) is not deemed to be obstructing in accordance with clause 7.5;
 - (iii) for not more than two hours; and
 - (iv) a period of more than one hour has passed since the boat last cast off from the jetty.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 NOVEMBER 2019

FINANCIAL IMPLICATIONS

The modified penalty for the infringement is \$500.00 plus \$21.90 for the Final Demand fees in accordance to the Fines and Enforcements

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Absolute Majority Required

SIGNATURES

Chief Executive Officer

Cr C Cowell

Date of Report

27 November 2019

27 NOVEMBER 2019

EXTRACT FROM THE 28 AUGUST 2019 ORDINARY COUNCIL CONFIRMED MINUTES

**16.2 INFRINGEMENT # O-FM-17709 – MONKEY MIA JETTY
LE00011**

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Ridgley

Nature of Interest: Financial Interest as operates a business that uses the Monkey Mia jetty

Cr Ridgley requested that he be permitted to make a statement on items 16.2 and 16.3 Monkey Mia jetty infringements.

Cr Ridgley left the Council Chamber at 3.30pm.

Moved Cr Fenny
Seconded Cr Laundry

Council Resolution

The Council allow Cr Ridgley to make a statement only on items 16.2 and 16.3 Monkey Mia jetty Infringements.

4/0 CARRIED

Cr Ridgley returned to the Council Chamber at 3.31pm.

Cr Ridgley addressed Council on the difficulties being experienced by tour operators complying with the Shire Local Laws, specifically the two hour limitation on vessels berthing at the jetty, when undertaking maintenance or urgent repairs, and appealed to Council to reconsider the imposing of infringements.

Cr Ridgley left the Council Chamber at 3.37pm.

Officer Recommendation

That Council:

Option 1 Noting the Correspondence

Note the correspondence from Mr Raven and advise that the Councils resolution at item 11.1 Infringement #O-FM-17709 Monkey Mia Jetty of the Ordinary Council meeting held on 31 July 2019 remains.

Or

Option 2 Consideration to revoke a decision of Council

Council consider revoking the decision made at item 11.1 infringement #O-FM-17709 Monkey Mia jetty of the Ordinary Council meeting held on 31 July 2019.

Note # Must be supported by at least 1/3 of the number of offices of council (7) (whether vacant or not)

And

only if option 2 is passed by Council

Decision to Revoke

Council revoke the decision made at item 11.1 infringement #O-FM-17709 Monkey Mia jetty of the Ordinary Council meeting held on 31 July 2019 being

27 NOVEMBER 2019

That council refuse the request to withdraw infringement # O-FM-17709 and instruct the administration to advise Mr Raven that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

Note # Must be supported by at least 1/3 of the number of offices of council (7) (whether vacant or not).

Reason for Revoking of Council Resolution

Council to provide reason for revoking the previous decision

And

Withdrawal of Infringement

Request the administration to withdraw infringement # O-FM-17709 and advise Mr Raven that no further action will be taken in regard to this matter.

Moved Cr Fenny

Seconded Motion lapsed for want of a seconder.

Councillor Motion

Consideration to revoke a decision of Council

Council consider revoking the decision made at item 11.1 infringement #O-FM-17709 Monkey Mia jetty of the Ordinary Council meeting held on 31 July 2019.

Note # Must be supported by at least 1/3 of the number of offices of council (7) (whether vacant or not)

And

only if option 2 is passed by Council

Decision to Revoke

Council revoke the decision made at item 11.1 infringement #O-FM-17709 Monkey Mia jetty of the Ordinary Council meeting held on 31 July 2019 being

That council refuse the request to withdraw infringement # O-FM-17709 and instruct the administration to advise Mr Raven that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

Note # Must be supported by at least 1/3 of the number of offices of council (7) (whether vacant or not).

Reason for Revoking of Council Resolution

Council to provide reason for revoking the previous decision

And

Withdrawal of Infringement

Request the administration to withdraw infringement # O-FM-17709 and advise Mr Raven that no further action will be taken in regard to this matter.

27 NOVEMBER 2019

The President allowed Mrs F Raven to address the Council in regard to Item 16.2.

Mrs Raven requested to Council to give consideration to the circumstances detailed in the submission provided by Mr Raven that resulted in the issuing of an infringement for berthing at the Monkey Mia jetty in excess of two hours, and appealed to the Council to reconsider the imposing of infringements.

