

SHIRE OF SHARK BAY UNCONFIRMED MINUTES

27 March 2024

ORDINARY COUNCIL MEETING



CLEAN UP AUSTRALIA DAY – SHARK BAY



27 MARCH 2024



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The unconfirmed 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 March 2024 commencing at 1.00 pm.

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1.0 DECLARATION OF OPENING

The President declared the Ordinary Council meeting open at 1.10 pm.

2.0 ACKNOWLEDGEMENT OF COUNTRY

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

3.0 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED

ATTENDANCES

Cr C Cowell	President
Cr P Stubberfield	Deputy President
Cr L Bellottie	In attendance from 1.28pm
Cr E Fenny	
Cr G Ridgley	
Cr M Smith	
Cr M Vankova	

Mr D Chapman	Chief Executive Officer
Mr B Galvin	Works Manager
Mrs D Wilkes	Deputy Chief Executive Officer
Ms L Bushby	Town Planning Consultant
Mrs R Mettam	Executive Assistant

APOLOGIES

There were no apologies for the March 2024 Ordinary Council meeting.

VISITORS

7 Visitors in the gallery

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4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE

Ms J Guenther was sent a reply to questions on notice from the ordinary Council meeting held on the 28 February 2024 as per correspondence below.

Your questions were as follows:

1. How many applications for short-term rentals have been rejected based on the relevant points listed in the Shire of Shark Bay Local Planning Scheme No. 4 under 32.15.
2. How many short-term holiday rentals have been approved.

In reply to the first question, Council has rejected one application that did not comply with Council's Local Planning Policy No. 1 – Holiday Houses in Residential Area's.

In answer to your second question, please be advised that Council has approved thirty nine (39) Short Term Holiday Rentals to date.

5.0 PUBLIC QUESTION TIME

The President opened public question time at 1.12 pm.

Ms Carol Marinkovich submitted the following question for public question time.

What is your current and the future vision for short stay holiday rentals in Denham? Are you looking towards a percentage ratio or capping the number of holiday homes?

Chief Executive Officer replied:

Council's vision is a work in progress, prior to the Ordinary Council meeting, Council had a planning workshop. Another planning workshop will be conducted shortly.

Council will assess holiday home applications as per their current policy, Local Planning Policy No. 1.

I am curious as to what the percentage of houses that are sitting empty is – not being rented as a short or long stay accommodation and just sitting idle, which has no benefit or return to this town.

The Chief Executive Officer advised that the Shire of Shark Bay does not have these statistics so it is unknown.

Will the CEO have his authority to approve short term holiday house renewals reinstated? Existing holiday homes should not need to go to full Council for approval unless there has been objections or they have not met the requirements from the initial approval (ie crossover installed, fire extinguishers properly maintained etc).

The Chief Executive Officer advised that the delegation of authority to approve short term holiday house renewals will not be reinstated.

Ms J Guenther proceeded to make statements in regards to short term holiday accommodation.

Councillor Stubberfield called point of order.

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Ms Guenther then asked the following questions:

1. **Do the Councillors, for the sake of consistency, continue to rely on the interpretation of the relevant points by the out-of-town contractor Town Planning Innovations, who, just to give an example, recommends in regards to the application 1 Leeds Court to approve parking on the verge despite the fact that Point 32.15.2 in the Local Planning Scheme No. 4 requires “A detailed site plan which demonstrates (that) adequate car parking can be provided on site?**
2. **Do the Councillors now make a new start, formulate their own approval checklist in accordance to the Town Planning Scheme No. 4 and take regard of each of the points listed to see if the property complies with the Scheme, and**

Will the Councillors consider compliance against each point regardless of whether they have received any objections from neighbours, so that not only current but also future residents can rely on the Town Planning Scheme?

The Chief Executive Officer advised that the above questions would be Taken on Notice.

Dr B Buirchell also proceeded to make a statement in regards to Short Term Holiday accommodation and stated of inconsistencies in the Town Planning Scheme No. 4 and then asked the following questions:

1. **Shouldn't the Council first correct all these inconsistencies and get a better understanding of the size of the problem before approving any more short-term rentals?**
2. **Shouldn't the Council also try to find the missing legal short-term rentals and prosecute the illegal ones?**

The Chief Executive Officer advised that the above questions would be Taken on Notice

Mr J Mohr made a statement in regards to parking of vehicles at short term rentals, then asked the following:

1. **Are they fully aware of the legal consequences, if they follow the Officer's Recommendation when approving 1 Leeds Court including point 5 on page 7 which states that: “All guest car and boat parking shall be accommodated within the boundary and associated verge of Strata Lot 2 at all times”?**
2. **In other words are the Councillors aware that by approving 1 Leeds Court with this parking arrangement in place they are leaving the Shire open to legal action?**

The Chief Executive Officer advised that the above questions would be Taken on Notice

The President closed public question time at 1.27 pm.

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6.0 APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications for leave of absence from the March 2024 Ordinary Council meeting.

7.0 PETITIONS

There were no petitions presented to the March 2024 Ordinary Council meeting.

8.0 CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 FEBRUARY 2024

Moved Cr Stubberfield
Seconded Cr Fenny

Council Resolution

That the minutes of the Ordinary Council meeting held on 28 February 2024, as circulated to all Councillors, be confirmed as a true and accurate record.

6/0 CARRIED

9.0 ANNOUNCEMENTS BY THE CHAIR

There were no announcements made by the President at the March 2024 Ordinary Council meeting.

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10.0 TOWN PLANNING REPORT

10..1 APPLICATION SEEKING NEW APPROVAL FOR AN EXISTING DWELLING UNIT TO BE USED FOR SHORT STAY – STRATA LOT 2 (1) LEEDS COURT, DENHAM P4296

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Ridgley

Nature of Interest: Financial Interest as lives 4 doors away

Cr Ridgley left the Council Chamber at 1.28 pm

Cr Bellottie entered the Council Chamber at 1.28 pm

Moved Cr Fenny

Seconded Cr Smith

Council Resolution

That Council:

- A. Determine that the ‘short stay strata dwelling’ use may be consistent with the objectives of the Residential zone and give notice under clause 64 of the deemed provisions before determining an application for development approval for the use of the land.**
- B. Note that the application relating to Strata Lot 2 (1) Leeds Court, Denham has been advertised for public comment. Advertising closed on the 5 March 2024.**

Two written objections have been received. One objection has been signed by 10 owners of 7 properties in Leeds Court and Spaven Way.
- C. Note the submissions and officer comments as outlined in Attachment 1.**
- D. Approve the application seeking planning approval for the existing dwelling on Strata Lot 2 (1) Leeds Court, Denham to be used as a ‘short stay strata dwelling’ subject to the following conditions and footnotes:**
 - 1. This approval is valid for a maximum of 12 months from the date of this planning consent. Following the 12 month period this approval shall expire and become void.**
 - 2. This approval for a ‘short say dwelling’ is issued to Sheridan Buswell and Lee O’Donnell as the landowners of Strata Lot 2 (1) Leeds Court, Denham. This approval 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 ownership of Strata Lot 2 this approval is cancelled and expires.

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3. The plans lodged with this application shall form part of this approval except for the parking plan which is replaced under Condition 4.
4. Parking areas with capacity to accommodate a minimum of 2 car parking bays and one boat parking area are to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance with the attached plan.
5. All guest car and boat parking shall be accommodated within the boundary and associated verge of Strata Lot 2 at all times.

Only one guest boat shall be accommodated on site at any one time.
6. The owner shall implement the measures in the Management Plan lodged and approved as part of this application.
7. The owner shall continue to engage a local property manager to manage the holiday house in accordance with the Management Plan approved as part of this application.

If an alternative manager is engaged (other than the agent stated in the Management Plan) , then a revised Management Plan is to be lodged for separate written approval by the Chief Executive Officer with revised contact details for any new property manager.
8. The owner shall keep and maintain a working fire extinguisher on the premises at all times in accordance with the Management Plan approved as part of this application, or any revised Management Plan approved separately in writing by the Chief Executive Officer.
9. An A3 laminated copy of each fire escape plan (for the ground floor and second storey) approved as part of this application shall be displayed in prominent places within the existing dwelling.
10. The existing landscaping in front of the dwelling shall be retained and maintained.
11. No guest shall be accommodated for periods totalling more than 3 months in any 12 month period.
12. The maximum number of persons to be accommodated at any one time shall be limited to 6.
13. If any sign is installed to advertise or identify the holiday house it shall only be located within the lot boundary and the sign face shall not exceed an area of 0.2 square metres.

E. Resolve to advise the applicant in the covering Determination Letter that:

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- (i) **The Shire has discretion to consider issue of subsequent approvals for terms of one year, 3 years or up to a maximum of 5 years. If any complaints are received in the first year of operation the Shire will investigate the nature of complaints, and how they have been managed.**

F. Note that a revised carparking plan will be attached to any approval letter showing two car parking bays and one boat parking bay in front of the existing dwelling.

4/2 CARRIED

Cr Smith is noted as voting against the motion, his reason being, that pending State Government changes to legislation on Short Term Accommodations' including Local Government alterations – further issuing of authorisations for new Short Term Accommodation's be withheld.

Cr Ridgley returned to Council Chamber at 1.42pm

BACKGROUND

- ***Location and Strata Information***

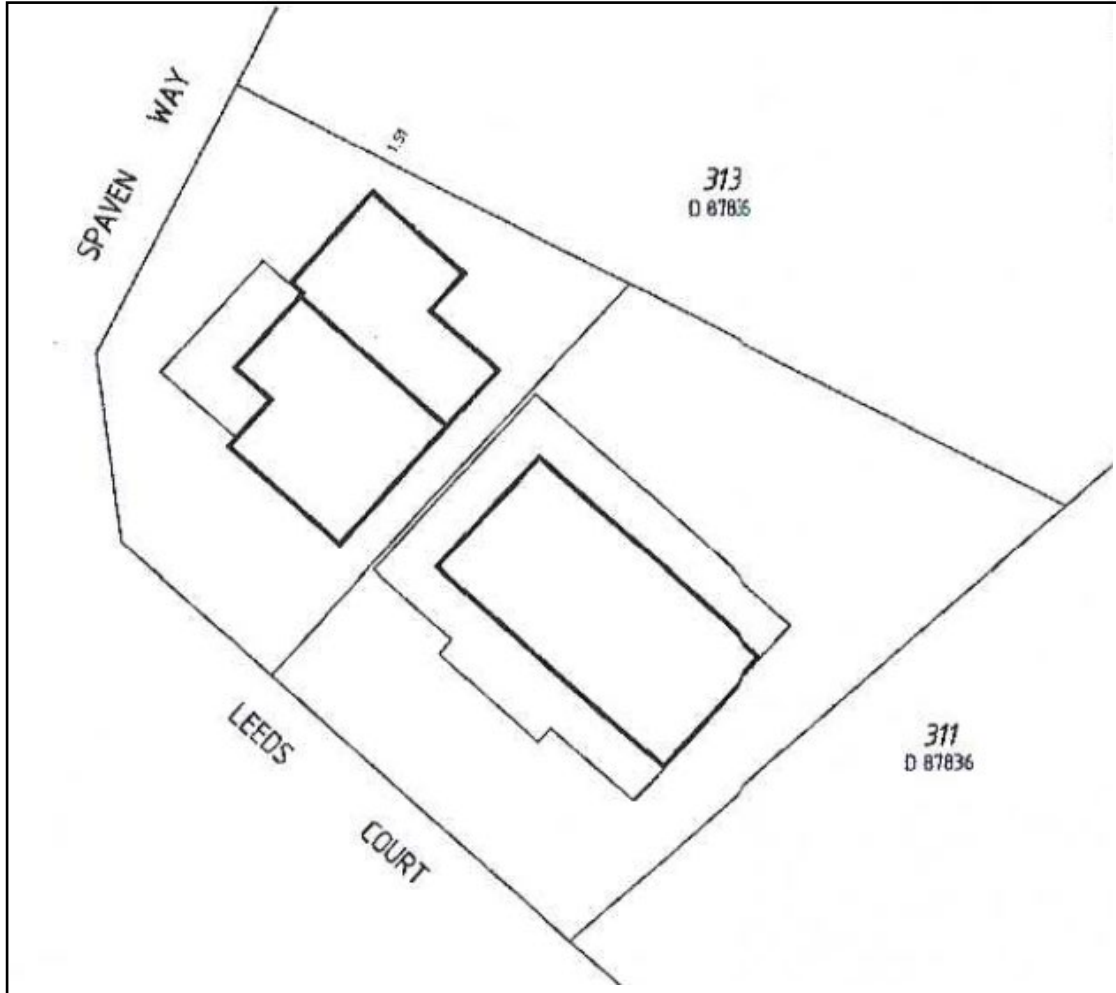
The lot is located near the corner of Leeds Court and Spaven Way. A location plan is included below for ease of reference.



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The parent Lot 312 has been developed with two grouped dwellings. The parent Lot 312 has been strata titled into 2 strata lots, without any common property.

The Strata Plan is included below.



Above: Strata Plan

- **Relevant information**

Ray White has advised that 1 Leeds Court was historically used as a holiday rental and advertised as 'Shark Bay Dreaming'. Their records indicate that the first booking was in March 2016 and the last booking was in October 2017.

COMMENT

- **Description of proposal**

The application is summarised as follows:

- (i) The dwelling has 3 bedrooms and can accommodate a maximum of 6 persons at any one time.

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- (ii) The applicant has submitted a site plan with photographs showing an undercroft garage, brick paved front yard, and brick paved side driveway (to the south east of the house) that leads to an outbuilding.
- (iii) The applicant initially proposed three car parking bays and 2 boat parking bays. Parking will be discussed in the body of this report.
- (iv) The owners intend to use Ray White as the property manager. The property manager is responsible for all bookings, provision of information to guests, monitoring the property, ongoing maintenance, and dealing with any complaints.

The applicant has lodged a parking plan with photographs which is included as Attachment 2.



Above and overpage: Photograph of existing dwelling as viewed from Leeds Court

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- **Zoning and Proposed Land Use**

Strata Lot 2 is zoned 'Residential' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

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

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

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

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

The Residential Design Codes define a single house as a dwelling on a green title or survey strata lot, without common property. Strata Lot 2 forms part of a strata plan that doesn't include common property, however it is not a survey strata lot.

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- **Use Not Listed**

The proposal is construed as a 'short stay strata dwelling' which is not defined in the Scheme or listed in 'Table 1-Zoning Table' of the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

In accordance with Clause 18 (4) of the Scheme, as the use of the land for a 'short stay strata dwelling' is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the other existing land use definition categories the Council may:

- Option 1: Determine that the 'short stay strata dwelling' use is consistent with the objectives of the Residential zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- Option 2: Determine that the 'short stay strata dwelling' use may be consistent with the objectives of the Residential zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- Option 3: Determine that the 'short stay strata dwelling' use is not consistent with the objectives of the Residential zone and is therefore not permitted in the zone.

Option 2 is recommended as it is consistent with how similar proposals have been processed by the Shire, when an application entails a strata unit.

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

The Local Planning Policy does not strictly apply to this application as the proposal is not considered to be a 'holiday house'. The Policy is being used as a general guide only for the planning assessment as follows:

Policy Requirement	Comment
1. A site plan or good quality clear aerial showing the existing house, existing buildings, driveway, and guest parking areas. The location, number and dimensions of parking areas should be clearly marked on the plan.	The owners have lodged a clear aerial showing access and carparking bays. Car parking is discussed in the body of this report.
2. An internal floor plan showing the house layout, the use of each room, and number of double, single or bunk beds per room (including fold out couches).	There is a detailed floor plan showing all bedrooms and the number of beds.
3. Carparking to be provided at a rate of 1 space every 3 guests.	Two existing hardstand carparking bays are provided to cater for 6 guests.

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	Car parking is discussed in the body of this report.
4. A Management Plan that addresses how the land use will be managed on a day to day basis to maximise protection of residential amenity, including details of how noise issues will be addressed by the Manager (handling of complaints), and full contact details of the Manager or employee of the Manager.	A Management Plan by Ray White has been lodged and is in a format comparable to other management plans that have been approved by the Shire.
5. A Fire and Emergency Response Plan that includes detailed fire escape route maps, provision of a fire extinguisher and emergency contact numbers.	<p>The owners propose to implement a Fire and Emergency Response Plan.</p> <p>The applicant has lodged a detailed floor plan that shows the location of a fire extinguisher, fire blanket, outdoor hose, escape routes and assembly point at the front of the lot.</p>

- **Consultation**

A letter of objection has been signed by 10 owners of 7 properties in Leeds Court and Spaven Way. One of the owners has also lodged a detailed individual submission.

The submissions are detailed in Attachment 1. Some comments have been made that are specific to this application, and other comments are orientated towards the broader issue of holiday accommodation in Denham, which is a strategic planning issue.

The plan overpage shows the location of objectors properties in context of Strata Lot 2.

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Above: Plan showing location of properties owned/occupied by objectors

- ***Carparking***

The area in front of the existing dwelling on Strata Lot 2 is brick paved. The brick paved area includes most of the front yard (except for garden beds) as well as the verge.

A conservative measurement of the width of the brick paving is approximately 13.7 metres. This excludes a garden bed along the north west boundary and the driveway to the outbuilding near the south east boundary – refer to plan over page.

To put this width in context, a standard car parking bay in a commercial carpark generally measures 2.5 metres wide by 5.5 metres in length. At least two carparking bays could be accommodated in the existing double driveway, in front of the existing dwelling.

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Above: Aerial showing accessible parking areas



Above: Photo showing one car in the existing double driveway

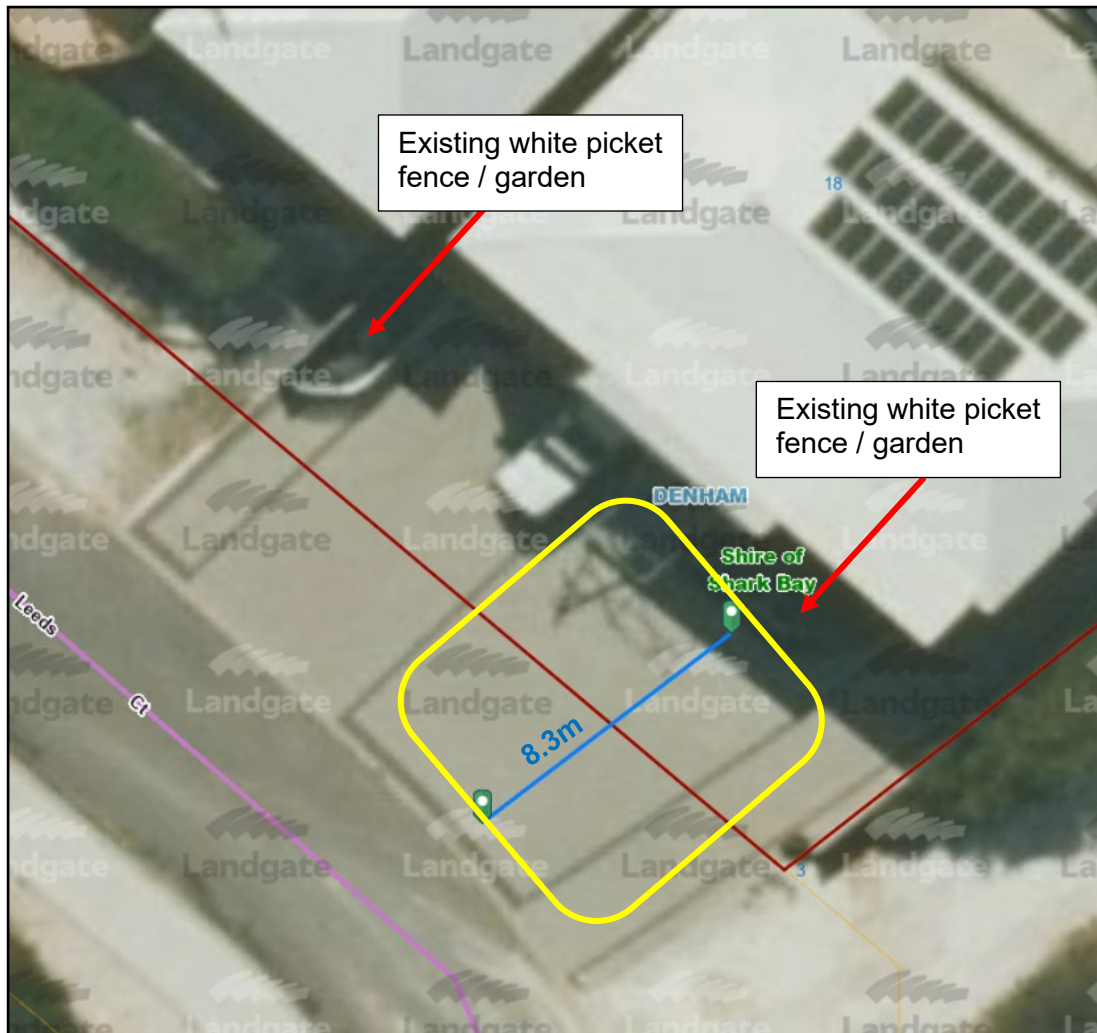
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Above: Photo showing over flow parking or boat parking bay

A conservative measurement of the depth of the front yard available for parking is 8.3 metres – refer overpage. This takes into account an existing garden bed, and a green dome.

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Above: Measurement of front yard depth and area highlighted for over flow carparking or boat parking

The objections to the proposal made specific comments on car parking which are summarised and commented on in the table below. In support of their comments they have lodged marked up photographs which are included as Attachment 3.

Car parking comments	Town Planning Innovations Comment
<p>The illusion of a large car parking space is created firstly by the pavement extending all the way down to the curb over the full length of the property.</p>	<p>Town Planning Innovations is of the view that there is a reasonably sized car parking and boat parking area in front of the existing dwelling.</p> <p>This is not taking into account any undercroft, garden areas, green dome areas or the portion of single driveway to the south east of the dwelling that leads to an outbuilding.</p>
<p>Secondly, although the property features three garage doors, one is locked for the owners' use only and the other two under the house lead into a space advertised as a 'man cave' and</p>	<p>It is agreed that carparking in front of the existing dwelling is more practical and accessible for a variety of different sized cars.</p>

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<p>therefore obviously not available for parking.</p> <p>In addition the limited height (~ 2 m) and width (2.70 m) of the garage roller doors make it impossible to park any boat towing vehicles or any normal 4WD under the house (even if the space was available).</p>	<p>Town Planning Innovations has not taken into account any undercroft enclosed garage parking in the assessment.</p>
<p>Thirdly, the fenced flower bed in front of the house, the Horizon Power dome and the neighbouring fences restrict the parking access and manoeuvring space on the side and in the front of the house.</p>	<p>Measurements of the accessible open parking in front of the dwelling contained in this report have taken into account the dome (which is close to the fence line) and the garden areas.</p>
<p>The only actual parking space is a small area in front of the house outlined in green (please see pictures at the end of the letter).</p> <p>Therefore it is of great concern to us that the property is already advertised by Ray White (and bookable!) as a place where “<i>There is plenty of Car & Boat Parking available</i>”.</p>	<p>Town Planning Innovations has provided details of car parking in this report, along with aerials and photographs.</p> <p>Noted. When Town Planning Innovations checked the Ray White website it advertises this house as ‘coming soon’.</p>
<p>Because the property does not offer any adequate parking space for cars in general and boats in particular it does not meet the requirement listed in the Town Planning Scheme No 4 / 32.15.2 (c), hence the application should be rejected.</p>	<p>Town Planning Innovations supports two car parking bays in the brick paved double driveway as sufficient for 6 guests. Town Planning Innovations also supports that the parking area in front of the house is sufficient for one boat.</p> <p>The applicant has agreed that the number of boats can be capped at one.</p>

• **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 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 15 is within a declared bushfire prone area (pink area).