Moved Cr Bellottie
Seconded Cr Laundry

Council Resolution

That Council note the correspondence from Mr Raven and advise that the Council's resolution at item 11.1 Infringement #O-FM-17709 Monkey Mia Jetty of the Ordinary Council meeting held on 31 July 2019 remains.

3/1 CARRIED

Cr Fenny is recorded as voting against the motion.

BACKGROUND

On the 4 June 2019 infringement # O-FM-17709 was issued to a vessel that was moored to the Monkey Mia jetty in Excess of the two hour limit in breach of the Shire of Shark Bay Local Government Property Local Law part 7 Monkey Mia jetties and Boat Ramp section 7.3(1)(c)(iii).

The infringement was identified by the ranger utilising the CCTV equipment located at Monkey Mia.

The council at the Ordinary meeting held in July 2019 resolved the following

Refuse the request to withdraw infringement # O-FM-17709 and instruct the administration to advise Mr Raven that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

COMMENT

Mr Raven was advised of Council decision and an email was received on 22 August 2019 providing further details and requesting that Council reconsider the issuing of the fine for overstaying the 2 hour jetty limit at the Monkey Mia jetty.

Mr Raven's email follows;

Hello Paul,

I respectfully request that this email be passed along to our Shire Councillors at the next Shire meeting for their consideration:-

On the 27th April, 2019 "Shotover" was alongside the jetty in calm water away from our more exposed mooring, in order to provide a steady platform to facilitate drilling out an existing hole to an accurate diameter, straight, hole in a 16mm thick 316 stainless steel backstay chainplate attached to the hull. The attachment of the

27 NOVEMBER 2019

hydraulic ram between the chainplate and a masthead rigging wire enables rig tension to be adjusted in accordance with alterations to the sail plan and wind conditions.

It was an urgent technical job that required precise drilling in an awkward position that was difficult to access. We had outsourced the fabrication of a custom drilling jig to ensure accuracy. The steadier the platform the less potential for error, hence the need for calm water. Misalignment of the hole would have prevented the ram from being attached

To do the job the masthead rig tension had to be substantially eased and one of the three masthead rigging wires holding up the mast had to be detached. As the security of the rig was thereby compromised, this was an additional condition requiring calm water.

We believed a battery drill would do the job. We expected the job to take under an hour and need only 1 drill and 1 battery, but we had 2 drills and 4 batteries on hand, just in case.

The stainless steel apparently work hardened during the drilling process as despite frequent sharpening of the drill bit, progress was very slow. It transpired that our 4 drill batteries weren't enough, however, fortunately the Blue Lagoon work barge that was tied along the eastern side of the jetty and we were able to continue drilling by borrowing a 240v drill from the Jamie Morgan.

Apparently there is sentiment that we should have had a generator. There was no time lost by our not having a generator. When our batteries were no longer usable we swapped to the Pearl Farm work barge 240volt power.

The job took much longer than anticipated. By the time the 2 hour time limit was up the job was not complete.

We had to remain alongside for the following extenuating reasons:

- We hadn't finished the drilling by the time 2 hours was up.*
- Had we moved to the mooring, the drilling could no longer be done because we didn't have access to power.*
- The movement of the boat in a more exposed area would have made the drilling susceptible to error (the boat gets a lot of close passing traffic on the mooring).*
- Until the job was complete we couldn't reattach the rig to a partially drilled hole.*
- The improperly secured rig would have been susceptible to damage.*
- We would have been unable to do our sunset cruise with the insecure rig and we had 41 guests booked on the sunset cruise.*
- When the job was completed we had less than an hour before our sunset cruise boarding time.*
- Had we gone to the mooring until boarding time we would have been liable for breaching the Local Law requiring us to be off the jetty for 1 hour before returning to the jetty.*

I again respectfully request that no fine be levied for our staying beyond the 2 hour time limit due to our mitigating circumstances and ask that you kindly pass this request along to the Shire Councillors for their consideration.

27 NOVEMBER 2019

*Cheers,
Harvey Raven*

Council can consider the following options:

Option 1

Note the correspondence from Mr Raven and advise that the Council's resolution at item 11.1 infringement #O-FM-17709 Monkey Mia Jetty of the Ordinary Council meeting held on 31 July 2019 stands.