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

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- (a) The dwelling has already been constructed.
- (b) The owner has addressed fire safety by preparing a fire escape plan and provision of a fire extinguisher in accordance with the Shires Local Planning Policy No 1.
- (c) The current state 'Guidelines for Planning in Bushfire Prone Areas' only require a simplified evacuation plan for holiday houses in built up areas.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 –

Regulation 57 of the deemed provisions outlines '*matters to be considered by Council*' including but not limited to orderly and proper planning, the compatibility of the development with it's setting including the relationship to development on adjoining land, the amenity of the locality, the adequacy of proposed means of access to and from the site, the amount of traffic to be generated by the development, and any submission received.

Clause 64 outlines advertising requirements for different applications. Any application for a 'use not listed' is considered a complex application, and requires a longer 28 day advertising period.

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

Clause 16(2) of the Scheme outlines the following objectives of the Residential Zone:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
- To provide for tourist development which is compatible with and complementary to residential development.

POLICY IMPLICATIONS

The Shire has a Local Planning Policy for Holiday Houses. Whilst this application is not technically a 'holiday house' it has been assessed taking into account the general Policy requirements.

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

- Position Statement: Planning for Tourism and Short Term Rental Accommodation Guidelines on Holiday Homes and short stay use of residential dwellings. It outlines that local governments will continue to be responsible for managing local regulatory frameworks to manage short-term rental accommodation.
- Information on the State governments Short Term Rental Accommodation planning reforms - [Short-Term Rental Accommodation Planning Reforms \(www.wa.gov.au\)](http://www.wa.gov.au)

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FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

It is important to note that:

- The State Government is progressing legislation to improve regulation around the Short-Term Rental Accommodation sector.
- Existing planning approvals will remain valid.
- The Short-Term Rental Accommodation Bill was introduced into Legislative Assembly of the WA Parliament on 21 February 2024. Local governments can comment on the Bill by the 25 March 2024.
- The Short-Term Rental Accommodation Bill 2024 proposes to require all short-term rental accommodation in Western Australia to be registered. If a property is not registered, the operator will not be permitted to advertise or enter into a short-term rental arrangement.
- Compliance mechanisms are proposed including monetary penalties and a power of a Commissioner to suspend or cancel registration.
- Local Government Authorities will retain primary responsibility through their planning schemes for determining development approval requirements to apply to Short Term Rental Accommodation.
- A state register is expected to open mid-2024 and registration will become mandatory on the 1 January 2025.
- Property owners are to demonstrate compliance with local planning requirements or risk de-registration by the 1 January 2026.
- The Western Australian Planning Commission is looking at new and amended tourism-related definitions will be included in the updated *Planning and Development (Local Planning Schemes) Regulations 2015*.

Matters such as holiday houses need to be examined strategically as part of development of a new Local Planning Strategy. When the state brings out new land use definitions for Short Term Rental Accommodation, the Shire will need to consider whether any scheme amendment is warranted.

RISK MANAGEMENT

There are no known risks associated with the proposed development.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

D Chapman

Date of Report

20 March 2024

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ATTACHMENT # 1 – Table of Submissions

Summary of Submission	(Consultant) Officer Comment
SUBMISSION 1 SIGNED BY OWNERS OF NO 2, 3, 4, 9, 11 LEEDS COURT AND NO 15 & 20 SPAVEN WAY	
<p>Impact and shortage of long term rentals</p> <p>1a) It is not new to the Shire that Denham lacks housing for people who live and work in the Bay. The shortage of long-term rentals has already led to the loss of desperately needed workers which in turn limits services and has a negative effect on existing businesses that rely on certain services, e.g.4WD businesses need to have the car serviced but we have already lost one of our mechanics due to unavailable housing.</p> <p>1b) Equally important to a small community is the fact that an increase of short-term holiday rentals not only limits the number of employable workers, but there are potentially also less volunteers for community services, placing increased pressure on Silver Chain and community services such as Shark Bay Ambulance, Fire and Emergency Services Authority, Volunteer Marine Rescue.</p>	<p>1a) This is a statement.</p> <p>The issue of housing supply and long term rentals is complex and may not solely be attributed to the presence of short stay/ holiday houses.</p> <p>Town Planning Innovations works with a number of local governments in the wheatbelt who do not have high levels of tourist or short term accommodation, and are still experiencing issues with a lack of long term rentals, particularly for workers.</p> <p>There are complex issues surrounding the housing industry at the present time, not only in regional areas but also in Perth. There is a range of factors such as higher construction costs, increased cost of materials, shortage of trades persons/ construction workers, longer building times, collapsed building companies, and economic factors such as increased costs of living.</p> <p>There are other economic issues when looking at holiday houses. Businesses and tourism operators need tourists to visit town and spend money; these businesses also need workers to serve the tourists; and the workers need houses to rent.</p> <p>The supply of holiday houses is a relevant strategic issue that needs to be considered at a Policy and Strategy level. It is a challenging and complex issue.</p> <p>1b) This is a statement.</p> <p>Historically holiday houses in Denham operated without approval. Town Planning Innovations is of the understanding that many had operated for some years.</p> <p>The Shire introduced the current Local Planning Policy on Holiday Houses to provide clear guidelines for applicants, and introduce management</p>

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

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Summary of Submission	(Consultant) Officer Comment
SUBMISSION 1 SIGNED BY OWNERS OF NO 2, 3, 4, 9, 11 LEEDS COURT AND NO 15 & 20 SPAVEN WAY	
<p>1c) Furthermore, recent research done internationally shows clearly that a high number of short-term rentals in an area causes a tighter rental market which in turn leads to higher rent and higher house prices, thus exacerbating the availability of affordable housing for locals. This is exactly what has happened in Denham over the last five years.</p>	<p>controls such as having a local property manager, and a detailed management plan.</p> <p>To a certain extent, the Policy has introduced circumstances where holiday houses may be acceptable in a residential area, with appropriate management strategies in place. First time approval are limited to a 12 month period so that any issues can be monitored.</p> <p>The Shire has supported a wide range of short stay units and holiday houses. Most of these are situated in the Residential zone.</p> <p>If Council wants to introduce new restrictions or different requirements, then the existing Holiday House Policy needs to be reviewed and amended.</p> <p>1c) This is a statement.</p> <p>As outlined in 1a) it is a complex issue. Holiday Houses play a role in catering for tourists, however there is also the issue of how to best manage them in a residential area, and whether they have an impact on housing supply for long term rentals.</p> <p>Historically holiday houses in Denham operated without approval. The Shire introduced the current Local Planning Policy on Holiday Houses to provide clear guidelines for applicants, and introduce management controls such as having a local property manager, and a detailed management plan.</p> <p>The Shire has supported a wide range of short stay units and holiday houses. Most of these are situated in the residential zone.</p> <p>If Council wants to introduce new or different requirements, then the existing Holiday House Policy needs to be reviewed and amended.</p>

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<p>On the Way to a Ghost Town.</p> <p>1d) The census of 2021 stated that already 31.5% of all private dwellings in Denham are unoccupied. While the percentage of occupied dwellings has dropped by 0.5% since 2016, the percentage of unoccupied dwellings (either private holiday homes or more often short-term holiday rentals) has increased by 2.5%. By allowing the conversion of more residential homes into short-term rentals (instead of becoming an 'occupied dwelling'), the Shire will actively foster this unhealthy trend and eventually disrupt the community to the point that Denham will become a ghost town.</p>	<p>1d) This is a statement.</p> <p>To provide context, the 2021 census does not have a specific definition for holiday houses. It classifies dwellings into 'private dwellings (occupied and non occupied). The definitions note that a <i>'dwelling is a structure which is intended to have people live in it, that is it was established for short stay or long stay accommodation'</i>.</p> <p>The census guide explains that 'unoccupied private dwellings' is most often a separate house, townhouse, apartment or flat with no one staying there on census night. It can include holiday houses but Town Planning Innovations does not assume that all unoccupied private dwellings are holiday houses.</p> <p>The 2021 Australian Bureau of Statistics includes statistics from the census count of 223 occupied dwellings. It cites 88 separate houses as being rented, and 26 were through a real estate agent. The occupied dwellings excludes 'visitors only'.</p>
<p>Destruction of a healthy, affordable and diverse Community.</p> <p>1e) Tourism is vital for this town but an imbalance between available and affordable housing and short-term holiday rentals for tourists can be deadly for a community as residents in popular places all over the world have experienced. Locals from Noosa Head, Byron Bay and Margaret River, just to name a few Australian places, would surely testify to this. Currently there are approximately 50 short-term holiday rentals operating in the residential area ,that is 50 houses from a total of only 462 dwellings (according to the 2021 census). By approving yet another short-term holiday rental, the Shire would further increase the imbalance and continue to reduce the houses available for residents.</p>	<p>1e) This is a statement.</p> <p>Town Planning Innovations cannot confirm the reference to 50 holiday houses as the 2021 Census does not appear to have a specific holiday house category as explained in 1d).</p> <p>A significant number of holiday houses are managed by Ray White. Their website advertises 33 properties in Denham as holiday rentals, and one 'coming soon'.</p> <p>Stayz advertises approximately 26 holiday houses, and AirBnB advertises approximately 26 in Denham.</p>

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	<p>Based on the Shires planning application list and Town Planning Innovation's records, there were 29 holiday houses approved in 2022/2023, and 7 short stay (strata or units). Some of these had already been operating and sought retrospective approval.</p> <p>The majority of applications received in 2023 were renewals for existing holiday houses.</p>
<p>Increased Risk during a Cyclone.</p> <p>1f) Short -term holiday rentals are traditionally vacant for most of the time during the peak cyclone season. During a cyclone a property can receive minor or major damage. Repairing minor damage instantly can prevent it from becoming major damage which in turn can become hazardous to neighbouring properties, e.g. loose colorbond sheets, fence posts or outside furniture can become missiles causing damage to neighbouring properties. Ray White manages already over 30 houses. During a cyclone Ray White will have to worry about their own property, so nobody is onsite to do minor repairs and look after the property. In addition, after the cyclone, the pressure will be on us neighbours and the community to clean up properties that have absentee owners.</p>	<p>1f) This is a statement.</p> <p>Town Planning Innovations has no evidence of holiday houses not being repaired or maintained after a cyclone.</p>
<p>Increased Competition with licensed Commercial Accommodation Businesses.</p> <p>1g. Denham has several licensed commercial accommodation businesses, mainly along the foreshore, which contribute to Denham community and depend on tourists. An ever-increasing number of short-term holiday rentals would undoubtedly have a negative impact on those businesses prompting a direct competition for the tourist dollar and reducing affordable housing for staff.</p>	<p>1g. Noted. To the best of Town Planning Innovation's knowledge there is a high take up of a range of different tourist accommodation types that are available in Denham at different prices.</p> <p>Different forms of accommodation play different roles and can cater for different types of tourists.</p>

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<p>Town Planning Scheme No 4 / 32.15.3 (e).</p> <p>1h) According to the Town Planning Scheme 4 short term holiday rentals are supposed to be encouraged close to the Denham town centre and discouraged within established residential areas distanced from the Denham town centre. Leeds Court is a well established residential area at the outskirts of Denham. Approving a short-term rental in the outskirts of town would contradict the Shire's own Town Planning Scheme.</p>	<p>1h) The Scheme only uses terminology 'to encourage' and 'discourage' as it is not a 'requirement'. It could be argued that most properties in Denham are close to the town centre.</p> <p>Based on 400 metres being approximately a 5 minute walk, it is estimated that 1 Leeds Court at 750 metres from Knight Terrace (via Leeds Court/Spaven Way and Durlacher Street) is a 754 metre / 10 minutes walk.</p> <p>Town Planning Innovations understands the objectors point which seems to be that they consider that the character of their street is residential in nature, and they perceive that their residential amenity is largely due to Leeds Court being a small cul-de-sac with a limited number of lots.</p> <p>Town Planning Innovations has to consider existing Council decisions, and a consistent approach. Two holiday houses have been approved at the head of the Sunter Place cul-de-sac and are further away than 1 Leeds Court.</p>
<p>Loss of a High Quality Neighbourhood.</p> <p>1i) A healthy residential area is characterised by neighbours who live there permanently or at least for most of the year. You get to know your neighbours - you can talk to, ask for help, you make friends, you look out after each other's property etc. In short, a street which provides a healthy neighbourhood increases the quality of life for its residents. So far Leeds Court has been such a street. A holiday house at 1 Leeds Court would detract from the residential character and amenity of this locality and therefore would clash with the Town Planning Scheme No 4 / 32.15.1.</p>	<p>1i) This is a statement.</p> <p>Town Planning Innovations notes that local residents in Leeds Court have expressed concern over retaining a high level of residential amenity.</p> <p>The Shires Local Planning Policy outlines the requirements for Holiday Houses in Residential areas such as having a local property manager, management plan, parking plan and emergency plan. In addition, first time approvals are only issued for a 12 month period.</p> <p>Town Planning Innovations is only aware of 1 written complaint being received about an approved holiday house in Denham, and that complaint was actioned by Ray White at the time.</p>

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	<p>Town Planning Innovations has to assess the application and make a recommendation to Council in context of the Shires existing Policy and having regard for existing approvals granted for holiday houses in similar circumstances (such as Sunter Place).</p>
<p>Residential Zone.</p> <p>1j) Leeds Court lies within a zone clearly defined as 'Residential' in the town planning scheme. A residential zone by definition should provide a residence to someone- whether to the owner or to a long-term tenant. If someone wanted to build a commercial accommodation on 1 Leeds Court such as a hotel or a bed and breakfast, the Shire would object on the basis that it is a residential area. So why are people allowed to buy an existing residence and convert it into a commercial accommodation business? The property 1 Leeds Court has just been bought by the new owner. The owner does not live in Denham. The property was bought with the intention to turn it into a commercial accommodation business. Allowing the establishment of commercial short-term holiday houses within a residential zone denies people the protection and reliance upon the Town Planning Scheme.</p>	<p>1j) Council has discretion to consider other land uses in the residential zone under the zoning table including bed and breakfast, child care centre, garden centre, holiday accommodation, holiday house, hospital, medical centre, place of worship, tourist development and workforce accommodation.</p> <p>In exercising discretion Council needs to consider normal planning considerations such as amenity and parking, as well as any adopted Local Planning Policy.</p> <p>The proposed development requires the specific approval of Council, and therefore the nature of this objection has to be weighed up with other planning considerations, as well as existing Council determinations.</p>
<p>Interruption of Daily Work Routine.</p> <p>1k) Leeds Court is a quiet cul-de-sac with long-term residents who are employed and dependent on a quiet 'sleep-friendly' environment. Holiday makers have potentially different behaviours and routines which could clash with the daily work routines of the residents.</p>	<p>1k) Noted. For any holiday house to successfully operate in a way that is compatible with a residential zone, it needs to be well managed. If a holiday house is not well managed, then it can impact on neighbours.</p> <p>It is for the reason above, that any first time approval is limited to a 12 month period.</p>
<p>Loss of a Place to Recharge from Work.</p> <p>1l) A residential zone is meant to give residents an exclusive zone where they can relax after work. A large number of residents in</p>	<p>1l) Any tourists will only be occupying the house at 1 Leeds Court.</p>

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<p>Leeds Court already contribute to the tourism industry in Shark Bay on a daily basis by offering services to holiday makers, hence some of us deal with tourists all day. Although we all enjoy our work and the interaction with tourists, we are also aware that a healthy work-life balance is vital to relax and recharge the mind. This is why we all chose to live in a quiet corner of town, away from shops and away from the busy foreshore. Having a short-term holiday rental among us would bring the tourists into our after work living space.</p>	<p>Neighbours do not need to interact or socialise with occupiers of the holiday house if they do not wish to.</p> <p>Some of the objectors, not all, live several lots away from the proposed holiday house.</p>
<p>Setting a Precedent with no End in Sight.</p> <p>1m) Leeds Court is a short cul-de-sac with only nine houses. As ocean views are obtained from most houses, this street has a great potential for holiday rentals. If the Shire allows 1 Leeds Court to be converted into a short-term holiday rental, it will set a precedent which will pave the way for other houses in the street to be converted. Of great concern to us residents is the fact that if the application of 1 Leeds Court is successful, there is a great chance that three more houses will follow suit and consequently will be converted into short-term holiday rentals. This would mean four of nine houses in Leeds Court end up being used as short term holiday rentals. This would undoubtedly spoil and alter the character of Leeds Court and therefore collide with the Town Planning Scheme No 4 / 32.15.1. When will the Shire start to protect our residential areas from the infiltration of commercial accommodation businesses?</p>	<p>1m) Noted. It is understood that surrounding residents are concerned about the potential for future holiday house applications.</p> <p>Town Planning Innovations is of the view that if Council seeks to introduce new restrictions on holiday houses it needs to do so at a Local Planning Policy level and through the Shires Local Planning Strategy.</p>
<p>Higher Risk of Crime.</p> <p>1n) Short-term rentals are vacant for a considerably time of the year, usually outside the tourist season. Vacant houses have the potential to attract unwanted criminal activity into our street, especially as our street is at the edge of town. In</p>	<p>1n) Town Planning Innovations has no evidence that there is increased crime associated with vacant holiday houses.</p>

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<p>addition, with a smaller number of permanent neighbours, our houses would be more susceptible to burglary.</p>	
<p>High Density of Short-Term Holiday Makers.</p> <p>1o) Within close proximity of Leeds Court is already the Shark Bay Caravan Park with a high density of short-term holiday makers. If residential houses in Leeds Court were allowed to be converted into short-term holiday rental it would increase the number of non-residents even further.</p>	<p>1o) Statement noted.</p>
<p>Increase of Noise Level.</p> <p>1p) Residents of Leeds Court are already exposed to a higher noise level during peak holiday times emanating from the adjacent Shark Bay Caravan Park, in particular from the swimming pool and BBQ area. If the development of 1 Leeds Court went ahead, residents of 2 Leeds Court would be literally sandwiched between the caravan park and the proposed holiday rental (with up to six people). It also needs to be taken into account that noise levels in the caravan park are controlled by the onsite managers who live on the premises, hence if noise levels become intolerable, they can be dealt with instantly. In contrast to that, if there are issues with the holiday rental occupants causing disruption to residents, we have to get in contact with the property manager who does not live on site and might not be available instantly, especially given the fact that Ray White has over 30 other houses to look after.</p>	<p>1p) Statement noted.</p> <p>Town Planning Innovations has no evidence of issues associated with any properties managed by Ray White.</p>
<p>Town Planning Scheme No 4 / 32.15.3 (f).</p> <p>1q) Leeds Court 1 has been divided into two houses on strata title reducing the lot size considerably and resulting in a higher density of housing than is standard in this part of Denham. A holiday short-term rental would add to the already higher risk of disturbance and noise coming from the strata high density housing. This particularly applies to the resident of 20 Spaven</p>	<p>1q) Noted. There are examples of other short term accommodation uses approved in Denham on strata lots/ grouped dwellings.</p> <p>There are examples at 36B/36C Denham Road, 51A/51B Knight Terrace, 6B Fry Court and 7A Fry Court.</p>

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<p>Way whose property runs along the back of the strata where the BBQ and outdoor facilities of 1 Leeds Court are located. Also in close proximity is 15 Spaven Way which is located just opposite the entrance to the proposed short-term rental.</p>	
<p>No adequate Carparking can be provided on Site.</p> <p>1r) Most short-term holiday makers in Denham come for fishing, hence they arrive in big cars and they tow large boats. For convenience, fishermen usually prefer to leave their trailers hooked up, hence they need a lot of space for parking and, depending on the parking space, also a lot of space (and time) for manoeuvring (resulting in an increase of noise level in a residential area).</p>	<p>1r) The submission raises specific concerns over parking which are discussed in the report item.</p>
<p>1s) Although we specifically object to the development of 1 Leeds Court for the above reasons, we would like to urge the Shire, in the interest of the community, not to treat this application as an individual case but as a communal problem. Other Australian Shires which face the same problem have started to react and have put in place measures to protect their businesses and their residents.</p> <p>As an example, several Shires have started to cap the number of days a short-term holiday place can be rented out, e.g. Byron Bay is down to a 60 day cap. Broome is about to raise the rates for holiday rentals. In Victoria the Government has stepped in and decided to raise a tourist levy of 7.5% per booking which will be used for the construction of affordable housing. In other places across our borders such as in New York, the owner of a holiday rental needs to live on the premises. There are many ways Shires can act which is why we are confident that our Shire will find a way to put a stop to commercial rental activities in our residential areas and thereby protect our community.</p>	<p>1s) Noted. Council has to consider the application based on it's individual merit.</p> <p>If desired, Council can pursue a revised Local Planning Policy as well as examine the issue strategically as part of a new Local Planning Strategy.</p> <p>The issue about rates is separate to town planning.</p>

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<p>1t) As a last point we would like to express our indignation in finding that Ray White is already advertising this property as a short-term rental which indicates a lack of respect for the Shire's process and a lack of respect for the potential concerns of the local residents.</p>	<p>1t) Noted. Town Planning Innovations checked the Ray White website on the 17 March 2024, and it lists 1 Leeds Court as 'coming soon'. It is being advertised as 'Mojo's Dreaming' To the best of Town Planning Innovation's knowledge it has not been rented out for short stay.</p>
<p>1u) Despite being already advertised, we would like to remind the Shire of its Town Planning Scheme and the fact that the Shire has the power to reject the application.</p>	<p>1u) Noted. Council has the option of refusing any application if it can be based on sound planning grounds.</p> <p>The owner will have a right to lodge an application to the State Administrative Tribunal for review, if aggrieved by Council's decision.</p>

Summary of Submission	(Consultant) Officer Comment
SUBMISSION 2 SIGNED BY OWNER OF 20 SPAVEN WAY	
<p>2a) I strongly object to this application. My general concerns of the gradual increase of short-term-accommodation in Denham are expressed in a letter which was drafted along with other local residents mainly residents living in Leeds Ct). My specific concerns as a direct neighbour to 1 Leeds Court are also pointed out in the aforementioned letter.</p>	<p>2a) Noted.</p>
<p>2b) Special tourism accommodation sites should be protected for the respective businesses in the same way residential areas should be protected from an increasing number of short stay accommodation changing the character of the residential area and causing various problems. A lot of short-term accommodation have become true businesses and are no longer compatible within areas zoned as residential. If somebody buys a property within a residential area, doesn't intend to live on the property instead converting the house into a tourist accommodation, the property will become a Special tourism accommodation site thus contradicting the objectives of the shire's Town Planning scheme No 4. If the shire is going to rubber-stamp this application legally, it'll stand on shaky ground.</p>	<p>Noted. As per 1j).</p>

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<p>2c) The number of short stay accommodation has gone up in Denham and throughout WA draining the range of housing for people looking for permanent residency especially in locations with high tourism appeal. Denham within a World Heritage Area has definitely such an appeal. A dwindling market for rental housing in conjunction with the lack of properties to buy, deplete our manpower resources which in turn affects residents and businesses alike. All services provided don't work without people. And in most services we need (retail, community service, hospitality. etc.) the pay is not in the top dollar bracket. For these people we need affordable housing rather than short stay accommodation.-These people are the backbone of our economy.</p>	<p>As per 1s).</p>
<p>2d) I acknowledge that the Shire in its town planning scheme no. 4 has included specific considerations for holiday homes in residential zones. I urge the shire to take these considerations seriously and reject this application.</p> <p>I am aware there are other steps necessary to address the affordable housing crisis but to object to this application is definitely one of them.</p>	<p>As per 1u).</p>

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ATTACHMENT # 2 – Parking Plan

Attachment 2

**Street View
1 Leeds Court**



Car & Boat Parking
Ample room for boats
and cars on the
property (maximum 3
cars and 2 boats at any
one time)

Attachment 2

Aerial View



Car & Boat Parking
Ample room for 3 cars
and 2 boats on property
at any one time

ATTACHMENT # 3 – Objectors Comments

1

Denham, 26/02/2024

Dear Shire Team,

Thank you for the opportunity to comment on the planned development of a short-term accommodation in 1 Leeds Court, Denham.

For reasons listed below we, residents of Leeds Court and Spaven Way, do strongly object to the plans. Our concerns range from general worries about more short-term accommodation in Shark Bay to points regarding the property 1 Leeds Court specifically.

Why do we object to another short-term rental in Shark Bay?

- **Short-Term Rental versus Long-Term Rental.** It is not new to the Shire that Denham lacks housing for people who live and work in the Bay. The shortage of long-term rentals has already led to the loss of desperately needed workers which in turn limits services and has a negative effect on existing businesses that rely on certain services, e.g. 4WD businesses need to have the car serviced but we have already lost one of our mechanics due to unavailable housing. Equally important to a small community is the fact that an increase of short-term holiday rentals not only limits the number of employable workers, but there are potentially also less volunteers for community services, placing increased pressure on Silver Chain and community services such as Shark Bay Ambulance, FESA, Volunteer Marine Rescue. Furthermore, recent research done internationally shows clearly that a high number of short-term rentals in an area causes a tighter rental market which in turn leads to higher rent and higher house prices, thus exacerbating the availability of affordable housing for locals. This is exactly what has happened in Denham over the last five years.
- **On the Way to a Ghost Town.** The census of 2021 stated that already 31.5% of all private dwellings in Denham are unoccupied. While the percentage of occupied dwellings has dropped by 0.5% since 2016, the percentage of unoccupied dwellings (either private holiday homes or more often short-term holiday rentals) has increased by 2.5%. By allowing the conversion of more residential homes into short-term rentals (instead of becoming an ‘occupied dwelling’), the Shire will actively foster this unhealthy trend and eventually disrupt the community to the point that Denham will become a ghost town.
- **Destruction of a healthy, affordable and diverse Community.** Tourism is vital for this town but an imbalance between available and affordable housing and short-term holiday rentals for tourists can be deadly for a community as residents in popular places all over the world have experienced. Locals from Noosa Head, Byron Bay and Margaret River, just to name a few Australian places, would surely testify to this. Currently there are approximately 50 short-term holiday rentals operating in the residential area, that is 50 houses from a total of only 462 dwellings (according to the 2021 census). By approving yet another short-term holiday rental, the Shire would further increase the imbalance and continue to reduce the houses available for residents.
- **Increased Risk during a Cyclone.** Short-term holiday rentals are traditionally vacant for most of the time during the peak cyclone season. During a cyclone a property can receive minor or major damage. Repairing minor damage instantly can prevent it from becoming major damage which in turn can become hazardous to neighbouring properties, e.g. loose colorbond sheets, fence posts or

outside furniture can become missiles causing damage to neighbouring properties. Ray White manages already over 30 houses. During a cyclone Ray White will have to worry about their own property, so nobody is onsite to do minor repairs and look after the property. In addition, after the cyclone, the pressure will be on us neighbours and the community to clean up properties that have absentee owners.

○ **Increased Competition with licensed Commercial Accommodation Businesses.** Denham has several licensed commercial accommodation businesses, mainly along the foreshore, which contribute to Denham community and depend on tourists. An ever-increasing number of short-term holiday rentals would undoubtedly have a negative impact on those businesses prompting a direct competition for the tourist dollar and reducing affordable housing for staff.

Why do we object to short-term rental in Leeds Court?

○ **Town Planning Scheme No 4 / 32.15.3 (e).** According to the Town Planning Scheme 4 short-term holiday rentals are supposed to be encouraged close to the Denham town centre and discouraged within established residential areas distanced from the Denham town centre. Leeds Court is a well established residential area at the outskirts of Denham. Approving a short-term rental in the outskirts of town would contradict the Shire's own Town Planning Scheme.

○ **Loss of a High Quality Neighbourhood.** A healthy residential area is characterised by neighbours who live there permanently or at least for most of the year. You get to know your neighbours – you can talk to, ask for help, you make friends, you look out after each other's property etc. In short, a street which provides a healthy neighbourhood increases the quality of life for its residents. So far Leeds Court has been such a street. A holiday house at 1 Leeds Court would detract from the residential character and amenity of this locality and therefore would clash with the Town Planning Scheme No 4 / 32.15.1.

○ **Residential Zone.** Leeds Court lies within a zone clearly defined as 'Residential' in the town planning scheme. A residential zone by definition should provide a residence to someone – whether to the owner or to a long-term tenant. If someone wanted to build a commercial accommodation on 1 Leeds Court such as a hotel or a bed and breakfast, the Shire would object on the basis that it is a residential area. So why are people allowed to buy an existing residence and convert it into a commercial accommodation business? The property 1 Leeds Court has just been bought by the new owner. The owner does not live in Denham. The property was bought with the intention to turn it into a commercial accommodation business. Allowing the establishment of commercial short-term holiday houses within a residential zone denies people the protection and reliance upon the Town Planning Scheme.

○ **Interruption of Daily Work Routine.** Leeds Court is a quiet cul-de-sac with long-term residents who are employed and dependent on a quiet 'sleep-friendly' environment. Holiday makers have potentially different behaviours and routines which could clash with the daily work routines of the residents.

○ **Loss of a Place to Recharge from Work.** A residential zone is meant to give residents an exclusive zone where they can relax after work. A large number of residents in Leeds Court already contribute to the tourism industry in Shark Bay on a daily basis by offering services to holiday makers, hence some of us deal with tourists all day. Although we all enjoy our work and the interaction with tourists, we are also aware that a healthy work-life balance is vital to relax and

recharge the mind. This is why we all chose to live in a quiet corner of town, away from shops and away from the busy foreshore. Having a short-term holiday rental among us would bring the tourists into our after work living space.

○ **Setting a Precedent with no End in Sight.** Leeds Court is a short cul-de-sac with only nine houses. As ocean views are obtained from most houses, this street has a great potential for holiday rentals. If the Shire allows 1 Leeds Court to be converted into a short-term holiday rental, it will set a precedent which will pave the way for other houses in the street to be converted. Of great concern to us residents is the fact that if the application of 1 Leeds Court is successful, there is a great chance that three more houses will follow suit and consequently will be converted into short-term holiday rentals. This would mean four of nine houses in Leeds Court end up being used as short-term holiday rentals. This would undoubtedly spoil and alter the character of Leeds Court and therefore collide with the Town Planning Scheme No 4 / 32.15.1. When will the Shire start to protect our residential areas from the infiltration of commercial accommodation businesses?

○ **Higher Risk of Crime.** Short-term rentals are vacant for a considerably time of the year, usually outside the tourist season. Vacant houses have the potential to attract unwanted criminal activity into our street, especially as our street is at the edge of town. In addition, with a smaller number of permanent neighbours, our houses would be more susceptible to burglary.

○ **High Density of Short-Term Holiday Makers.** Within close proximity of Leeds Court is already the Shark Bay Caravan Park with a high density of short-term holiday makers. If residential houses in Leeds Court were allowed to be converted into short-term holiday rental it would increase the number of non-residents even further.

○ **Increase of Noise Level.** Residents of Leeds Court are already exposed to a higher noise level during peak holiday times emanating from the adjacent Shark Bay Caravan Park, in particular from the swimming pool and BBQ area. If the development of 1 Leeds Court went ahead, residents of 2 Leeds Court would be literally sandwiched between the caravan park and the proposed holiday rental (with up to six people). It also needs to be taken into account that noise levels in the caravan park are controlled by the onsite managers who live on the premises, hence if noise levels become intolerable, they can be dealt with instantly. In contrast to that, if there are issues with the holiday rental occupants causing disruption to residents, we have to get in contact with the property manager who does not live on site and might not be available instantly, especially given the fact that Ray White has over 30 other houses to look after.

Why do we object to a short-term holiday rental in 1 Leeds Court specifically?

○ **Town Planning Scheme No 4 / 32.15.3 (f).** Leeds Court 1 has been divided into two houses on strata title reducing the lot size considerably and resulting in a higher density of housing than is standard in this part of Denham. A holiday short-term rental would add to the already higher risk of disturbance and noise coming from the strata high density housing. This particularly applies to the resident of 20 Spaven Way whose property runs along the back of the strata where the BBQ and outdoor facilities of 1 Leeds Court are located. Also in close proximity is 15 Spaven Way which is located just opposite the entrance to the proposed short-term rental.

○ **No adequate Carparking can be provided on Site.** Most short-term holiday makers in Denham come for fishing, hence they arrive in big cars and they tow large boats. For convenience, fishermen usually prefer to leave their trailers hooked up, hence they need a lot of space for parking and,

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depending on the parking space, also a lot of space (and time) for manoeuvring (resulting in an increase of noise level in a residential area).

Even though parking in 1 Leeds Court might appear spacious at first glance, it doesn't stand up when considering the following facts:

> The illusion of a large car parking space is created firstly by the pavement extending all the way down to the curb over the full length of the property.

> Secondly, although the property features three garage doors, one is locked for the owners' use only and the other two under the house lead into a space advertised as a 'man cave' and therefore obviously not available for parking. In addition the limited height (~ 2 m) and width (2.70 m) of the garage roller doors make it impossible to park any boat towing vehicles or any normal 4WD under the house (even if the space was available).

> Thirdly, the fenced flower bed in front of the house, the Horizon Power dome and the neighbouring fences restrict the parking access and manoeuvring space on the side and in the front of the house.

The only actual parking space is a small area in front of the house outlined in green (please see pictures at the end of the letter). Therefore it is of great concern to us that the property is already advertised by Ray White (and bookable!) as a place where "*There is plenty of Car & Boat Parking available*".

Because the property does not offer any adequate parking space for cars in general and boats in particular it does not meet the requirement listed in the Town Planning Scheme No 4 / 32.15.2 (c), hence the application should be rejected.

Although we specifically object to the development of 1 Leeds Court for the above reasons, we would like to urge the Shire, in the interest of the community, not to treat this application as an individual case but as a communal problem. Other Australian Shires which face the same problem have started to react and have put in place measures to protect their businesses and their residents.

As an example, several Shires have started to cap the number of days a short-term holiday place can be rented out, e.g. Byron Bay is down to a 60 day cap. Broome is about to raise the rates for holiday rentals. In Victoria the Government has stepped in and decided to raise a tourist levy of 7.5% per booking which will be used for the construction of affordable housing. In other places across our borders such as in New York, the owner of a holiday rental needs to live on the premises. There are many ways Shires can act which is why we are confident that our Shire will find a way to put a stop to commercial rental activities in our residential areas and thereby protect our community.

As a last point we would like to express our indignation in finding that Ray White is already advertising this property as a short-term rental which indicates a lack of respect for the Shire's process and a lack of respect for the potential concerns of the local residents.

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Despite being already advertised, we would like to remind the Shire of its Town Planning Scheme and the fact that the Shire has the power to reject the application.

Thank you for the time.

Regards,

Leeds Court/Spaven Way Residents

Kim Branch (2 Leeds Court)

Janine Guenther (3 Leeds Court)

Mike and Janet Parry (4 Leeds Court)

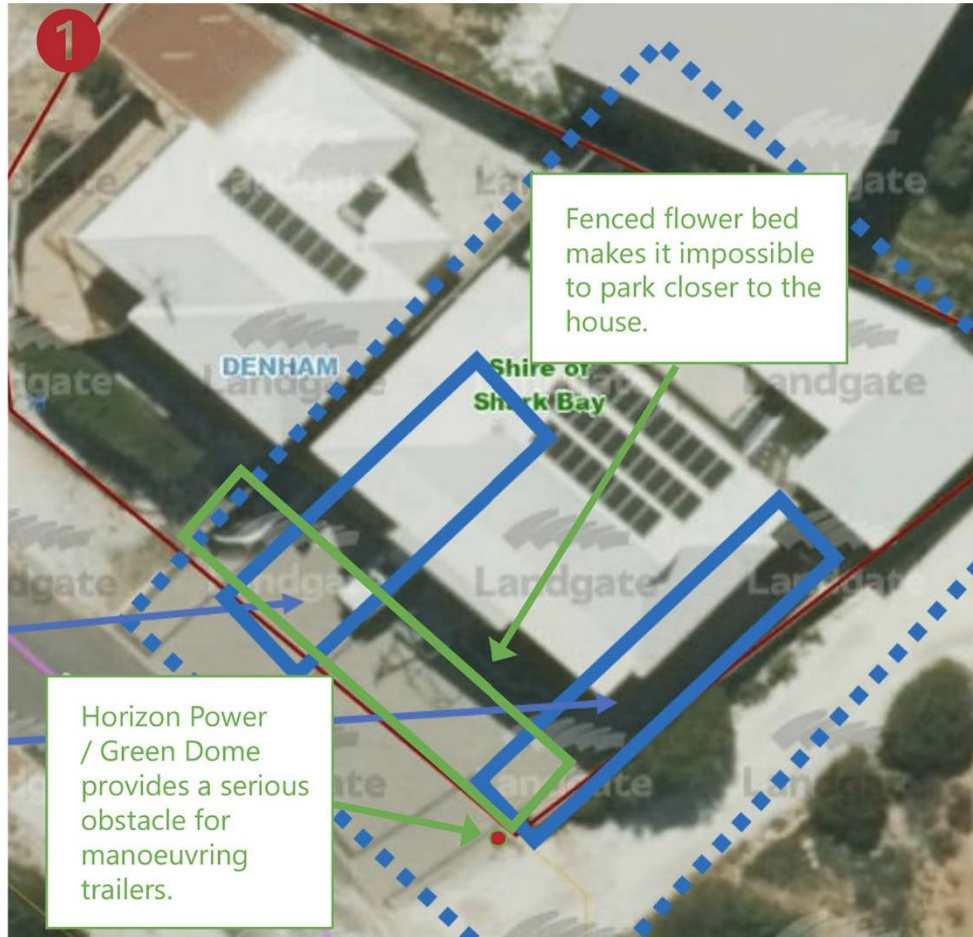
Greg Ridgley & Janine Standen (9 Leeds Court)

Donnelle & Gavin Oakley (11 Leeds Court)

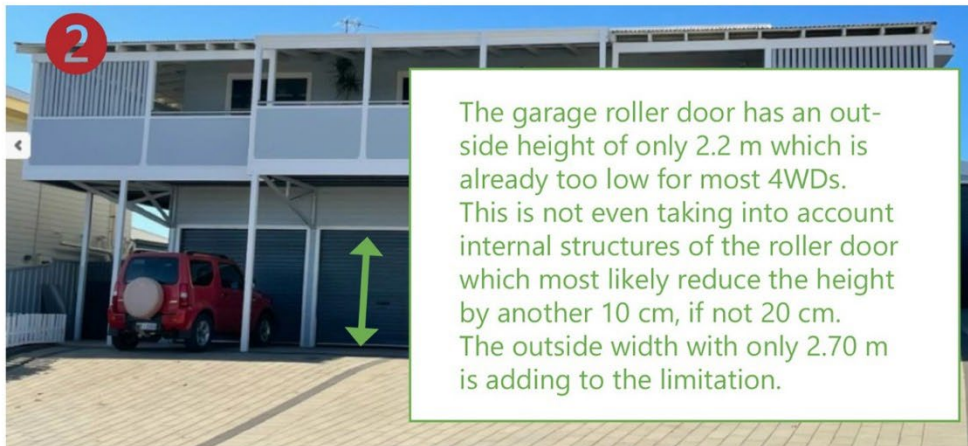
Geoff Brooks (15 Spaven Way)

Jens Mohr (20 Spaven Way)

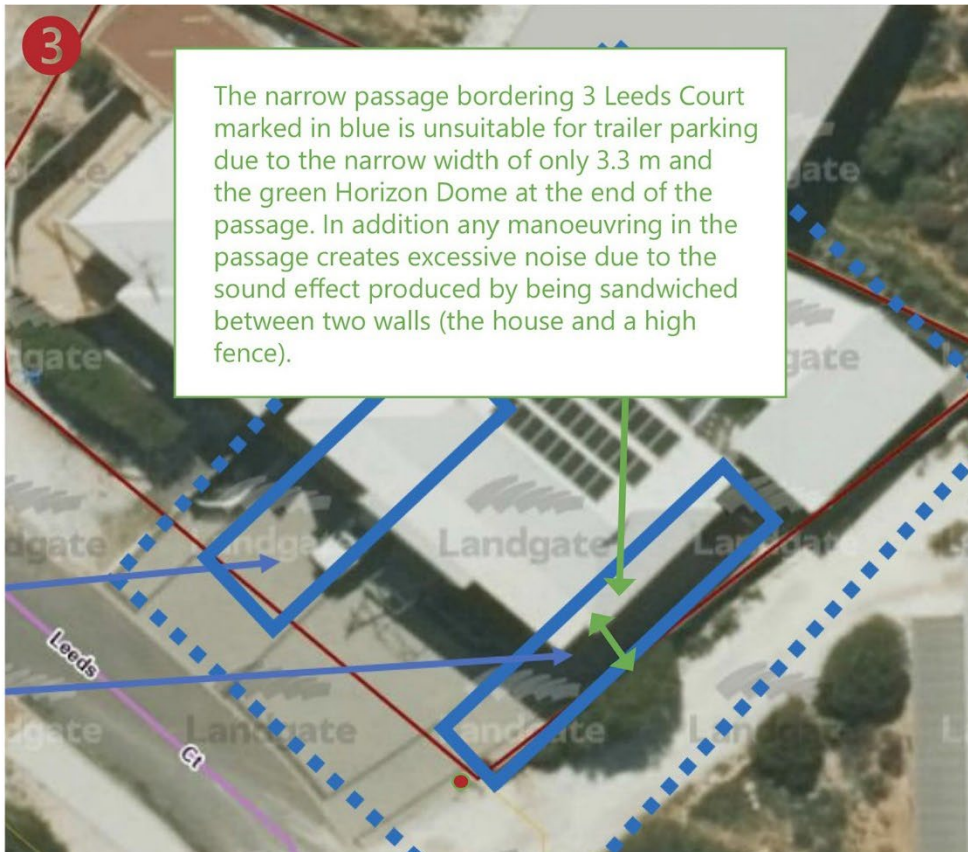
The following pictures illustrate the lack of adequate parking.



In green highlighted the only possible parking space



Roller Doors are too low and narrow to allow underground parking.



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10.2 APPLICATION SEEKING SECOND PLANNING APPROVAL (RENEWAL) FOR A HOLIDAY HOUSE
– LOT 13 (6) SUNTER PLACE, DENHAM
P4230

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Fenny

Seconded Cr Smith

Council Resolution

That Council:

- A. Note that the application for a Holiday House on Lot 13 (6) Sunter Place, Denham has been advertised for public comment. Advertising closed on the 14 March 2024 and no submissions were received.**
- B. Approve the application seeking planning approval for the existing single house on Lot 13 (6) Sunter Place, Denham to be used as a Holiday House subject to the following conditions and footnotes:**
- 1. This approval is valid for a maximum of 3 years from the date of this planning consent. Following the 3 year period this approval shall expire and become void.**
 - 2. This approval for a Holiday House is issued to Graham Thompson as the landowner of Lot 13 (6) Sunter Place, Denham. This approval 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 ownership of Lot 13 this approval is cancelled and expires.
 - 3. The plans lodged with this application shall form part of this approval.**
 - 4. Car parking areas with capacity to accommodate a minimum of 3 car parking bays are to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance with the attached plan submitted with the application.**
 - 5. All guest car parking shall be accommodated within the boundary of Lot 13 at all times.**
 - 6. The owner shall implement the measures in the Management Plan lodged and approved as part of this application.**

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7. The owner shall continue to engage a local property manager to manage the holiday house in accordance with the Management Plan approved as part of this application.

If an alternative manager is engaged (other than the agent stated in the Management Plan) , then a revised Management Plan is to be lodged for separate written approval by the Chief Executive Officer with revised contact details for any new property manager.

8. The owner shall keep and maintain a working fire extinguisher on the premises at all times in accordance with the Management Plan approved as part of this application, or any revised Management Plan approved separately in writing by the Chief Executive Officer.
9. An A3 laminated copy of each fire escape plan (for the ground floor and second storey) approved as part of this application shall be displayed in prominent places within the existing dwelling.
10. The existing landscaping in front of the dwelling shall be retained and maintained.
11. No guest shall be accommodated for periods totalling more than 3 months in any 12 month period.
12. The maximum number of persons to be accommodated at any one time shall be limited to 8.
13. If any sign is installed to advertise or identify the holiday house it shall only be located within the lot boundary and the sign face shall not exceed an area of 0.2 square metres.

D. Resolve to advise the applicant in the covering Determination Letter that:

- (i) The Shire will maintain a holiday house register. Where a planning approval is issued Lot 13 will automatically be listed on the holiday house register until such time as the approval expires.
- (ii) This second approval is limited to a 3 year period in accordance with Clause 32.15.4 of the Shire of Shark Bay Local Planning Scheme No 4.

The Shire has discretion to issue subsequent approvals for a Holiday house for terms of one year, 3 years or up to a maximum of 5 years.

6/1 CARRIED

BACKGROUND

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

The Shire Council adopted Local Planning Policy No 1 (with modifications) at the meeting held in September 2020.

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- **Relevant Council decision : February 2023**

A report item was referred to the Ordinary Meeting of Council on the 28 February 2024 to consider granting delegated authority to the Chief Executive Officer to determine new (first time) and renewal applications for holiday houses.

Council resolved not to support the delegation so all holiday house applications will be referred to Council for determination

- **Location**

Lot 13 is located near the corner of Sunter Place and Knight Terrace and Capewell Drive. The lot is within walking distance to the beach and amenities available along Knight Terrace.

A location plan is included below for ease of reference.



- **Previous Planning Approval**

Planning approval was first issued for Lot 13 to be used as a holiday house on the 9 August 2022. Approval was issued under delegated authority and was limited to a 12 month period.

Limiting 'first time' approvals to 12 months initially allows the Shire to monitor any complaints. There is no record of any complaints having been lodged in regards to the existing holiday house on Lot 13.

It should be noted that adjacent Lot 14 (6A) Sunter Place to the rear is also utilised as a holiday house.

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COMMENT

• **Description of proposal**

The owner uses Ray White as a property manager, and believe that the existing holiday house is well managed.

The application is summarised as follows:

- (i) The house accommodates a maximum of 8 persons at any one time. There are two bedrooms with queen beds, and two bedrooms that have two single beds each.
- (ii) There is a good quality hardstand concrete driveway and crossover. Overflow or boat parking can be accommodated in the front yard if required.
- (iii) The owner intends to continue to use Ray White as the property manager. The property manager is responsible for all bookings, provision of information to guests, monitoring the property, ongoing maintenance, and dealing with any complaints.

The owner has highlighted available parking areas in red on the aerial (below).



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A photograph of the existing house is included below.



Above: Front view of house and driveway

- **Zoning and Proposed Land Use**

Lot 13 is zoned 'Residential' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

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

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

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

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

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

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

In other words, the 'D' symbol means that the use can be approved, but at the discretion of Council.

An extract of Table 1 is included below.

TABLE 1

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

Council has clear discretion to consider an application for a holiday house in the Residential zone.

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

The Local Planning Policy reflects the requirements of the existing Shire of Shark Bay Local Planning Scheme No 4 provisions, and generally accords with the Western Australian Planning Commission Holiday House Guidelines which recommend that:

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

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

Policy Requirement	Comment
1. A site plan or good quality clear aerial showing the existing house, existing buildings, driveway, and guest parking areas. The location, number and dimensions of parking areas should be clearly marked on the plan.	The owners have lodged a clear aerial showing access and carparking bays.
2. An internal floor plan showing the house layout, the use of each room, and number of double, single or bunk beds per room (including fold out couches).	The owners have lodged detailed floor plans showing all bedrooms, and the number of beds within each bedroom.
3. Carparking to be provided at a rate of 1 space every 3 guests.	2-3 carparking bays are required.