This option reaffirms the previous council resolution and the infringement would be due and payable.

Option 2

Council consider revoking the decision made at item 11.1 infringement #O-FM-17709 Monkey Mia Jetty of the Ordinary Council meeting held on 31 July 2019.

Not: Must be supported by at least 1/3 of the number of offices of council (7) (whether vacant or not)

This option would revoke the previous decision of council.

Reasons for the consideration of the revocation should be provided.

If this option is passed by council the previous decision to refuse to withdraw the infringement is revoked, however the infringement still stands and the council would need to consider and resolve the following to finalise the matter

For council consideration if option 2 is passed by council

Request the administration to withdraw infringement # O-FM-17709 and advise Mr Raven that no further action will be taken in regard to this matter.

LEGAL IMPLICATIONS

Section 10 of the Local Government (Administration) Regulations 1996 require the following when revoking or changing a decision of council

Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
- (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

27 NOVEMBER 2019

The infringement has been issued in accordance with the Shire of Shark Bay Property Local Law part 7 Monkey Mia jetties and Boat Ram section 7.3(1)(c)(iii)

7.3 When vessels may be moored

- (2) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
- (e) the vessel is in distress, and then only –
 - (iv) to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;
 - (v) the vessel is moored to the side of the jetty; and
 - (vi) is not deemed to be obstructing in accordance with clause 7.5;
 - (f) the vessel is not a commercial vessel, and –
 - (v) the embarking or disembarking of passengers is in progress;
 - (vi) is not deemed to be obstructing in accordance with clause 7.5;
 - (vii) the vessel is moored for no longer than 30 minutes; and
 - (viii) a period of more than 30 minutes has passed since the vessel last departed the jetty;
 - (g) the vessel is a commercial vessel other than a fishing vessel, and –
 - (v) the person has made payment of berthing fees imposed in accordance with clause 7.4;
 - (vi) is not deemed to be obstructing in accordance with clause 7.5;
 - (vii) the vessel is moored for not more than two hours; and
 - (viii) a period of more than one hour has passed since the boat last cast off from the jetty.
 - (h) the vessel is a fishing vessel, and –
 - (v) the person has made payment of berthing fees imposed in accordance with clause 7.4;
 - (vi) is not deemed to be obstructing in accordance with clause 7.5;
 - (vii) for not more than two hours; and
 - (viii) a period of more than one hour has passed since the boat last cast off from the jetty.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

The modified penalty for the infringement is \$500.00.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

23 August 2019

27 NOVEMBER 2019

ATTACHMENT # 1

EXTRACT FROM MINUTES OF THE ORDINARY COUNCIL MEETING 31 JULY 2019

11.1 Infringement # O-FM-17709 – Monkey Mia Jetty
LE00011

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Ridgley

Nature of Interest: Financial Interest as works from the Monkey Mia Jetty

Cr Ridgley left the Council Chamber at 3.23pm

Officer Recommendation

That Council:

Option 1

Request the administration to withdraw infringement # O-FM-17709 and advise Mr Raven that no further action will be taken in regard to this matter.

OR

Option 2

Refuse the request to withdraw infringement # O-FM-17709 and instruct the administration to advise Mr Raven that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

Moved Cr Fenny

Seconded Cr Burton

Councillor Recommendation

That Council request the administration to withdraw infringement # O-FM-17709 and advise Mr Raven that no further action will be taken in regard to this matter.

1/3 LOST

Moved Cr Bellottie

Seconded Cr Cowell

Council Resolution

That Council refuse the request to withdraw infringement # O-FM-17709 and instruct the administration to advise Mr Raven that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

3/1 CARRIED

Cr Fenny is recorded as voting against the motion

BACKGROUND

On the 4 June 2019 infringement # O-FM-17709 was issued to a vessel that was moored to the Monkey Mia jetty in Excess of the two hour limit in breach of the Shire of Shark Bay Local Government Property Local Law part 7 Monkey Mia jetties and Boat Ramp section 7.3(1)(c)(iii).

27 NOVEMBER 2019

The infringement was identified by the ranger utilising the CCTV equipment located at Monkey Mia.

COMMENT

Mr Harvey Raven has sent an email on 28 June 2019 requesting that this infringement be considered by Council.