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	<p>The owners have advised that guests can park in the existing double driveway, and there is overflow parking available in front of the existing house. This is shown on their car parking plan.</p>
<p>4. A Management Plan that addresses how the land use will be managed on a day to day basis to maximise protection of residential amenity, including details of how noise issues will be addressed by the Manager (handling of complaints), and full contact details of the Manager or employee of the Manager.</p>	<p>A Management Plan has been lodged that nominates ray White as the property manager.</p> <p>It details all property manager responsibilities, booking procedures, and procedures for complaints. The plan also outlines some of the owners responsibilities.</p> <p>The Management Plan is a format that has been supported and approved for a number of holiday houses managed by Ray White.</p>
<p>5. A Fire and Emergency Response Plan that includes detailed fire escape route maps, provision of a fire extinguisher and emergency contact numbers.</p>	<p>The Policy includes an example Fire and Emergency Response Plan template that can be modified by owners to suit their premises.</p> <p>The owners have lodged detailed floor plans that show the location of smoke detectors, a fire extinguisher, fire blanket, outdoor hose, escape routes and assembly point at the front of the lot.</p>

The owner has lodged a photograph showing that the Emergency Response Plan is displayed in the house with a fire extinguisher and fire blanket (near the downstairs front door).



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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 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 15 is within a declared bushfire prone area (pink area).

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

- (a) The dwelling has already been constructed.
- (b) The owner has addressed fire safety by preparing a fire escape plan and provision of a fire extinguisher in accordance with the Shires Local Planning Policy No 1.
- (c) The current state 'Guidelines for Planning in Bushfire Prone Areas' only require a simplified evacuation plan for holiday houses in built up areas.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 –

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

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

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

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including hard wired smoke detectors, provision of a fire extinguisher and emergency contact numbers.

- (c) A detailed site plan which demonstrates adequate carparking can be provided on site.

32.15.3 The local government may have regard for the following matters when determining an application for development approval for a Holiday house:

- (a) A Management Plan adequately demonstrates that the land use will be managed as to ensure that it will not cause nuisance or annoyance to the owners of adjoining or nearby residential properties;
- (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

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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.

The Scheme also requires Holiday Houses to be registered. The Shire has established a Holiday House Register and properties are listed on the register as soon as any planning approval is issued.

POLICY IMPLICATIONS

Explained in the body of this report.

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

- Position Statement: Planning for Tourism and Short Term Rental Accommodation (STRA) Guidelines on Holiday Homes and short stay use of residential dwellings. It outlines that local governments will continue to be responsible for managing local regulatory frameworks to manage short-term rental accommodation.
- Information on the State governments STRA planning reforms - [Short-Term Rental Accommodation Planning Reforms \(www.wa.gov.au\)](http://www.wa.gov.au)

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

It is important to note that:

- The State Government is progressing legislation to improve regulation around the Short-Term Rental Accommodation sector.
- Existing planning approvals will remain valid.
- The Short-Term Rental Accommodation Bill was introduced into Legislative Assembly of the Western Australian Parliament on 21 February 2024. Local governments can comment on the Bill by the 25 March 2024.

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- The Short-Term Rental Accommodation Bill 2024 (Bill) proposes to require all short-term rental accommodation in Western Australia to be registered. If a property is not registered, the operator will not be permitted to advertise or enter into a short-term rental arrangement.
- Compliance mechanisms are proposed including monetary penalties and a power of a Commissioner to suspend or cancel registration.
- Local Government Authorities will retain primary responsibility through their planning schemes for determining development approval requirements to apply to Short Term Rental Accommodation.
- A state register is expected to open mid-2024 and registration will become mandatory on the 1 January 2025.
- Property owners are to demonstrate compliance with local planning requirements or risk de-registration by the 1 January 2026.
- The Western Australian Planning Commission is looking at new and amended tourism-related definitions will be included in the updated *Planning and Development (Local Planning Schemes) Regulations 2015*.

Matters such as holiday houses need to be examined strategically as part of development of a new Local Planning Strategy. When the state brings out new land use definitions for Short Term Rental Accommodation, the Shire will need to consider whether any scheme amendment is warranted.

RISK MANAGEMENT

There are no known risks associated with the proposed development.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

D Chapman

Date of Report

19 March 2024

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- 10.3 PLANNING APPLICATION SEEKING RETROSPECTIVE APPROVAL FOR ALTERATIONS/ADDITIONS TO EXISTING HOUSE AND ANCILLARY DWELLING AND PROPOSED OUTBUILDING – LOT 3 (143) KNIGHT TERRACE, DENHAM P1006

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Fenny

Nature of Interest: Financial Interest as family owns adjacent property

Cr Fenny left the Council Chamber at 1.53 pm

Officer Recommendation

That Council:

- A. Note that the application for various development on Lot 3 (143) Knight Terrace, Denham is being advertised to nearby and adjacent landowners for comment. Advertising closes on the 2 April 2024.
- B. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application seeking retrospective planning approval for alterations/additions to the existing house and ancillary dwelling, and the proposed outbuilding on Lot 3 (143) Knight Terrace, Denham.

ABSOLUTE MAJORITY REQUIRED

AMENDMENT TO OFFICERS RECOMMENDATION

Reason: Council preferred to defer this time until after the advertising period closes.

Moved Cr Smith
Seconded Cr Cowell

Council Resolution

That Council defer the item until the April 2024 Ordinary Council meeting.

6/0 CARRIED

BACKGROUND

• **Zoning**

The lot is zoned 'Residential' with a density code of R30 under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme').

• **Location**

A location plan is included overpage for ease of reference.

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Above: Location Plan

- **Existing Development**

Town Planning Innovations is of the understanding that the lot has been developed with an existing house and ancillary dwelling. Some alteration works have already commenced.

An aerial is included over page.

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COMMENT

• ***Description of application (alterations and additions)***

An application has been lodged for alterations and additions to the existing single house to include new front porticos, front decking, new bedroom/living space, a rear pergola and attached shed/storeroom.

A storeroom and porch/verandah addition is also proposed to the east elevation of the existing ancillary accommodation.

The development plans are included as Attachment 1. The site plan is included over page for ease of reference.

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- Residential Design Codes (alterations and additions)

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Under the Residential Design Codes there are specific 'Deemed to Comply' setback and site requirements.

The alterations/additions for the ancillary dwelling comply with all site and setback requirements.

A minor setback variation is proposed for the single house additions to the western lot boundary where a 1.2 metre side setback is proposed in lieu of 1.5 metres.

The 1.2 metre side setback is proposed to allow the house extension to align with existing west side setback already established for the existing carport.

- **Residential Design Codes (Outbuilding)**

Under the Residential Design Codes there are specific 'Deemed to Comply' requirements for outbuildings. The proposed outbuilding seeks variations to the Residential Design Codes as detailed below:

Clause 5.4.3 C3 B 'deemed to comply' criteria / Outbuildings that:	Officer Comment (Town Planning Innovations)
(i) individually or collectively does not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Variation. A floor area of 80m ² is proposed.
(ii) setback in accordance with Table 2a.	Complies
(iii) does not exceed a wall height of 2.4 metres	Variation. A wall height of 3.6 metres is proposed.
(iv) does not exceed a ridge height of 4.2 metres	Minor Variation. A maximum ridge height of 4.26 metres is proposed.
(vi) not located within the primary or secondary street setback area; and	Complies.
vi) do not reduce the open space and outdoor living area requirements in table 1.	Complies.

The application proposes variations to the 'Deemed to Comply' requirements therefore the Shire has to determine if the outbuilding complies with the 'Design Principle' (5.4.3 P3) of the Codes which is:

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

- **Relevant Decisions on Outbuildings**

Each streetscape has different characteristics which need to be taken into account as part of specific assessments.

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

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The table below outlines the sizes of approved outbuildings in Denham townsite. Some outbuildings with comparable or higher wall and roof heights have been approved as highlighted in blue in the table.

Address	Wall Height	Ridge Height	Floor Area	Council meeting date
Lot 36 (5) Dirk Place Denham	4	4.6	54m ²	February 2017
Lot 182 (4) Fletcher Court, Denham	4.2	4.2	88m ²	Delegated authority after general report to Council in May 2015
Lot 83 (47) Hartog Crescent, Denham	4	4.611	94m ²	Delegated authority after general report to Council in March 2015
Lot 154 (7) Sunter Place Denham	3.7	4.2	88.07m ²	December 2015
Lot 249 (4) Talbot Street, Denham	3.425	4.232	78m ²	June 2015
Lot 210 (10) Edwards Street, Denham	3.5	4.088	36.3m ²	July 2014
Lot 294 (33) Hughes Street, Denham (abuts child care centre and church)	3.6	5	90m ²	September 2014
Lot 191 (Strata Lot 2 – 71A) Brockman Street, Denham	2.7	3.571	58.5m ²	August 2024
Lot 200 (39) Capewell Drive, Denham (alteration and extension of existing outbuilding)	2.7-2.9	3.504	54m ²	February 2024
Lot 264 (Unit 2) Mead Street, Denham	3	4.2	68m ²	August 2024
Lot 85 (43) Hartog Crescent, Denham	4.5	5.029	54m ²	April 2012
Lot 216 (5) Poland Road, Denham	4.1	4.95	80m ²	July 2012
Lot 39 (4) Sellenger Heights, Denham	4.2	4.9	89.9m ²	Refused February 2018
Lot 39 (4) Sellenger Heights, Denham (Revised plans lodged after refusal issued in February 2018)	3.45 metres to 3.845 metres	3.845 metres	77m ²	February 2019
Lot 223 (10) Fry Court Denham	2.6 metres to 2.8 metres.	4.2	129m ²	Delegated authority after general report to Council in March 2019
Lot 4 (145) Knight Terrace, Denham	3 metres	4.7	73.73m ²	March 2020
Lot 159 (37) Durlacher Street, Denham	3.6 metres	4.31 metres	29.6m ² is proposed	August 2020

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			and the existing outbuilding is 44.4m ² .	
Lot 224 (9) Leeds Court, Denham	3.7 metres	4.16 metres	96m ² in addition to a 54m ² existing outbuilding.	September 2020
Lot 61 (8) Hartog Crescent, Denham	2.7 metres	4.065 metres	60m ²	December 2020
Lot 148 (71) Durlacher Street, Denham	2.7 metres	3.22 metres	60m ²	December 2020
Lot 105 (9) Oakley Ridge, Denham	3 metres	3.8 metres	72m ²	February 2021
Lot 160 (22) Capewell Drive, Denham	3.5 metres	4.11 metres	56m ²	March 2021
Lot 226 (24) Fry Court, Denham	3.981 to 4.41 metres	4.41 metres	84m ²	Refused May 2021
Lot 226 (24) Fry Court, Denham	4.086 to 4.319 metres	4.4 metres	75.6m ²	Refused July 2021
Lot 31 (13) Mitchell Rise, Denham	3.588 metres	4.2 metres	65m ²	Delegated authority after general report to Council in April 2021
Lot 226 (24) Fry Court, Denham	4.086m to 4.319 metres	4.4 metres	84m ²	October 2022
Lot 156 (1) Sunter Place, Denham	3.5	4.8	51.3m ²	Refused March 2022

The last outbuilding approved in the Terrace was for 131 Knight Terrace (corner Fry Court) in September 2023. It was approved with a wall height of 4.1 metres and ridge height of 4.4 metres.

- **Land Subject to Inundation**

A minimum finished floor level of 4.2 metres Australian Height Datum is required for habitable development under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

Council has discretion to allow a lower finished floor level for refurbishment of an existing building or a minor extension to an existing development.

The existing house with carport has an approximate floor area of approximately 90.44m², and the proposed addition to the east of the house is 51.84m². Whilst the house addition is not insignificant, there is sufficient discretion to consider the addition as minor expansion and /or refurbishment of the existing house.

The proposed decking, porch, rear pergola and shed/storeroom are ancillary to the existing house. The porch/storeroom addition to the existing ancillary dwelling is considered to be minor.

A lower finished floor level is supported for the proposed development having regard for the lower floor area of the existing dwelling, the nature of the proposed works, and

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that some works are ancillary including the portico/decking, pergola and shed/storage room.

- **Consultation**

The application has been referred to adjacent and nearby landowners for comment. Advertising closes on the 2 April 2024.

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.

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

Shire of Shark Bay Local Planning Scheme No 4 –

Clause 32.1(a) state that '*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.*'

Clause 32.1(e) outlines where the local government has discretion to consider and require alternative minimum finished floor levels including where '*the proposed development only involves refurbishment of an existing building or a minor extension to an existing development.*'

POLICY IMPLICATIONS

The Residential Design Codes operate as State Planning Policy 7.3.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this report.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

D Chapman

Date of Report

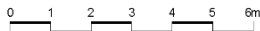
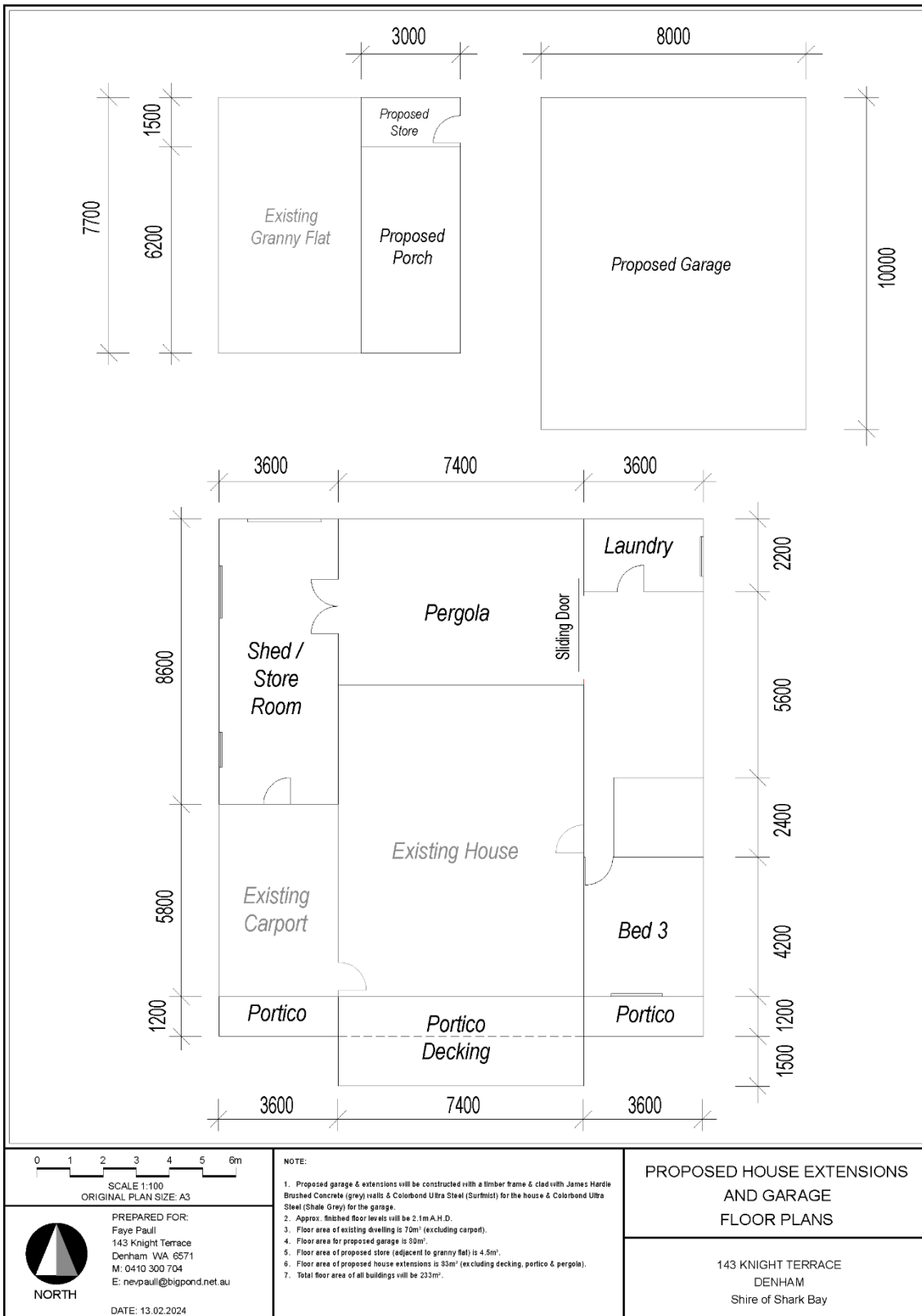
19 March 2024

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ATTACHMENT # 1



27 MARCH 2024



SCALE 1:100
 ORIGINAL PLAN SIZE: A3



NORTH

PREPARED FOR:
 Faye Paull
 143 Knight Terrace
 Denham WA 6571
 M: 0410 300 704
 E: neypaull@bigpond.net.au

DATE: 13.02.2024

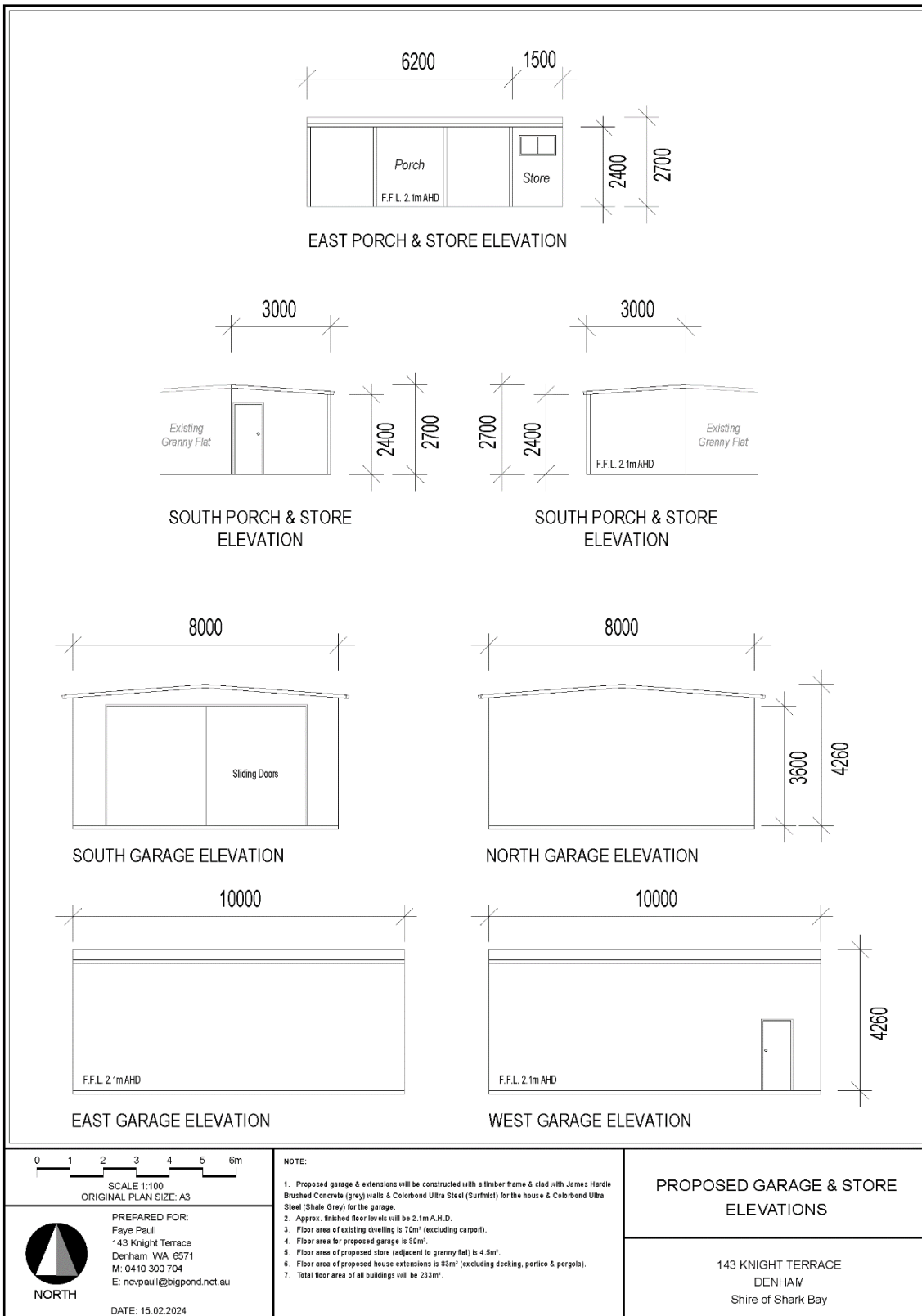
NOTE:

- Proposed garage & extensions will be constructed with a timber frame & clad with James Hardie Brushed Concrete (grey) walls & Colorbond Ultra Steel (Surfmist) for the house & Colorbond Ultra Steel (Shale Grey) for the garage.
- Approx. finished floor levels will be 2.1m A.H.D.
- Floor area of existing dwelling is 70m² (excluding carport).
- Floor area for proposed garage is 80m².
- Floor area of proposed store (adjacent to granny flat) is 4.5m².
- Floor area of proposed house extensions is 93m² (excluding decking, portico & pergola).
- Total floor area of all buildings will be 233m².

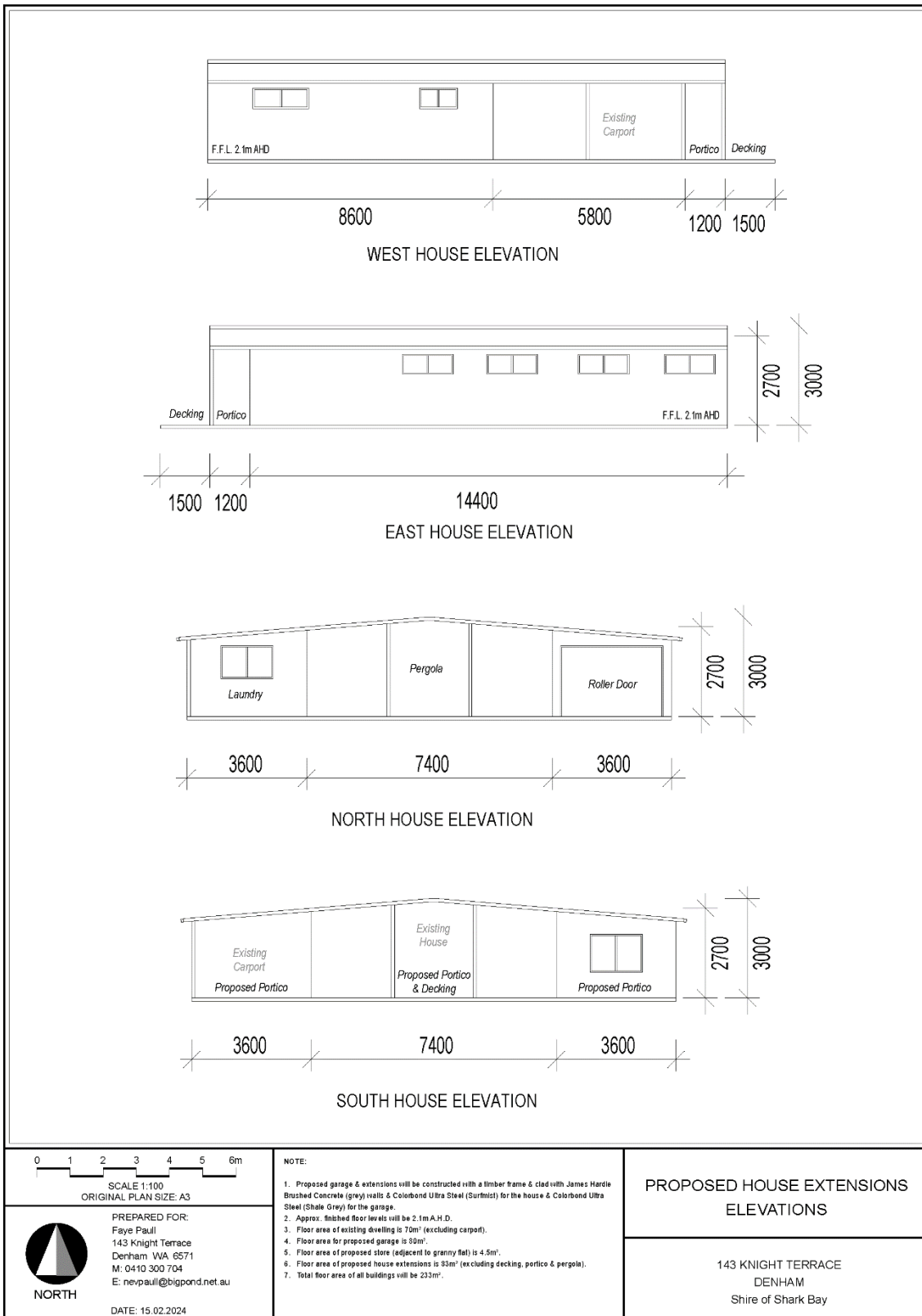
PROPOSED HOUSE EXTENSIONS
 AND GARAGE
 FLOOR PLANS

143 KNIGHT TERRACE
 DENHAM
 Shire of Shark Bay

27 MARCH 2024



27 MARCH 2024



27 MARCH 2024

10.4 APPLICATION SEEKING SECOND PLANNING APPROVAL FOR A HOLIDAY HOUSE (DUE TO CHANGE OF OWNERSHIP) – LOT 212 (11) FRY COURT, DENHAM P1430

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Fenny

Nature of Interest: Financial Interest as family owns adjacent property.

Moved Cr Stubberfield
Seconded Cr Smith

Council Resolution

That Council:

- A. Note that the application for a Holiday House on Lot 212 (11) Fry Court, Denham has been advertised for public comment. Advertising closed on the 12 February 2024 and no submissions were received.**
- B. Approve the application seeking planning approval for the existing single house on Lot 212 (11) Fry Court, Denham to be used as a Holiday House subject to the following conditions and footnotes:**
 - 1. This approval is valid for a maximum of 12 months from the date of this planning consent. Following the 12 month period this approval shall expire and become void.**
 - 2. This approval for a Holiday House is issued to Graeme and Carol Marinkovich as Directors of GCDM Pty Ltd being the landowner of Lot 212 (11) Fry Court, Denham. This approval shall not be transferred or assigned to any other person/company director, and shall not be transferred from the land in respect of which it was granted.**

Should there be a change of ownership of Lot 212 this approval is cancelled and expires.
 - 3. The plans lodged with this application shall form part of this approval.**
 - 4. Car parking areas with capacity to accommodate a minimum of 3 car parking bays are to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance with the attached plan submitted with the application.**
 - 5. All guest car parking shall be accommodated within the boundary of Lot 212 at all times.**

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6. The owner shall implement the measures in the Management Plan lodged and approved as part of this application.
7. The owner shall continue to engage a local property manager to manage the holiday house in accordance with the Management Plan approved as part of this application.

If an alternative manager is engaged (other than the agent stated in the Management Plan) , then a revised Management Plan is to be lodged for separate written approval by the Chief Executive Officer with revised contact details for any new property manager.

8. The owner shall keep and maintain a working fire extinguisher on the premises at all times in accordance with the Management Plan approved as part of this application, or any revised Management Plan approved separately in writing by the Chief Executive Officer.
9. An A3 laminated copy of each fire escape plan (for the ground floor and second storey) approved as part of this application shall be displayed in prominent places within the existing dwelling.
10. The existing landscaping in front of the dwelling shall be retained and maintained.
11. No guest shall be accommodated for periods totalling more than 3 months in any 12 month period.
12. The maximum number of persons to be accommodated at any one time shall be limited to 7.
13. If any sign is installed to advertise or identify the holiday house it shall only be located within the lot boundary and the sign face shall not exceed an area of 0.2 square metres.

- D. Resolve to advise the applicant in the covering Determination Letter that:
- (i) The Shire will maintain a holiday house register. Where a planning approval is issued Lot 212 will automatically be listed on the holiday house register until such time as the approval expires.
 - (ii) This first approval under new ownership is limited to a 12 month period in accordance with Clause 32.15.4 of the Shire of Shark Bay Local Planning Scheme No 4.

The Shire has discretion to issue subsequent approvals for a Holiday house for terms of one year, 3 years or up to a maximum of 5 years.

6/0 CARRIED

Cr Fenny returned to the Council Chamber at 2.11pm.

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BACKGROUND

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

The Shire Council adopted Local Planning Policy No 1 (with modifications) at the meeting held in September 2020.

- **Relevant Council decision : February 2023**

A report item was referred to the Ordinary Meeting of Council on the 28 February 2024 to consider granting delegated authority to the Chief Executive Officer to determine new (first time) and renewal applications for holiday houses.

Council resolved not to support the delegation so all holiday house applications will be referred to Council for determination

- **Location**

Lot 212 is located near the corner of Fry Court and Knight Terrace. The lot is within close walking distance to the beach and amenities available along Knight Terrace.

A location plan is included below for ease of reference.



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- ***Previous Planning Approval***

Planning approval was first issued for Lot 212 to be used as a holiday house on the 2 May 2022. At the time, approval was issued to the then owners being Geoff and Tracey Cockerton.

The 2022 approval was issued under delegated authority and was limited to a 12 month period. A condition of approval meant that it would expire if there was any change of ownership.

Limiting 'first time' approvals to 12 months initially allows the Shire to monitor any complaints. There is no record of any complaints having been lodged in regards to the existing holiday house on Lot 212.

It should be noted that the existing 2022 approval is cancelled as ownership of the lot has changed. Lot 212 has been purchased by GCDM Pty Ltd, and the company Directors are Graeme and Carol Marinkovich.

Adjacent 7B Fry Court to the immediate south is also owned by GCDM Pty Ltd.

COMMENT

- ***Description of proposal***

The original owners of Lot 212 used Ray White as a property manager. The current owners of Lot 212 propose to continue to use Ray White as a property manager.

The application is summarised as follows:

- (i) The house can accommodate a maximum of 7 persons at any one time.
- (ii) There is one bedroom with a queen bed, one with a double bed, one bedroom with two single beds, and one bedroom with a single bed.
- (iii) There is a good quality hardstand brick paved driveway and crossover.
- (iv) The house has a double carport at ground level, and a double driveway. Overflow car parking or boat parking can be accommodated in the front yard or to the north-east of the house if required.
- (v) The owners have advised there is sufficient space for a maximum of 2 boats.

The owner has highlighted available parking areas in blue on the aerial (overpage).

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A photograph of the existing house is included below.



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- **Zoning and Proposed Land Use**

Lot 212 is zoned 'Residential' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

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

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

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

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

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

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

In other words, the 'D' symbol means that the use can be approved, but at the discretion of Council.

An extract of Table 1 is included below.

TABLE 1

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

Council has clear discretion to consider an application for a holiday house in the Residential zone.

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

The Local Planning Policy reflects the requirements of the existing Shire of Shark Bay Local Planning Scheme No 4 provisions, and generally accords with the Western Australian Planning Commission Holiday House Guidelines which recommend that:

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

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

Policy Requirement	Comment
1. A site plan or good quality clear aerial showing the existing house, existing buildings, driveway, and guest parking areas. The location, number and dimensions of parking areas should be clearly marked on the plan.	The owners have lodged a clear aerial and photograph showing access and carparking bays.
2. An internal floor plan showing the house layout, the use of each room, and number of double, single or bunk beds per room (including fold out couches).	The owners have lodged detailed floor plans showing all bedrooms, and the number of beds within each bedroom.
3. Carparking to be provided at a rate of 1 space every 3 guests.	2-3 carparking bays are required. The owners have advised that guests can park in the existing double carport, the double driveway, and there is overflow parking available in front of the existing house. There is also a brick paved driveway to the north-east of house that leads to an outbuilding. This is shown on their car parking plan.
4. A Management Plan that addresses how the land use will be managed on a day to day basis to maximise protection of residential amenity, including details of how noise issues will be addressed by the Manager (handling of complaints), and full contact details of the Manager or employee of the Manager.	A Management Plan has been lodged that nominates Ray White as the property manager. It details all property manager responsibilities, booking procedures, and procedures for complaints. The plan also outlines some of the owners responsibilities. The Management Plan is a format that has been supported and approved for a

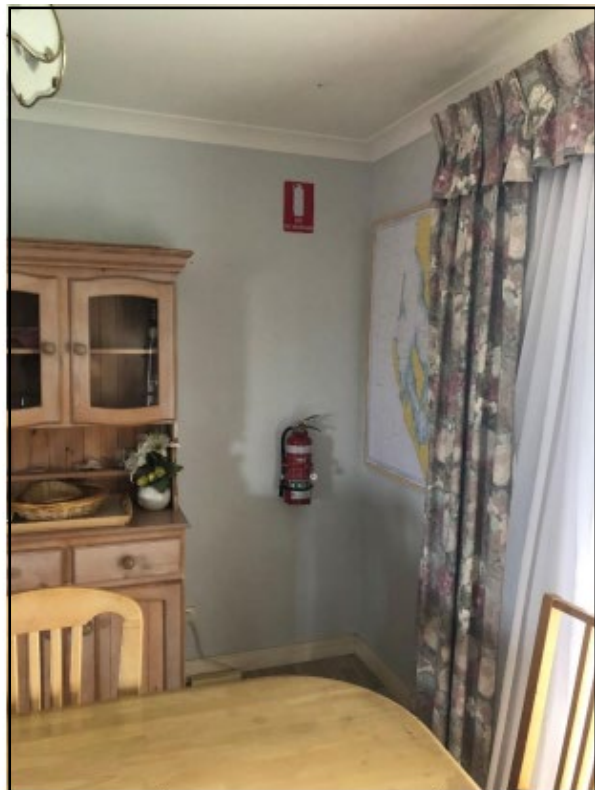
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	number of holiday houses managed by Ray White in Denham.
5. A Fire and Emergency Response Plan that includes detailed fire escape route maps, provision of a fire extinguisher and emergency contact numbers.	<p>The Policy includes an example Fire and Emergency Response Plan template that can be modified by owners to suit their premises.</p> <p>The owners have lodged detailed floor plans that show the location of smoke detectors, a fire extinguisher, fire blanket, outdoor hose, escape routes and assembly point at the front of the lot.</p>

The owner has lodged photographs showing that a fire extinguisher has been installed upstairs and downstairs, as well as a separate fire blanket.



(downstairs extinguisher)



(upstairs extinguisher)

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Above: Fire blanket

- **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 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 212 is within a declared bushfire prone area (pink area).

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

- (a) The dwelling has already been constructed.
- (b) The owner has addressed fire safety by preparing a fire escape plan and provision of fire extinguishers in accordance with the Shires Local Planning Policy No 1.

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- (c) The current state 'Guidelines for Planning in Bushfire Prone Areas' only require a simplified evacuation plan for holiday houses in built up areas.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 –

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

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

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

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- (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.

The Scheme also requires Holiday Houses to be registered. The Shire has established a Holiday House Register and properties are listed on the register as soon as any planning approval is issued.

POLICY IMPLICATIONS

Explained in the body of this report.

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

- A Position Statement: Planning for Tourism and Short Term Rental Accommodation Guidelines on Holiday Homes and short stay use of residential dwellings. It outlines that local governments will continue to be responsible for managing local regulatory frameworks to manage short-term rental accommodation.
- Information on the State governments Short Term Rental Accommodation planning reforms - [Short-Term Rental Accommodation Planning Reforms \(www.wa.gov.au\)](http://www.wa.gov.au)

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

It is important to note that:

- The State Government is progressing legislation to improve regulation around the Short-Term Rental Accommodation sector.
- Existing planning approvals will remain valid.
- The Short-Term Rental Accommodation Bill was introduced into Legislative Assembly of the Western Australian Parliament on 21 February 2024. Local governments can comment on the Bill by the 25 March 2024.
- The Short-Term Rental Accommodation Bill 2024 (Bill) proposes to require all short-term rental accommodation in Western Australia to be registered. If a property is not registered, the operator will not be permitted to advertise or enter into a short-term rental arrangement.
- Compliance mechanisms are proposed including monetary penalties and a power of a Commissioner to suspend or cancel registration.
- Local Government Authorities will retain primary responsibility through their planning schemes for determining development approval requirements to apply to Short Term Rental Accommodation.
- A state register is expected to open mid-2024 and registration will become mandatory on the 1 January 2025.
- Property owners are to demonstrate compliance with local planning requirements or risk de-registration by the 1 January 2026.
- The Western Australian Planning Commission is looking at new and amended tourism-related definitions will be included in the updated *Planning and Development (Local Planning Schemes) Regulations 2015*.

Matters such as holiday houses need to be examined strategically as part of development of a new Local Planning Strategy. When the state brings out new land use definitions for Short Term Rental Accommodation, the Shire will need to consider whether any scheme amendment is warranted.

RISK MANAGEMENT

There are no known risks associated with the proposed development.

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VOTING REQUIREMENTS
Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

D Chapman

Date of Report

19 March 2024

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10.5 PROPOSED HOLIDAY HOUSE – LOT 203 (131) KNIGHT TERRACE, DENHAM P1022

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Fenny

Nature of Interest: Financial Interest as family owns adjacent property

Cr Fenny left the Council Chamber at 2.14 pm

Officer Recommendation

That Council:

- A. Note that the application for a Holiday House on Lot 203 (131) Knight Terrace, Denham has been advertised for public comment. Advertising closed on the 14 February 2024 and one conditional non objection was received.
- B. Approve the application seeking planning approval for the existing single house on Lot 203 (131) Knight Terrace, Denham to be used as a Holiday House subject to the following conditions:
 1. This approval is valid for a maximum of 12 months from the date of this planning consent. Following the 12-month period this approval shall expire and become void.
 2. This approval for a Holiday House is issued to Jason Rule and Joanne Taylor as the landowners of Lot 203 (131) Knight Terrace, Denham. This approval 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 ownership of Lot 41 this approval is cancelled and expires.
 3. The plans and supporting documentation lodged with this application shall form part of this approval.
 4. Car parking areas with capacity to accommodate a minimum of 2 car parking bays are to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance with the information submitted with the application.
 5. All guest and boat parking shall be accommodated within Lot 203 and the associated crossover at all times.
 6. The owners shall implement the measures in the Management Plan lodged and approved as part of this application.
 7. The owners shall continue to engage a local property manager to manage the holiday house in accordance with the Management Plan approved as part of this application.
If an alternative manager is engaged (other than the agent stated in the Management Plan) , then a revised Management Plan is to be lodged for separate written approval by the Chief Executive Officer with revised contact details for the property manager.
 8. The owners shall keep and maintain a working fire extinguisher on the premises at all times in accordance with the Management Plan approved as part of this application, or any revised Management Plan approved separately in writing by the Chief Executive Officer.

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9. An A3 laminated copy of each fire escape plan (for the ground floor and second storey) approved as part of this application shall be displayed in prominent places within the existing dwelling.
 10. No guest shall be accommodated for periods totalling more than 3 months in any 12 month period.
 11. The maximum number of persons to be accommodated at any one time (for short stay accommodation) shall be limited to 6. The eastern portion of the house shall only be rented for short stay when the western portion of the house is unoccupied.
 12. If any sign is installed to advertise or identify the holiday house it shall only be located within the lot boundary and the sign face shall not exceed an area of 0.2 square metres.
- C. Resolve to advise the applicant in the covering Determination Letter that:
- (i) The Shire will maintain a holiday house register. Where a planning approval is issued Lot 203 will automatically be listed on the holiday house register until such time as the approval expires.
 - (ii) This initial approval is limited to a 12 month period in accordance with Clause 32.15.4 of the Shire of Shark Bay Local Planning Scheme No 4.
- The Shire has discretion to issue subsequent approvals for a Holiday house for terms of one year, 3 years or up to a maximum of 5 years.

AMENDMENT TO OFFICERS RECOMMENDATION

Reason: Council considered there was sufficient area to the rear of the house to accommodate all parking requirements.

Moved Cr Smith
Seconded Cr Rigley

Council Resolution

That Council:

- A. Note that the application for a Holiday House on Lot 203 (131) Knight Terrace, Denham has been advertised for public comment. Advertising closed on the 14 February 2024 and one conditional non objection was received.**
- B. Approve the application seeking planning approval for the existing single house on Lot 203 (131) Knight Terrace, Denham to be used as a Holiday House subject to the following conditions:**
 - 1. This approval is valid for a maximum of 12 months from the date of this planning consent. Following the 12 month period this approval shall expire and become void.**
 - 2. This approval for a Holiday House is issued to Jason Rule and Joanne Taylor as the landowners of Lot 203 (131) Knight Terrace, Denham. This approval shall not be transferred or assigned to any**

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other person, and shall not be transferred from the land in respect of which it was granted.

Should there be a change of ownership of Lot 203 this approval is cancelled and expires.

- 3. The plans and supporting documentation lodged with this application shall form part of this approval.**
- 4. Car parking areas with capacity to accommodate a minimum of 2 car parking bays are to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance with the information submitted with the application.**
- 5. All guest and boat parking shall be accommodated within Lot 203.**
- 6. The owners shall implement the measures in the Management Plan lodged and approved as part of this application.**
- 7. The owners shall continue to engage a local property manager to manage the holiday house in accordance with the Management Plan approved as part of this application.**

If an alternative manager is engaged (other than the agent stated in the Management Plan) , then a revised Management Plan is to be lodged for separate written approval by the Chief Executive Officer with revised contact details for the property manager.

- 8. The owners shall keep and maintain a working fire extinguisher on the premises at all times in accordance with the Management Plan approved as part of this application, or any revised Management Plan approved separately in writing by the Chief Executive Officer.**
- 9. An A3 laminated copy of each fire escape plan (for the ground floor and second storey) approved as part of this application shall be displayed in prominent places within the existing dwelling.**
- 10. No guest shall be accommodated for periods totalling more than 3 months in any 12 month period.**
- 11. The maximum number of persons to be accommodated at any one time (for short stay accommodation) shall be limited to 6. The eastern portion of the house shall only be rented for short stay when the western portion of the house is unoccupied.**
- 12. If any sign is installed to advertise or identify the holiday house it shall only be located within the lot boundary and the sign face shall not exceed an area of 0.2 square metres.**

- C. Resolve to advise the applicant in the covering Determination Letter that:**

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- (i) **The Shire will maintain a holiday house register. Where a planning approval is issued Lot 203 will automatically be listed on the holiday house register until such time as the approval expires.**
- (ii) **This initial approval is limited to a 12 month period in accordance with Clause 32.15.4 of the Shire of Shark Bay Local Planning Scheme No 4.**

The Shire has discretion to issue subsequent approvals for a Holiday house for terms of one year, 3 years or up to a maximum of 5 years.

5/1 CARRIED

Cr Fenny returned to the Council Chamber at 2.20 pm

BACKGROUND

- **Location**

An aerial location plan is included below for ease of reference. The lot is located on the corner of Knight Terrace and Fry Court.



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- ***Existing Development***

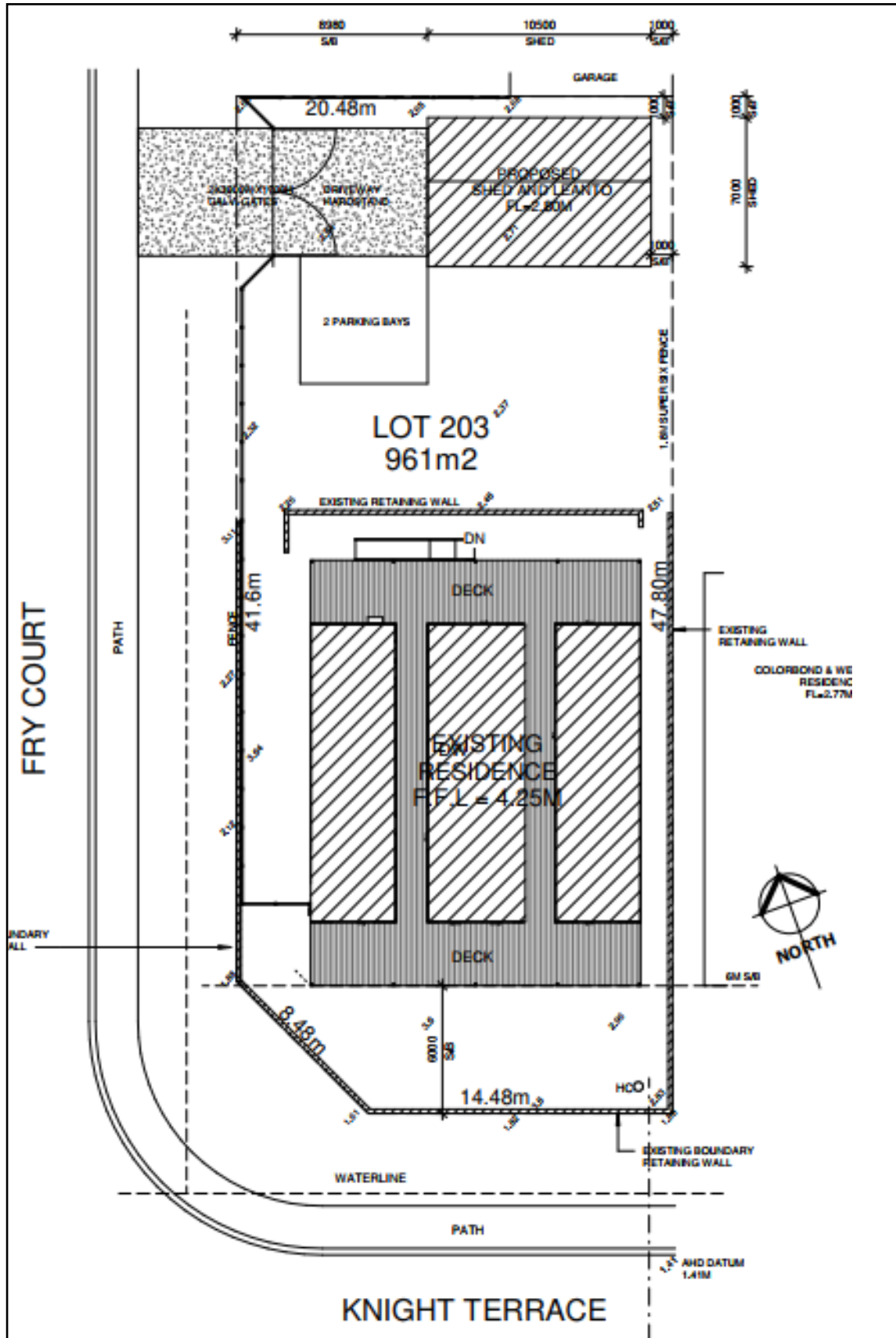
Lot 203 has been developed with an existing house.



Council approved an outbuilding to the rear of the existing house at the Ordinary Meeting of Council held on the 27 September 2024.

The approved site plan is included overpage.