Hello Paul,

On the 27th April, 2019 "Shotover" was alongside the jetty to be in calm water as a steady platform was required to facilitate drilling an accurate hole in a deck fitting that is a rig attachment point.

Ordinarily we would have used a generator but we chose to use a battery drill. I point out that although we expected the job to need only one battery, we had 4 batteries on hand.

It transpired that 4 batteries weren't enough despite frequent sharpening of the drill bit.

To continue the job we borrowed a 240v drill from the Blue Lagoon work barge that was tied along the eastern side of the jetty.

The job took much longer than anticipated. By the time the 2 hour time limit was up the job was not complete and the rig was unable to be re-attached. We stayed alongside to complete the work as we were reliant on the Pearl Farm barge for power.

By the time the job was complete we had less than an hour before boarding time for our cruise. If we left the jetty, we would have had to stay off the jetty for an hour to avoid a \$500 fine, so chose to stay alongside longer to tidy up after the job.

I hereby respectfully request that no fine be levied for our staying beyond the 2 hour time limit due to our mitigating circumstances and ask that you kindly pass this request along to the Shire Councillors for their consideration.

I await their response.

Cheers,
Harvey Raven

27 NOVEMBER 2019

LEGAL IMPLICATIONS

The infringement has been issued in accordance with the Shire of Shark Bay Property Local Law part 7 Monkey Mia jetties and Boat Ram section 7.3(1)(c)(iii)

7.3 When vessels may be moored

- (3) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
- (i) the vessel is in distress, and then only –
 - (vii) to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;
 - (viii) the vessel is moored to the side of the jetty; and
 - (ix) is not deemed to be obstructing in accordance with clause 7.5;
 - (j) the vessel is not a commercial vessel, and –
 - (ix) the embarking or disembarking of passengers is in progress;
 - (x) is not deemed to be obstructing in accordance with clause 7.5;
 - (xi) the vessel is moored for no longer than 30 minutes; and
 - (xii) a period of more than 30 minutes has passed since the vessel last departed the jetty;
 - (k) the vessel is a commercial vessel other than a fishing vessel, and –
 - (ix) the person has made payment of berthing fees imposed in accordance with clause 7.4;
 - (x) is not deemed to be obstructing in accordance with clause 7.5;
 - (xi) the vessel is moored for not more than two hours; and
 - (xii) a period of more than one hour has passed since the boat last cast off from the jetty.
 - (l) the vessel is a fishing vessel, and –
 - (ix) the person has made payment of berthing fees imposed in accordance with clause 7.4;
 - (x) is not deemed to be obstructing in accordance with clause 7.5;
 - (xi) for not more than two hours; and
 - (xii) a period of more than one hour has passed since the boat last cast off from the jetty.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

The modified penalty for the infringement is \$500.00.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

1 July 2019

27 NOVEMBER 2019

O-FM-17709 / LE00011
Paul Anderson

4 June 2019

RAVEN MULTIHULLS PTY LTD T/AS MONKEY MIA WILDSIGHTS
PO BOX 22
DENHAM WA 6537

Dear Harvey

Infringement Notice

It is alleged that on 27 April 2019 from 13:08:36 to 16:48:30 your vessel Shotover exceeded the time that is allowed by the Local Government Property Local Law Part 7 - Monkey Mia Jetties and Boat Ramp by 1 hour and 40 minutes.

In accordance with the Local Law please find attached Infringement Notice No. O-FM-17709.

For your information I can advise that the Council at the ordinary meeting held in February 2019 resolved the following:

That Council consider the application of the Shire of Shark Bay Local Government Property Local Law part 7 Monkey Mia Jetty clause 7.3 when Vessels may be moored and instruct the administration not to consider any applications for mooring at the Monkey Mia jetty in excess of the two hour limit and that any disputed infringements issued for mooring over this limit are to be presented to Council for consideration.

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

Yours sincerely

Paul Anderson
Chief Executive Officer

27 NOVEMBER 2019

O-FM-17709 / LE00011

Local Government Act 1995

Shire of Shark Bay Local Government Property Local Law

INFRINGEMENT NOTICE

Date: 4 June 2019

SHIRE OF SHARK BAY

To:
RAVEN MULTIHULLS PTY LTD T/AS MONKEY MIA WILDSIGHTS
Of:
PO BOX 22
DENHAM WA 6537

It is alleged that on 27 April 2019 from 13:08:36 to 16:48:30 your vessel Shotover exceeded the time that is allowed by the Local Government Property Local Law Part 7 - Monkey Mia Jetties and Boat Ramp by 1 hour and 40 minutes.