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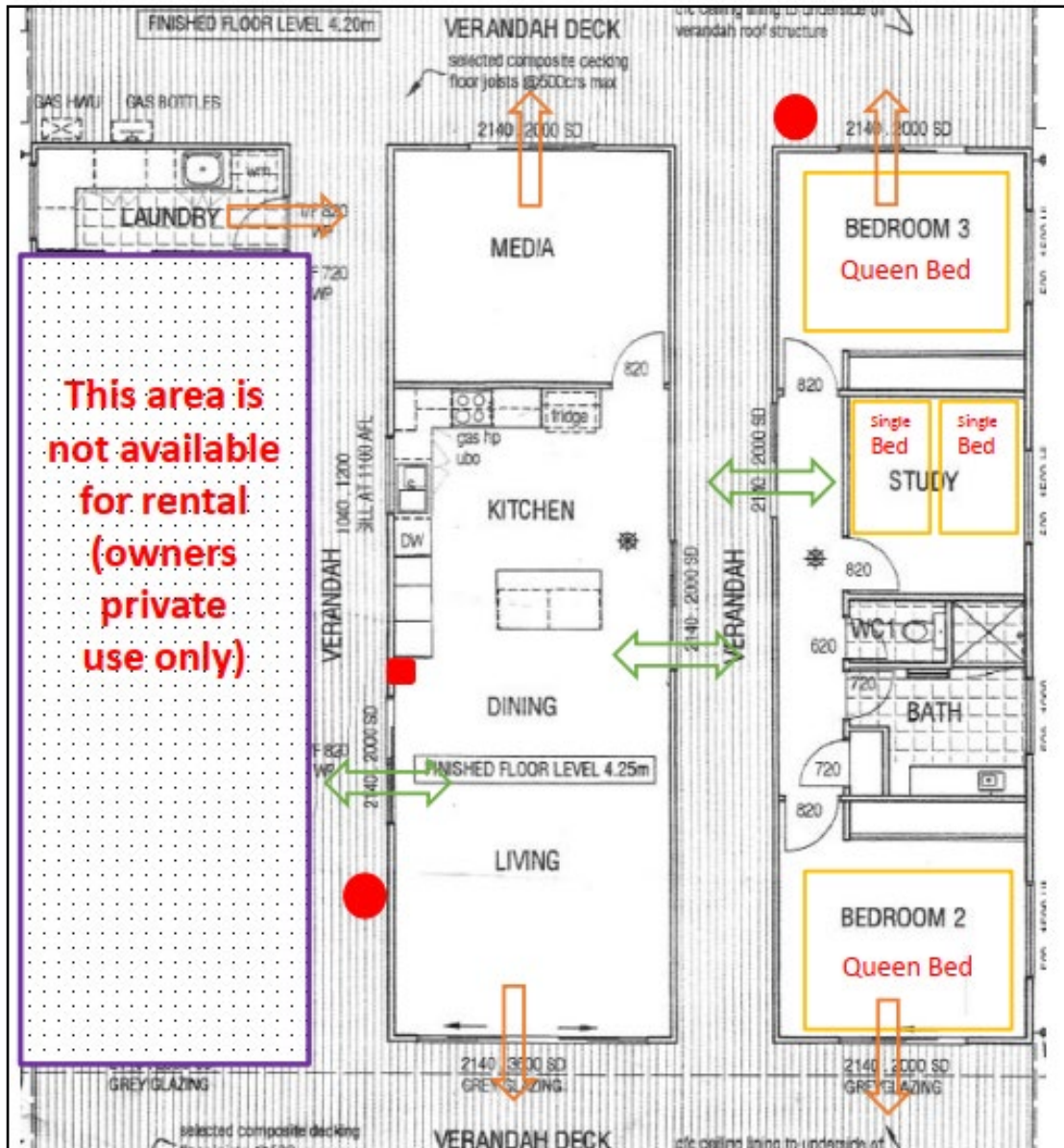


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COMMENT

- **Description of application**

The existing house has two separated bedroom/bathroom areas and a central kitchen/living/dining area. The separate 'modules' of the house are connected by a deck.



The owners plan to retain one of the bedroom/bathroom areas for their own exclusive use, and rent out the second bedroom/bathroom area for short stay. Guests will have access to the central living/kitchen area.

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Part of the house will only be rented out for short stay when it is not in use by the owners as:

- (i) The owners run the Binningup Caravan Park and propose to continue to use the house for their own use in winter. They live in the house for 3-4 months of the year.
- (ii) They only plan to rent out part of the house during summer so the house will be occupied. They have limited the number of guests as they want to cater for families.
- (iii) When the owners retire they plan to live in Denham permanently, and are currently trying to sell their existing caravan park to facilitate retirement.

The portion of the house to be rented out for short stay contains three bedrooms and can accommodate a maximum of 6 guests (two queen beds and two single beds).

The owner intends to use Graeme Marinkovich as the property manager. Mr Marinkovich lives nearby in Fry Court.

A detailed Management Plan has been lodged that outlines that the property manager is responsible for all bookings, provision of information to guests, monitoring the property, ongoing maintenance, and dealing with any complaints.

As the property manager lives in the same street it is in his interest that the holiday house on Lot 203 be well managed and doesn't cause any nuisance to neighbours.

- ***Existing Crossover and parking***

There is good quality double concrete crossover servicing the lot.



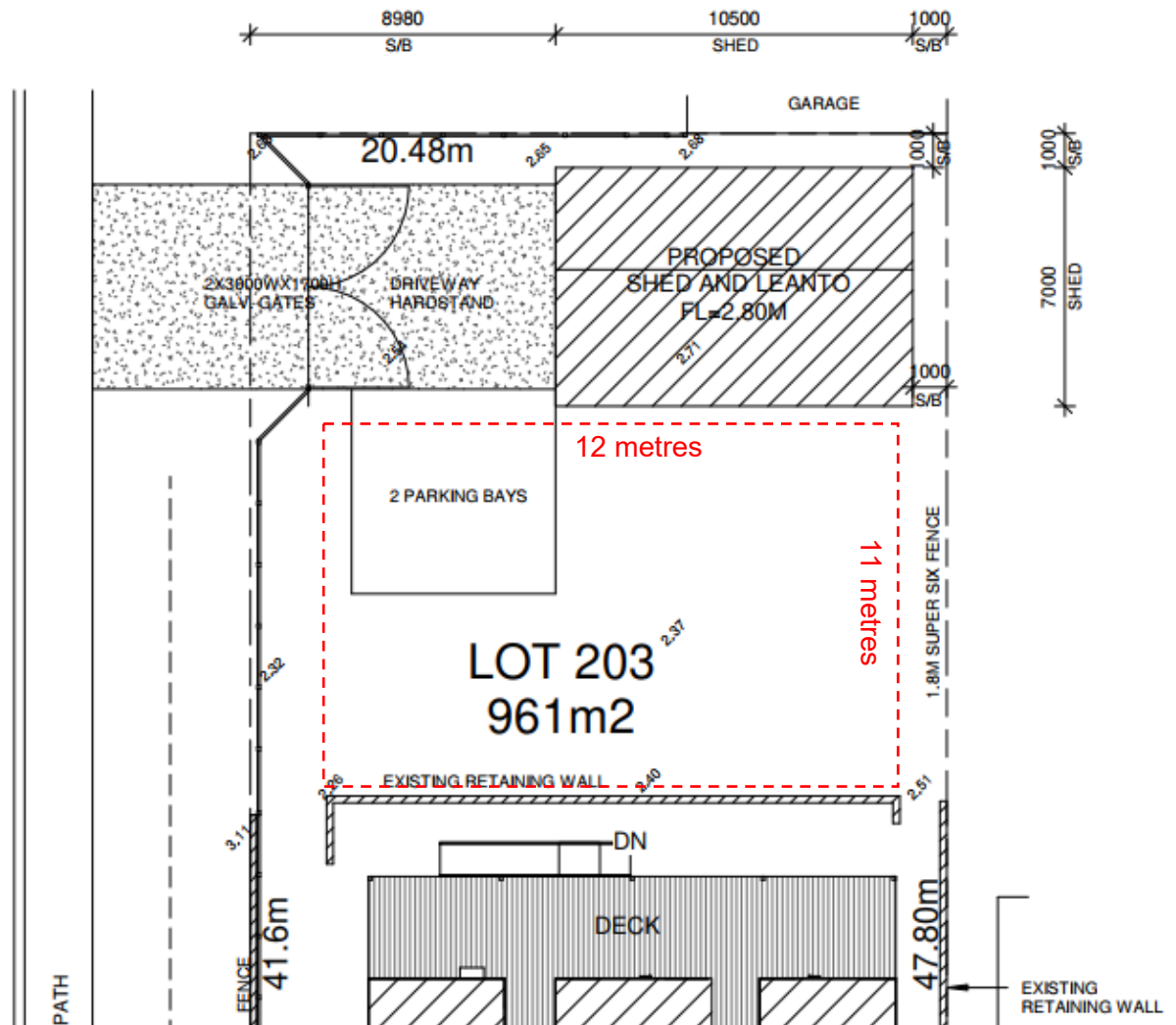
View of Lot 203 from Fry Court

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Access to the lot is via Fry Court, so parking is proposed to the rear of the existing house. The applicant has lodged a carparking plan showing that the rear yard is available for car and boat parking – Attachment 1.

Notwithstanding the above, Town Planning Innovations has included the owners site plan from last year in this report (from when the outbuilding was proposed on Lot 203), as it includes clear site dimensions – refer to plan below.

The area between the shed and retaining wall (behind the house) measures 12 metres by 11 metres (132m²). That area is available for parking in addition to the driveway.



A photograph showing part of the rear parking area is included over page.

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View of Lot 203 from Fry Court

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

Lot 203 is zoned 'Residential' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

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

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

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

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

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

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

An extract of Table 1 is included below.

TABLE 1

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

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

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

A summary of the Shire Policy requirements and compliance is included below:

Policy Requirement	Comment
1. A site plan or good quality clear aerial showing the existing house, existing buildings, driveway, and guest parking areas. The location, number and dimensions of parking areas should be clearly marked on the plan.	The applicant has lodged a detailed site plan with photographs showing access and carparking bays.
2. An internal floor plan showing the house layout, the use of each room, and number of double, single or bunk beds per room (including fold out couches).	The applicant has lodged detailed floor plans showing the number of beds per room.
3. Carparking to be provided at a rate of 1 space every 3 guests.	Two carparking bays are required to cater for 6 guests. The applicant has provided information on car and boat parking.
4. A Management Plan that addresses how the land use will be managed on a day to day basis to maximise protection of residential amenity, including details of how noise issues will be addressed by the Manager (handling of complaints), and full contact details of the Manager or employee of the Manager.	The Policy includes an example Management Plan that can be used as a base. A Management Plan has been lodged and nominates a neighbour as the property manager. It details all property manager

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	<p>responsibilities, booking procedures, and procedures for complaints.</p> <p>The Management Plan is in a format that has been supported and approved for a number of holiday houses in Denham.</p>
<p>5. A Fire and Emergency Response Plan that includes detailed fire escape route maps, provision of a fire extinguisher and emergency contact numbers.</p>	<p>The Policy includes an example Fire and Emergency Response Plan template that can be modified by owners to suit their premises.</p> <p>The owners have lodged detailed floor plans that show the location of smoke detectors, a fire extinguisher, fire blanket, outdoor hose, escape routes and assembly point at the front of the lot.</p> <p>The fire escape route plans can be displayed in the dwelling.</p>

- **Consultation**

The application has been referred to adjacent and nearby landowners for comment. Advertising closed on the 14 February 2024.

One submission from the owner of 135 Knight Terrace was lodged stating that:

'In principle we have no objection but request that you give approval for a trial period ending December 21st 2024 to see how it works out during the winter booking period.

If all goes well the approval could then be extended in January 2025 giving the owners time to achieve bookings during the 2025 winter period.'

The submitter lives two houses away from Lot 203 – refer to the plan over page. There is a dwelling and shed on 133 Knight Terrace that separates the submitters house from Lot 203.

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Above: Plan showing the submitters property at 135 Knight Terrace

Clause 32.15.4 of the Shires Local Planning Scheme states that *'the local government shall limit any initial development approval for a Holiday house to a maximum 12 month period.'*

Where a new or 'first time' application is granted approval, it is standard practice for the Shire to allow an initial 12 month approval period. This provides the owner/applicant with enough time to meet the conditions of approval and have some certainty for the first year, and gives neighbours sufficient opportunity to monitor the situation.

There have been other applications where a written objection has been lodged, such as for holiday houses/short stay proposals for 36B Denham Road and 73 Hughes Street. Both of these applications were approved by Council in 2022 for a 12 month period, and the Shire wrote to the objectors and advised them to provide written advice to the Shire if they experienced any negative impacts.

It is recommended that Council take the same approach for this application, and support an approval for a 12 month period.

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LEGAL IMPLICATIONS

Planning and Development Act 2005 - If an applicant is aggrieved by a Council determination there is a right of review by the State Administrative Tribunal in accordance with Part 14. An application must be made within 28 days of the determination.

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.

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

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

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- (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.

The Scheme also requires Holiday Houses to be registered. The Shire has established a Holiday House Register and properties are listed on the register as soon as any planning approval is issued.

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POLICY IMPLICATIONS

Explained in the body of this report.

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

- Position Statement: Planning for Tourism and Short Term Rental Accommodation Guidelines on Holiday Homes and short stay use of residential dwellings. It outlines that local governments will continue to be responsible for managing local regulatory frameworks to manage short-term rental accommodation.
- Information on the State governments Short Term Rental Accommodation planning reforms - [Short-Term Rental Accommodation Planning Reforms \(www.wa.gov.au\)](https://www.wa.gov.au)

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

It is important to note that:

- The State Government is progressing legislation to improve regulation around the Short-Term Rental Accommodation sector.
- Existing planning approvals will remain valid.
- The Short-Term Rental Accommodation Bill was introduced into Legislative Assembly of the Western Australian Parliament on 21 February 2024. Local governments can comment on the Bill by the 25 March 2024.
- The Short-Term Rental Accommodation Bill 2024 (Bill) proposes to require all short-term rental accommodation in Western Australia to be registered. If a property is not registered, the operator will not be permitted to advertise or enter into a short-term rental arrangement.
- Compliance mechanisms are proposed including monetary penalties and a power of a Commissioner to suspend or cancel registration.
- Local Government Authorities will retain primary responsibility through their planning schemes for determining development approval requirements to apply to Short Term Rental Accommodation.
- A state register is expected to open mid-2024 and registration will become mandatory on the 1 January 2025.
- Property owners are to demonstrate compliance with local planning requirements or risk de-registration by the 1 January 2026.
- The Western Australian Planning Commission is looking at new and amended tourism-related definitions will be included in the updated *Planning and Development (Local Planning Schemes) Regulations 2015*.

Matters such as holiday houses need to be examined strategically as part of development of a new Local Planning Strategy. When the state brings out new land use definitions for Short Term Rental Accommodation, the Shire will need to consider whether any scheme amendment is warranted.

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RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

D Chapman

Date of Report

19 March 2024

ATTACHMENT # 1

Parking Plan

**Aerial View
131 Knight Terrace**

Car & Boat Parking
Ample room for 2 cars and
1 boat on the property at any
one time



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10.6 PROPOSED WORKFORCE ACCOMMODATION AT MONKEY MIA DOLPHIN RESORT – RESERVE 40727, LOT 130 MONKEY MIA ROAD, MONKEY MIA P2024

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Stubberfield
Seconded Cr Vankova

Council Resolution

That Council:

1. Authorise the Chief Executive Officer to sign the planning application form on behalf of the Shire as the ‘owner’ of Reserve 40727, Lot 130 Monkey Mia Road, Monkey Mia and include the following statement:

‘Signed only as acknowledgement that a development application is being made in respect of a proposal that includes a Crown reserve under management for tourism purposes, and to permit this application to be assessed under the appropriate provisions of the Planning and Development Act and the Shire of Shark Bay Local Planning Scheme No 4. The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgment of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.’

2. Note that:
 - (i) The application has been referred to Main Roads Western Australia, the Department of Biodiversity, Conservation and Attractions, and the Shark Bay World Heritage Advisory Committee for comment.
 - (ii) Main Roads Western Australia has confirmed they have no objections to the application.
 - (iii) Relevant government agencies have to be provided with 42 days to comment, however Town Planning Innovations has requested that the Department of Biodiversity, Conservation and Attractions and the Shark Bay World Heritage Advisory Committee comment as soon as possible.
3. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application for workforce accommodation on Reserve 40727, Lot 130 Monkey Mia Road, Monkey Mia.

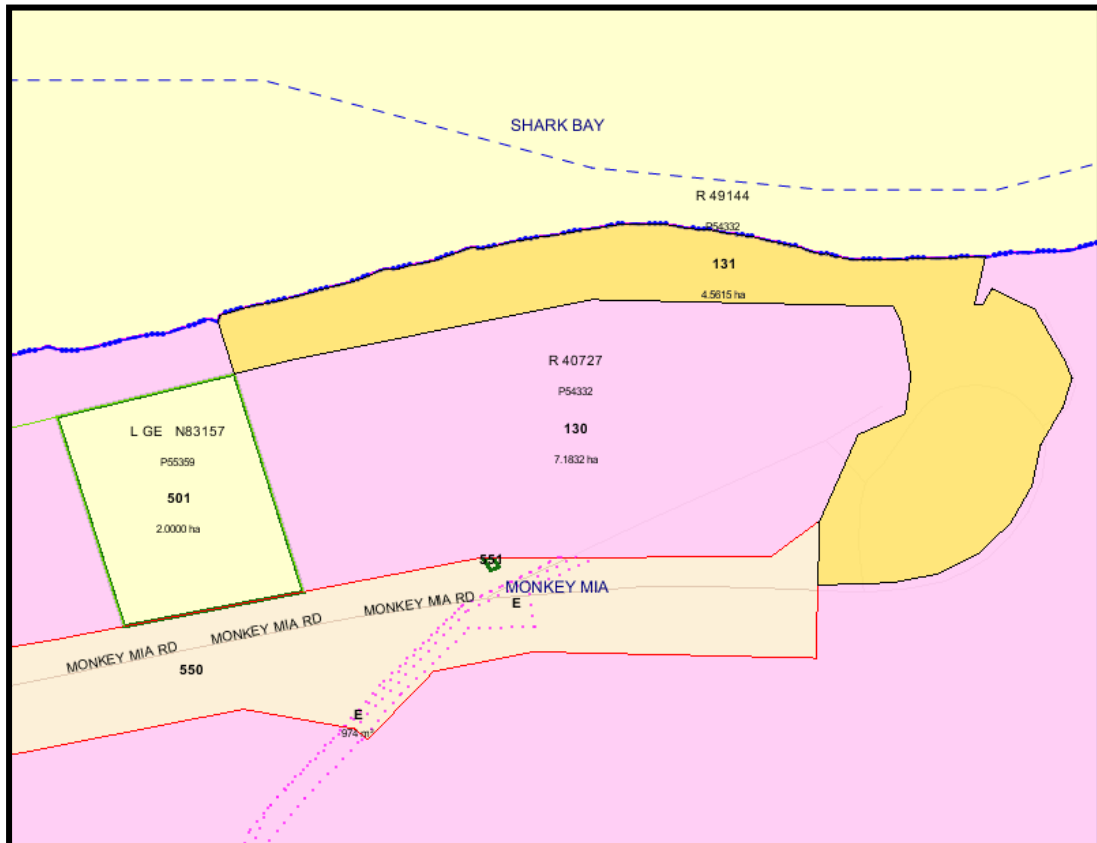
7/0 CARRIED BY ABSOLUTE MAJORITY

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BACKGROUND

- **Location**

The Monkey Mia Dolphin Resort is located within Reserve 40727 and Lot 501. A location plan is included below for ease of reference.



Source: Landgate. The colours on this plan are not relevant to this report.

- **Ownership**

Reserve 40727 (Lot 130) is crown land vested to the Shire of Shark Bay under a Management Order. There is a 99 year lease agreement with RAC Tourism Assets Pty Ltd, expiring in April 2114.

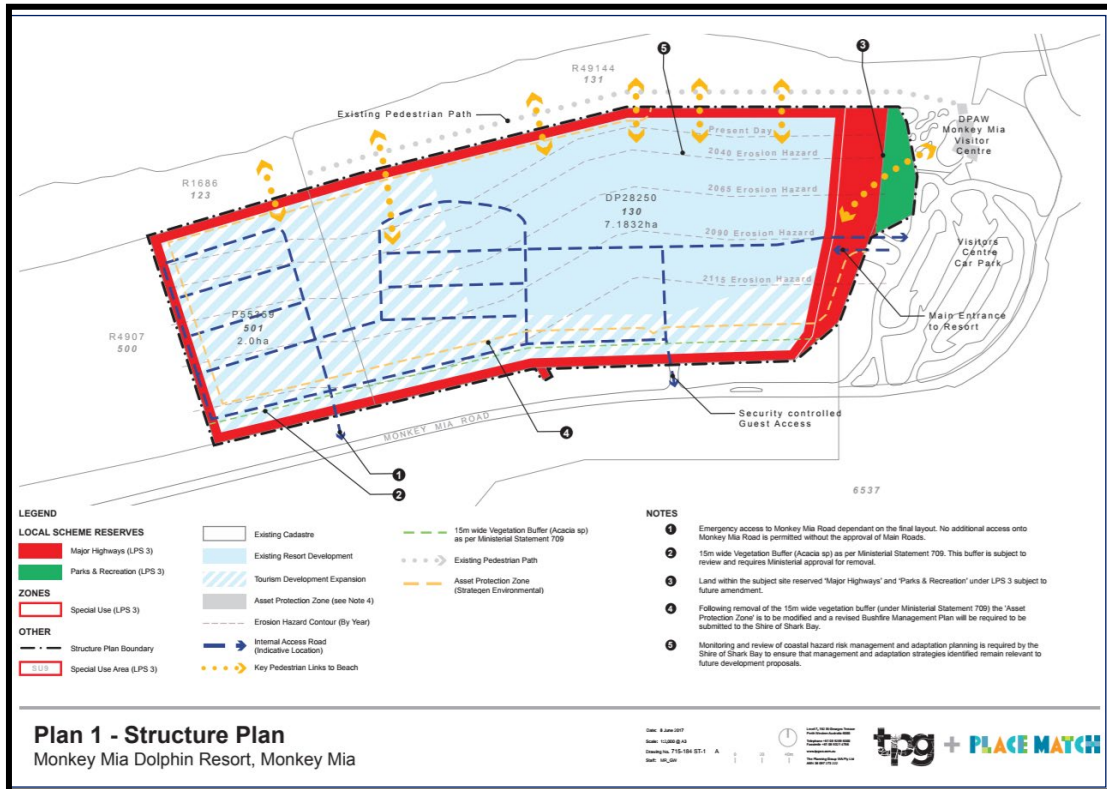
The development subject of this application is fully contained within the reserve.

- **Approved Structure Plan**

There is a Structure Plan for Monkey Mia which was approved by the Western Australian Planning Commission on the 7 July 2017 (refer plan overpage).

The Structure Plan was approved under a previous Town Planning Scheme.

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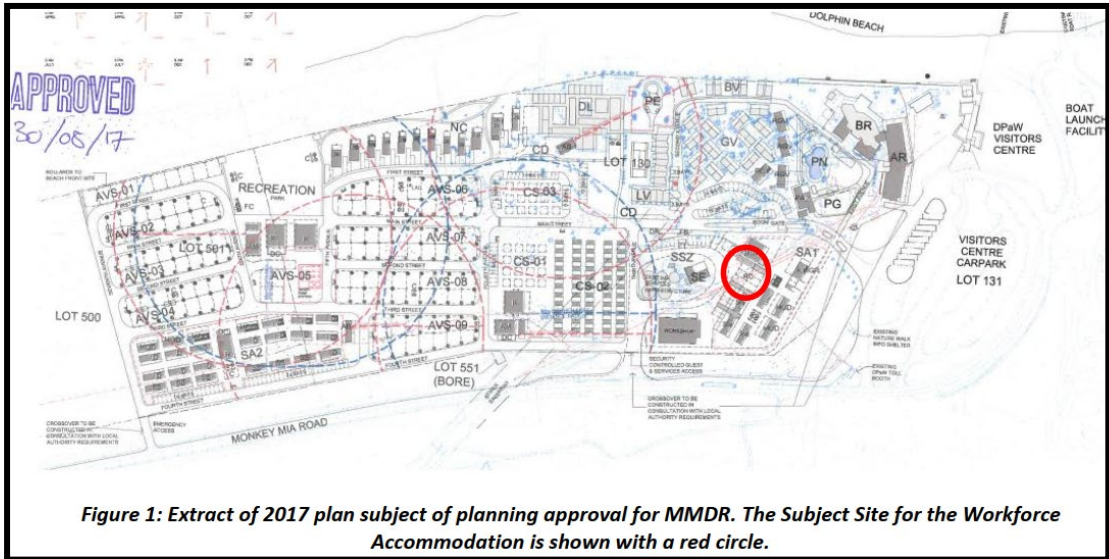
- **Existing Development**

Existing development has occurred over an extended time period and includes backpacker accommodation, a lodge, camping, caravan park, short stay accommodation, a shop, pool, restaurant, amenities and recreation facilities.

In August 2017, Council granted approval for significant redevelopment of the Monkey Mia Dolphin Resort which included 129 accommodation vehicle sites, 86 unpowered caravan sites, 12 beachfront cabins, new commercial and administrative buildings, staff accommodation and new guest facilities.

The approved plan from 2017 is included over page.

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On the 27 April 2022, Council granted delegated authority for the Chief Executive Officer to determine an application for freestanding walls, retaining walls, playgrounds, fencing, pool pump building and other outdoor recreation works on Reserve 40727, Lot 130 Monkey Mia Road and Lot 501 Monkey Mia Road, Monkey Mia.

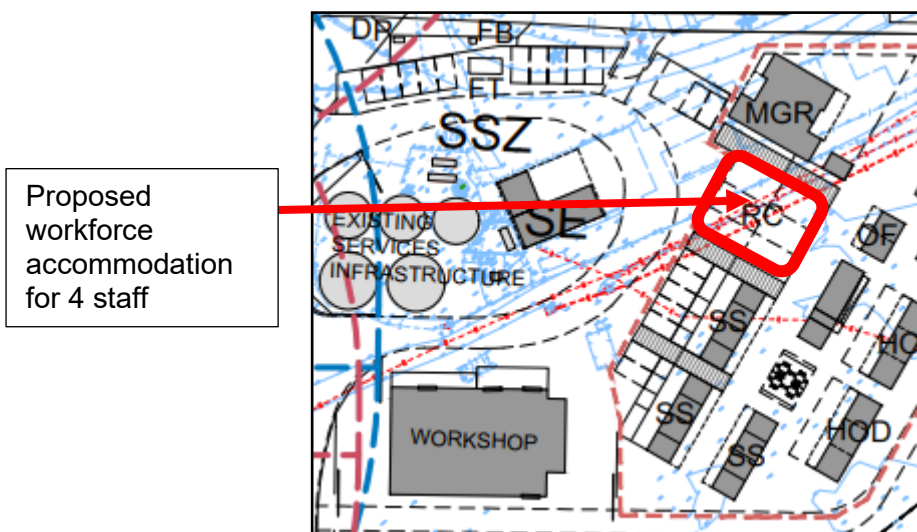
The works were mainly adjacent to the Monkey Bar, and approval was subsequently granted on the 20 June 2022.

Replacement of existing flagpoles on Lot 130 by two new flagpoles was approved on the 2 May 2023.

COMMENT

- **Description of Works**

Workforce accommodation is proposed in a location which was originally approved for 6 relocated caravan sites in 2017.

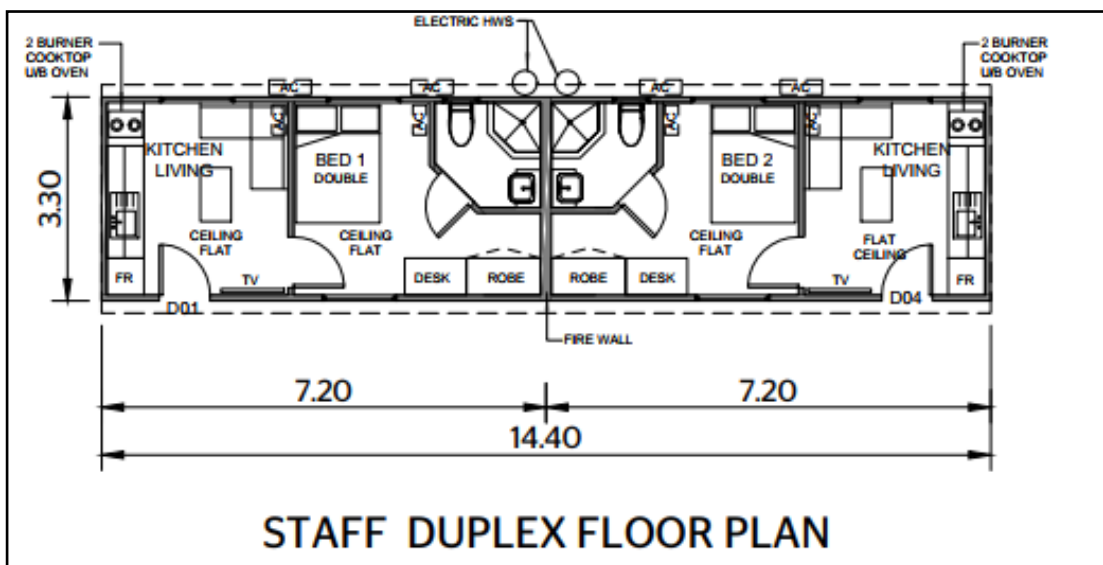
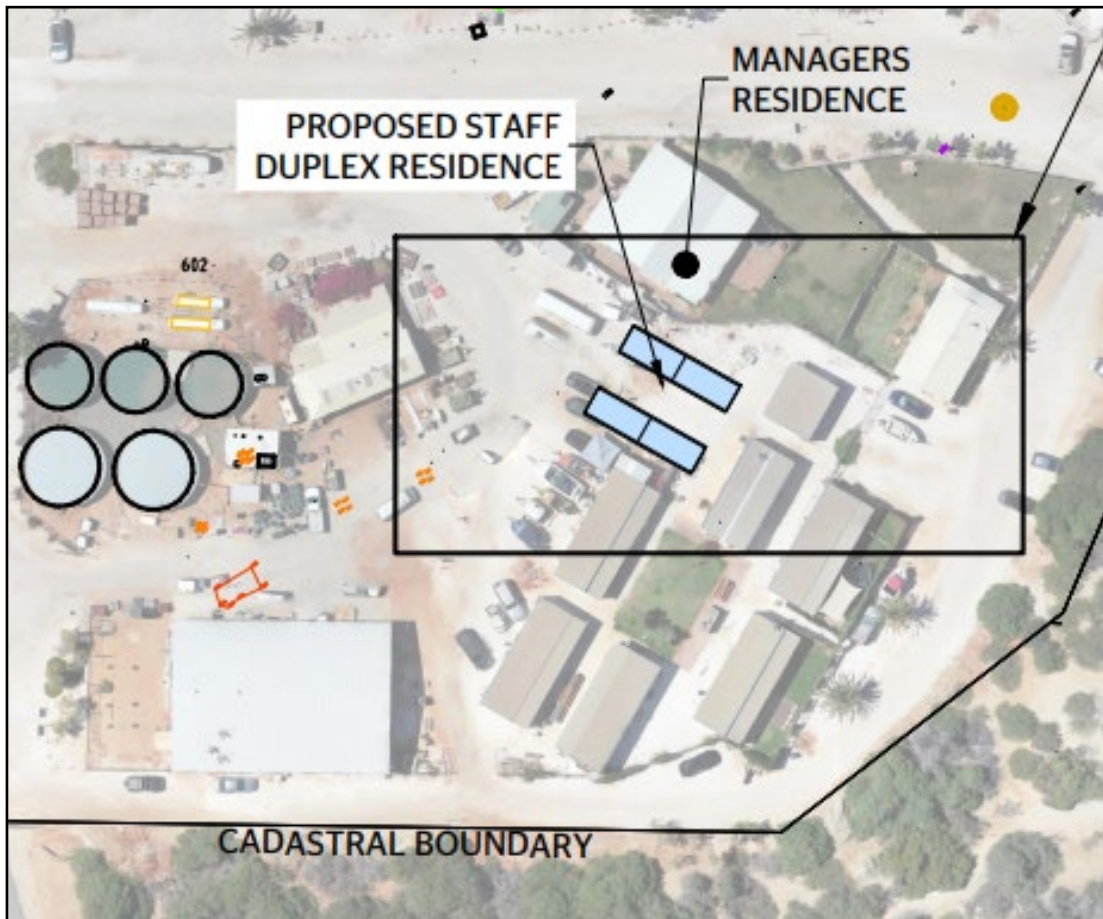


Above: Enlargement of approved 2017 site plan

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The applicant has advised they propose two transportable buildings, and each will cater for two staff, primarily team leaders and /or managers. The accommodation will be occupied for periods up to six months.

The development plans are included as Attachment 1. For ease of reference part of the site plan and the floor plan is included below.



STAFF DUPLEX FLOOR PLAN

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The applicant has advised that *'in order to attract quality management staff to the Monkey Mia Dolphin Resort, there is a need to provide staff accommodation that can be separate to the general staff accommodation. Approval of this Application will assist RAC in ensuring that they are able to attract quality staff to work at the Monkey Mia Dolphin Resort.'*

- **Zoning and Proposed land use**

Lot 130 is zoned 'Special Use' (No 8) under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

Specific scheme provisions apply under 'Schedule B – Special Use Zones' of the Scheme. Under Schedule B Council has discretion to consider workforce accommodation in the Special Use (No 8) zone that applies to Lot 130.

Workforce Accommodation is defined in the Scheme as *'means premises, which may include modular or relocatable buildings, used —*

- (a) *primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
- (b) *for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.'*

The development is construed as workers accommodation as it is to cater for workers of the Monkey Mia Dolphin Resort, and they will live on site on a temporary six month basis.

- **Bushfire Management Plan and Bushfire Attack Level assessment**

The Monkey Mia Dolphin Resort has been developed on lots within a Bushfire Prone Area.

The Western Australian Planning Commission State Planning Policy 3.7 and associated guidelines require a Bushfire Management Plan for tourism developments as they are considered vulnerable land uses.

There is an existing Bushfire Management Plan that was approved in 2017 when major redevelopment of Lot 130 occurred. Outcomes for the Bushfire Management Plan resulted through a collaborative approach by RAC, the Shire and the Department of Biodiversity, Conservation and Attractions.

The Bushfire Management Plan relies on a 25 metre buffer on adjacent Lot 500 (Reserve 49107) which was agreed to by the Shire. The RAC maintains the buffer on Lot 500.

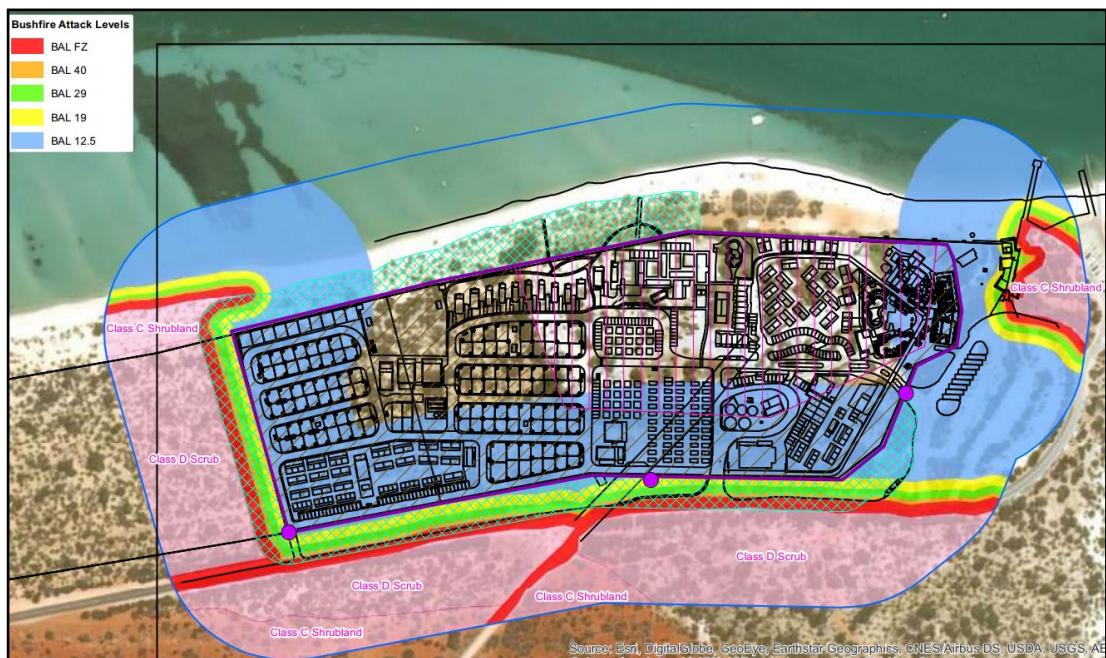
The Bushfire Management Plan included a Bushfire Attack Level Assessment, and the workforce accommodation is proposed in part of the lot identified as having a Bushfire Attack Level-12.5 rating. Any bushfire attack rating of Bushfire Attack Level -29 or below is acceptable.

It should be noted that Council can require lodgement of a new (current) Bushfire Attack Level assessment report as part of the planning process due to the age of the Bushfire Management Plan.

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Town Planning Innovations recommends that this be dealt with at the separate building stage as:

1. The proposal is not an intensification of development as it is ancillary to the existing resort and is a 'replacement' of approved caravan sites.
2. The proposed location for development is an area identified as having a 'moderate' bushfire hazard level.
3. An updated Bushfire Attack Level assessment may be required as part of the separate building process. The City of Greater Geraldton has advised that it will up to the building certifier as to whether to require a new Bushfire Attack Level Assessment.
4. It is not construed that the bushfire risk for the proposed development location will have substantially increased since the 2017 mapping. Parts of Lot 130 were cleared to cater for the 2017 redevelopment.
5. The areas of Lot 130 subject to higher bushfire risk is to the south and west of the proposed development due to Class D Shrubland.



Above: Bushfire Attack Level from 2017 Bushfire Management Plan

- **Colours**

Developers are encouraged to use colours that are compatible with those in the Peron Peninsular Colour Palette developed for the world heritage property area.

The applicant has advised that *'the roof, as per the image is a shade of Shale Grey. The walls are described, on the plan as Shale Grey, which is not a prescribed base (wall colour), however, based upon the image supplied the walls of the building appear greyish white, which is consistent with the base colour muted and light palette range.'*

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- ***Land Subject to Inundation***

A minimum finished floor level of 4.2 metres Australian Height Datum is required for habitable development under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

Council has discretion to consider alternative minimum finished floor levels where the proponent provides a site specific coastal storm surge inundation report by a suitably qualified professional coastal engineer that is acceptable to the local government.

There is an existing Coastal Hazard Risk Management and Adaption Plan that formed part of the approved Structure Plan to the Monkey Mia Dolphin Resort that:

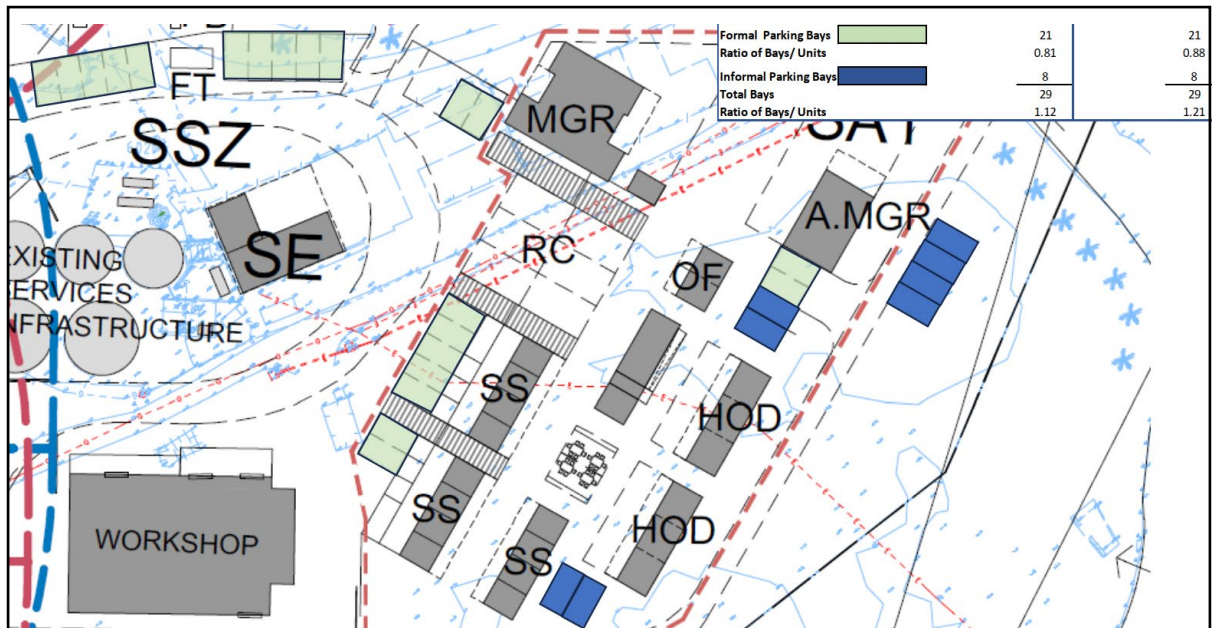
- a) Identifies the proposed workers accommodation location as being within the 2040 Erosion Hazard line with an inundation level of 3.42m AHD for the year 2040.
- b) The site of the Workforce Accommodation is identified as a low risk of inundation, noting that the “as low as reasonably practical” approach has been adopted.
- c) The approach adopted in regard to the Coastal Hazard Risk Management and Adaption Plan is that risks associated with ocean inundation and/or shore erosion will be accommodated over the service life of the structures and thereafter a managed retreat approach will be adopted for replacement infrastructure based on the results of subsequent risk assessment.

- ***Parking***

The applicant has lodged a plan showing 29 formal and informal car parking bays that service existing workers accommodation, and the 6 approved relocated caravan bays. Out of the 29 bays, 21 are formal bays and 8 are informal bays.

The 6 caravan bays will be replaced by accommodation for 4 workers. The number of existing car parking bays will remain however they will cater for 2 less accommodation types (caravans).

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Above: Existing car parking plan



Above: Photo looking east towards the proposed workforce accommodation site. The informal nature of some carparking in this part of Lot 130 is evident.

RAC advise that usually approximately 50% of management staff have their own vehicles. There are no set/assigned parking bays for any of the workers accommodation units.

If the occupants of the workforce accommodation have a vehicle, they can park within any of the existing designated bays.

- **Consultation**

The application has been referred to Main Roads Western Australia, the Department of Biodiversity, Conservation and Attractions, and the Shark Bay World Heritage Advisory Committee for comment.

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Main Roads Western Australia has confirmed they have no objections to the application. Technically these authorities have to be given 42 days to respond (ie by the 10 April 2024).

Town Planning Innovations has requested comments as soon as practical given the small scale nature of the development.

LEGAL IMPLICATIONS

Planning and Development Act 2005 – On the 2 June 2016, the then Minister for Lands signed an ‘instrument of authorisation’ that delegated authority allowing Chief Executive Officers of local governments to sign planning application forms where a reserve is managed by the local government and the development is consistent with the reserve purpose.

The delegation is conditional as the signature on the application form must include the following:

Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the Planning and Development Act 2005 (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

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.

Regulation 60 of the ‘deemed provisions’ requires that a person must not commence or carry out works on, or use, land in the Scheme area unless the person has obtained the development approval of the local government, or it is exempt from the requirement for planning.

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

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

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

POLICY IMPLICATIONS

There are no known policy implications.

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FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