Section 7.3(c)(iii) of the *Shire of Shark Bay Local Government Property Amendment Local Law 2015* states:

7.3 When vessels may be moored

- (1) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
- (c) the vessel is a commercial vessel other than a fishing vessel, and –
 - (iii) the vessel is moored for not more than two hours

The modified penalty for the offence is \$500 and is due 28 days from the date the infringement is issued.

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at 65 Knight Terrace, Denham, within a period of 28 days after the giving of this notice.

Signature.....

Paul Anderson

Chief Executive Officer

27 NOVEMBER 2019

Council's Works Manager, Executive Manager Finance and Administration and visitors left the Council Chamber at 6.27pm

Cr Ridgley returned to the Council Chamber at 6.27pm.

17.0 MATTERS BEHIND CLOSED DOORS

Moved Cr Fenny
Seconded Cr Smith

Council Resolution

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

6/0 CARRIED

17.1 MANAGEMENT CONDITIONS OF RESERVE 50101 EDEL LOCATION 106
RES 50101

Author
Chief Executive Officer

Disclosure of Any Interest
Nil

Moved Cr Ridgley
Seconded Cr Cowell

Council Resolution

That the confidential report by the Chief Executive Officer regarding the management conditions of Reserve 50101 Edel Location 106 be considered.

6/0 CARRIED

Moved Cr Fenny
Seconded Cr Smith

Council Resolution

That Council:

- 1. Approve the concept plan presented by Kimberley Outback Tours Pty Ltd on Reserve 50101 Edel Location 106 for the designated purpose of Aquaculture and Associated Tourism activities in accordance with the Management Order and the Shire President and Chief Executive Officer**

27 NOVEMBER 2019

be authorised to sign and affix the Common Seal of the Shire of Shark Bay to the finalised lease document.

2. Resolve that a Local Development Plan would be an appropriate mechanism to guide future development within Reserve 50101, and authorise the Chief Executive Officer to write to the Western Australian Planning Commission seeking agreement that an Local Development Plan is required for the purposes of orderly and proper planning.
3. Note that Monkey Mia Road falls under the care and control of Main Roads Western Australia. Main Roads may require a Traffic Impact Statement to be prepared if any future Local Development Plan proposes direct access to Monkey Mia Road.
4. Note that the Concept Plan is approved for the purpose of progressing the lease document and the plan may be refined through preparation of a refined Local Development Plan with supporting documents such as a Bushfire Management Plan.

6/0 CARRIED

17.2 MONKEY MIA RESORT LEASE
P2024

Author
Chief Executive Officer

Disclosure of Any Interest
Nil

Moved Cr Stubberfield
Seconded Cr Ridgley

Council Resolution

That the confidential report by the Chief Executive Officer regarding the Monkey Mia Resort Lease be considered.

6/0 CARRIED

Moved Cr Fenny
Seconded Cr Stubberfield

Council Resolution

That the request to Council from the Royal Automobile Club to consent to sub-let under a licence agreement to University of Zurich from the Monkey Mia Resort lease area in accordance with Clause 5.11 of the Lease be approved for the purposes of a Research Station/Accommodation Reserve 40727 Lot 130 and a storage shed on reserve 49108 Lot 556 Monkey Mia Road of subject to the license conditions and Ministers approval.

Pursuant to Clause 82(1) and 82(2) of the *Planning and Development*

27 NOVEMBER 2019

(Local Planning Schemes) Regulations 2015 grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application for a proposed Research Station/Accommodation Reserve 40727 Lot 130 and a storage shed on reserve 49108 lot 556 Monkey Mia Road.

6/0 CARRIED BY ABSOLUTE MAJORITY

Moved Cr Fenny
Seconded Cr Ridgley

Council Resolution

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

6/0 CARRIED

18.0 DATE AND TIME OF NEXT MEETING

The next Ordinary meeting of the Shark Bay Shire Council will be held on **Tuesday 17 December 2019**, commencing at 3.00 pm.

19.0 CLOSURE OF MEETING

As there was no further business, the President closed the Ordinary Council Meeting at 7.05pm.