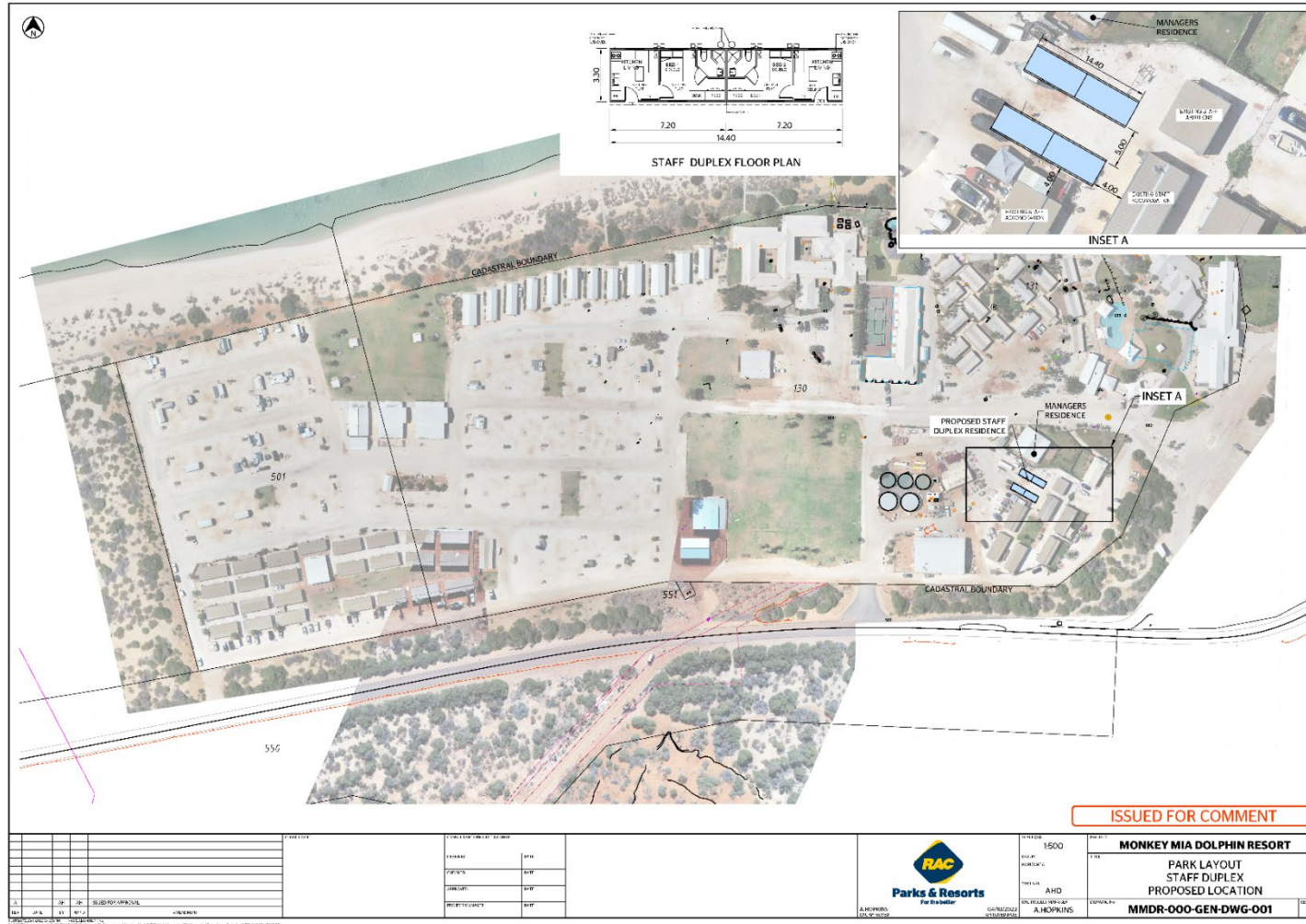
D Chapman

Date of Report

19 March 2024

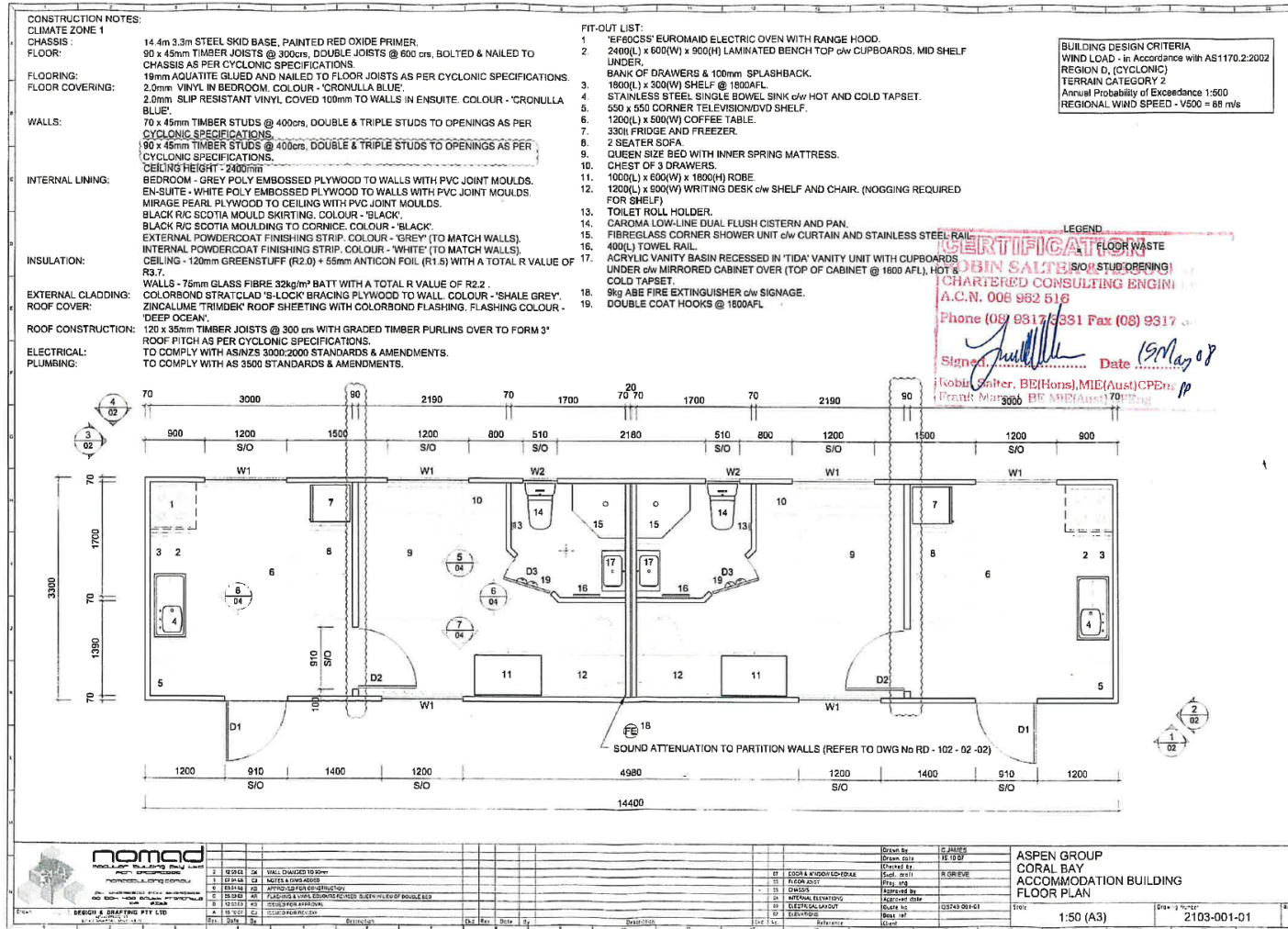
27 MARCH 2024

ATTACHMENT # 1



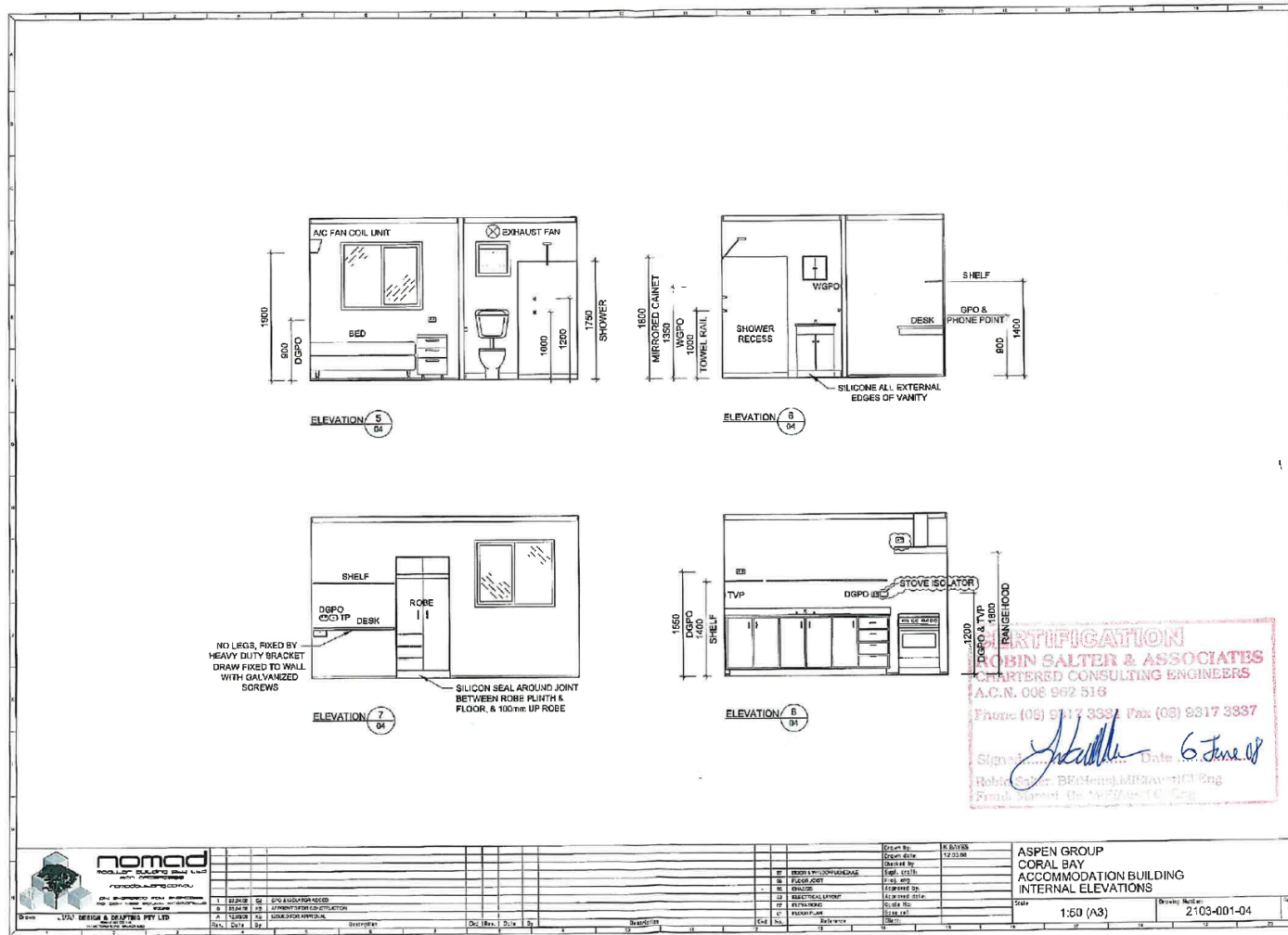
UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024



UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024



27 MARCH 2024

10.7 APPLICATION SEEKING NEW APPROVAL FOR AN EXISTING DWELLING UNIT TO BE USED FOR SHORT STAY – STRATE LOT 2 (35B) FRY COURT, DENHAM P1500

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Nil

Officer Recommendation

That Council:

- A. Determine that the 'short stay strata dwelling' use may be consistent with the objectives of the Residential zone and give notice under clause 64 of the deemed provisions before determining an application for development approval for the use of the land.
- B. Note that the application relating to Strata Lot 2 (35B) Fry Court, Denham has been advertised for public comment. Advertising closes on the 21 March 2024. At the time of writing this report no submissions had been received.
- C. It is recommended that the applicant be advised that:
 - 1 – Continued use of the existing crossover is accepted, as it is within common property and shared between three strata lots.
The crossover was not required to be upgraded for the Bed and Breakfast approved for adjacent 35A Fry Court.
OR
 - 2 - Council expects the existing crossover to be upgraded and sealed.
- D. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine a revised application seeking a planning approval for the existing dwelling on Strata Lot 2 (35b) Fry Court, Denham to be used as a 'short stay strata dwelling'.

Moved Cr Fenny
Seconded Cr Vankova

Council Resolution

That Council:

- A. Determine that the 'short stay strata dwelling' use may be consistent with the objectives of the Residential zone and give notice under clause 64 of the deemed provisions before determining an application for development approval for the use of the land.**
- B. Note that the application relating to Strata Lot 2 (35B) Fry Court, Denham has been advertised for public comment. Advertising closes on the 21 March 2024.**

At the time of writing this report no submissions had been received.

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- C. It is recommended that the applicant be advised that Council expects the existing crossover to be upgraded and sealed.
- D. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine a revised application seeking a planning approval for the existing dwelling on Strata Lot 2 (35B) Fry Court, Denham to be used as a 'short stay strata dwelling'.

5/2 CARRIED BY ABSOLUTE MAJORITY

BACKGROUND

- ***Location and Strata Information***

The lot is located at the end of the Fry Court cul-de-sac. A location plan is included below for ease of reference.

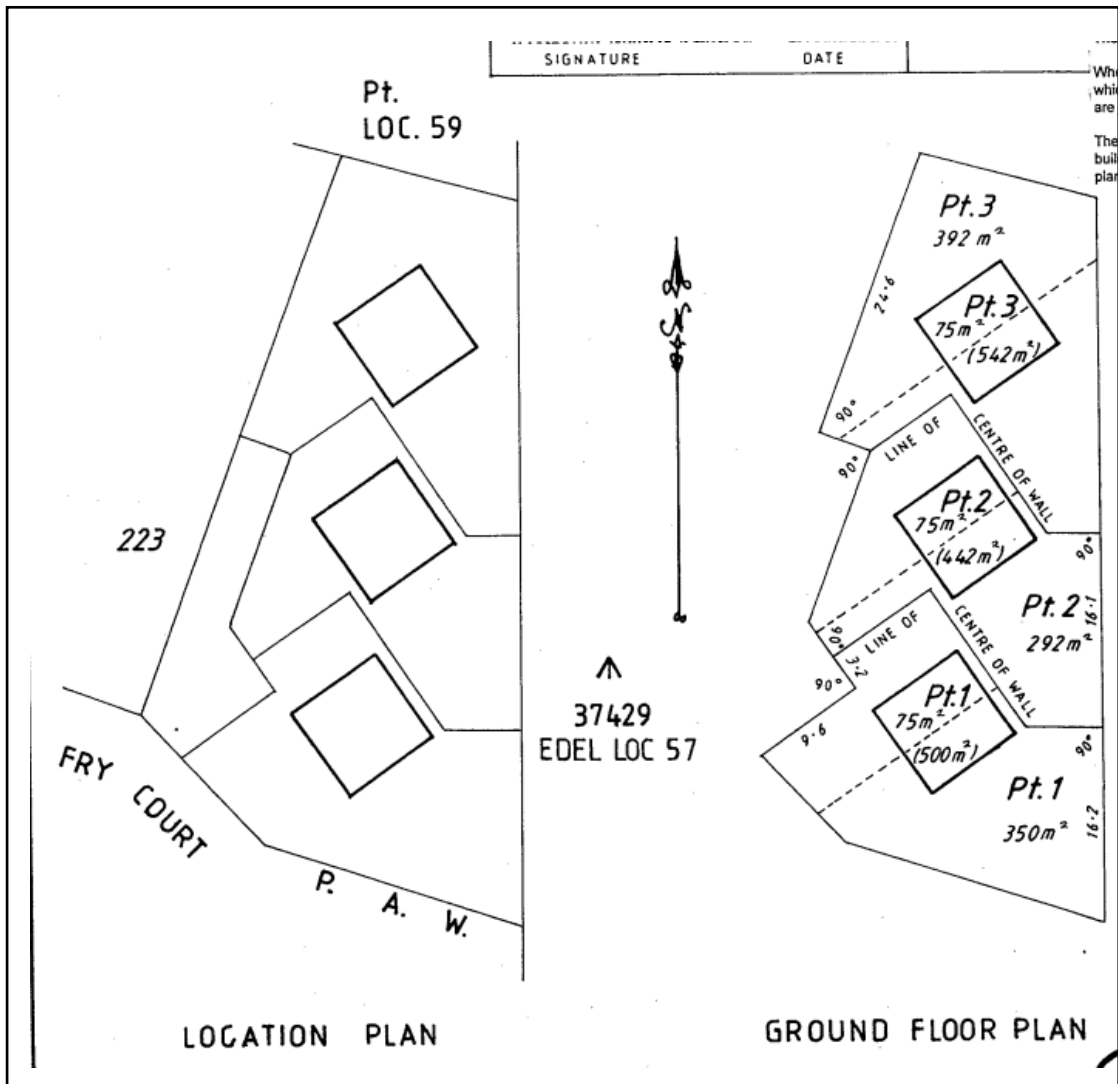
27 MARCH 2024



The parent Lot 224 has been developed with three grouped dwellings. The parent Lot 224 has been strata titled into 3 strata lots, with a driveway as common property.

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The Strata Plan is included below.



Above: Strata Plan showing common property and three strata lots

- **Relevant Approval for adjacent 35A Fry Court**

On the 19 December 2018, Council approved an application for a Bed and Breakfast on Strata Lot 1 (35A) Fry Court, Denham. The application allowed the strata owners to rent out a single bedroom of their dwelling.

The bedroom has one double bed and one single bed.

The Bed and Breakfast is advertised as 'Shark Bay Sunset Stays' - [Shark Bay Sunset Stays - Condominiums for Rent in Denham, Western Australia, Australia - Airbnb](#)

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COMMENT

• ***Description of proposal***

The application is summarised as follows:

- (i) The dwelling has 3 bedrooms and can accommodate a maximum of 6 persons at any one time.
- (ii) The applicant has submitted a site plan with photographs showing one carport and a side parking area for accommodation of a second car.
- (iii) No boat parking area is proposed. Bookings will only cater for guests without boats.
- (iii) There is a long driveway to the west of the dwelling however that has to be kept clear as it is common property and provides access to the rear dwelling unit.
- (iv) The owners intend to use Ray White as the property manager. The property manager is responsible for all bookings, provision of information to guests, monitoring the property, ongoing maintenance, and dealing with any complaints.

The applicant has lodged a parking plan with photographs which is included as Attachment 1.



Above: Photograph of property from Fry Court. 35A Fry Court is the front unit, and 35B Fry Court is the second unit.

• ***Zoning and Proposed Land Use***

Strata Lot 2 is zoned 'Residential' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

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

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

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

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

The Residential Design Codes define a single house as a dwelling on a green title or survey strata lot, without common property. Strata Lot 2 forms part of a strata plan that includes common property.

- **Use Not Listed**

The proposal is construed as a 'short stay strata dwelling' which is not defined in the Scheme or listed in 'Table 1-Zoning Table' of the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

In accordance with Clause 18 (4) of the Scheme, as the use of the land for a 'short stay strata dwelling' is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the other existing land use definition categories the Council may:

- Option 1: Determine that the 'short stay strata dwelling' use is consistent with the objectives of the Residential zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- Option 2: Determine that the 'short stay strata dwelling' use may be consistent with the objectives of the Residential zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- Option 3: Determine that the 'short stay strata dwelling' use is not consistent with the objectives of the Residential zone and is therefore not permitted in the zone.

Option 2 is recommended as it is consistent with how similar proposals have been processed by the Shire, when an application entails a strata unit.

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

The Local Planning Policy does not strictly apply to this application as the proposal is not considered to be a 'holiday house'.

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The Policy is being used as a general guide only for the planning assessment as follows:

Policy Requirement	Comment
1. A site plan or good quality clear aerial showing the existing house, existing buildings, driveway, and guest parking areas. The location, number and dimensions of parking areas should be clearly marked on the plan.	The owners have lodged a clear aerial showing access and carparking bays. Two carparking bays are proposed to cater for the 6 guest capacity.
2. An internal floor plan showing the house layout, the use of each room, and number of double, single or bunk beds per room (including fold out couches).	There is a detailed floor plan showing all bedrooms and the number of beds.
3. Carparking to be provided at a rate of 1 space every 3 guests.	2 existing hardstand carparking bays are provided.
4. A Management Plan that addresses how the land use will be managed on a day to day basis to maximise protection of residential amenity, including details of how noise issues will be addressed by the Manager (handling of complaints), and full contact details of the Manager or employee of the Manager.	A Management Plan by Ray White has been lodged, and is in a format comparable to other management plans that have been approved by the Shire.
5. A Fire and Emergency Response Plan that includes detailed fire escape route maps, provision of a fire extinguisher and emergency contact numbers.	The owners propose to implement a Fire and Emergency Response Plan. The applicant has lodged a detailed floor plan that shows the location of a fire extinguisher, fire blanket, outdoor hose, escape routes and assembly point at the front of the lot.

- **Crossover**

The existing crossover is of a poor quality. Council is aware that Town Planning Innovations has generally not supported imposing conditions to require upgrading of crossovers within common property, as it relies on the strata owner obtaining third party consents in the form of other strata owners' permission.

It is recognised however that Council has fairly consistently required crossovers to be upgraded, even where the short stay dwelling has access via a shared driveway. Examples include 36A and 36B Denham Road.

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

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

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

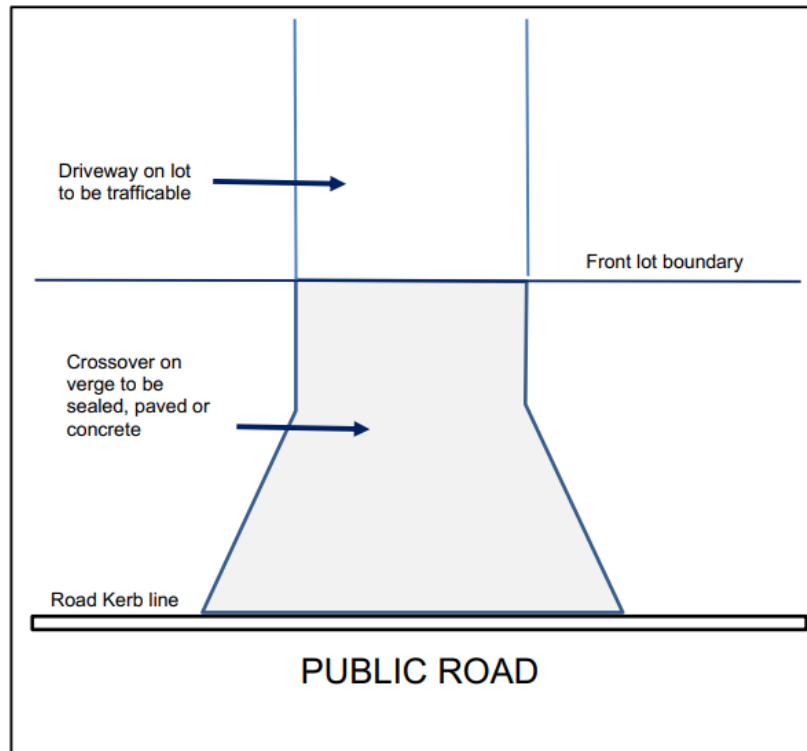


Figure 1

It is recommended that Council advise the applicant that:

- Option 1 – Continued use of the existing crossover is accepted, as it is within common property and shared between three strata lots.

The crossover was not required to be upgraded for the Bed and Breakfast approved for adjacent 35A Fry Court.

OR

- Option 2 - Council expects the existing crossover to be upgraded and sealed.

• **Consultation**

The application is being advertised until the 21 March 2024, and will have closed by the scheduled date of the Council meeting. No submissions had been received at the time of writing this report.

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It is recommended that Council delegate authority to the Chief Executive Officer to determine the application, to expedite the process. This will allow the application to be determined by the Chief Executive Officer once advertising has been completed.

If approval is granted under delegated authority, the Chief Executive Officer will limit the term of any approval to a maximum of 12 months. The 12 month period will allow the Shire to monitor any complaints as this is a new application

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 –

Regulation 57 of the deemed provisions outlines 'matters to be considered by Council' including but not limited to orderly and proper planning, the compatibility of the development with its setting including the relationship to development on adjoining land, the amenity of the locality, the adequacy of proposed means of access to and from the site, the amount of traffic to be generated by the development, and any submission received.

Clause 64 outlines advertising requirements for different applications. Any application for a 'use not listed' is considered a complex application, and requires a longer 28 day advertising period.

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

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

Clause 16(2) of the Scheme outlines the following objectives of the Residential Zone:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
- To provide for tourist development which is compatible with and complementary to residential development.

POLICY IMPLICATIONS

The Shire has a Local Planning Policy for Holiday Houses. Whilst this application is not technically a 'holiday house' it has been assessed taking into account the general Policy requirements.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

There are no known risks associated with the proposed development.

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

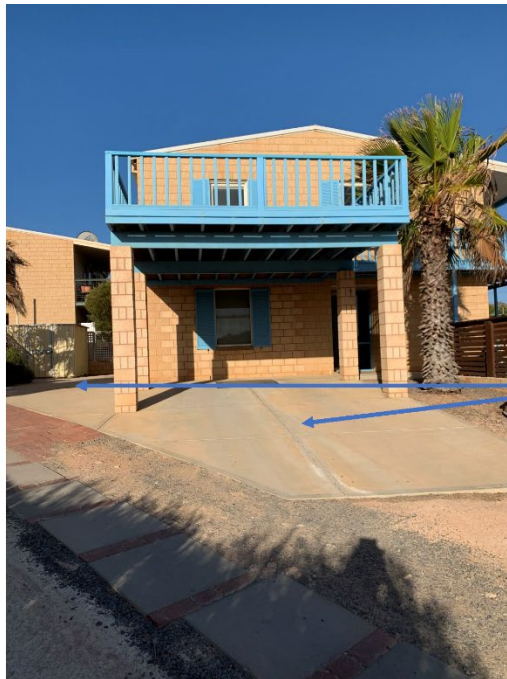
D Chapman

Date of Report

20 March 2024

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ATTACHMENT # 1



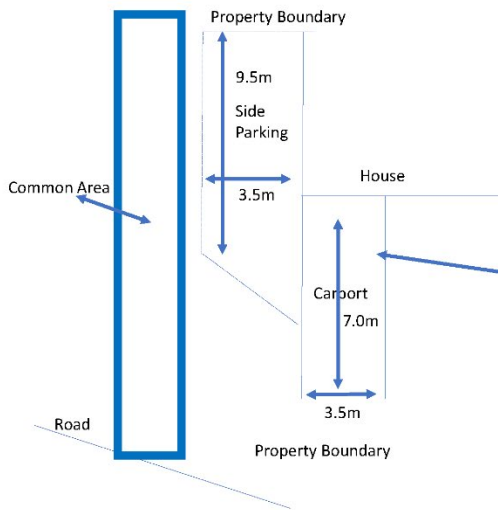
Attachment 2

**Street View
35b Fry Court**

Car Parking
Parking for a maximum
of 2 x cars on the
property at any one time

Attachment 2

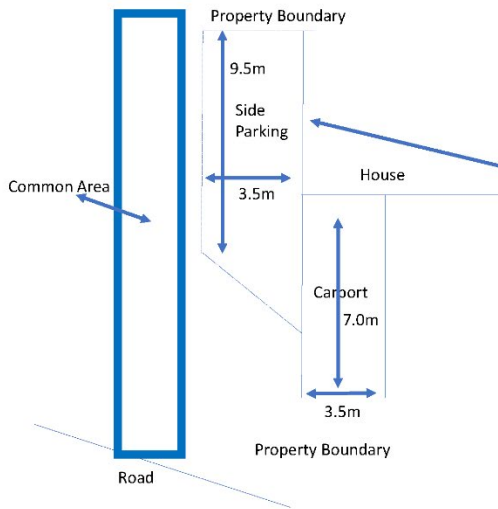
**Parking Dimensions - Carport
35b Fry Court**



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Attachment 2

**Parking Dimensions – Side Parking Area
35b Fry Court**



Attachment 2

**Aerial View – full strata plan
35b Fry Court**

Car Parking
Room for 2 cars on the
property at any one time

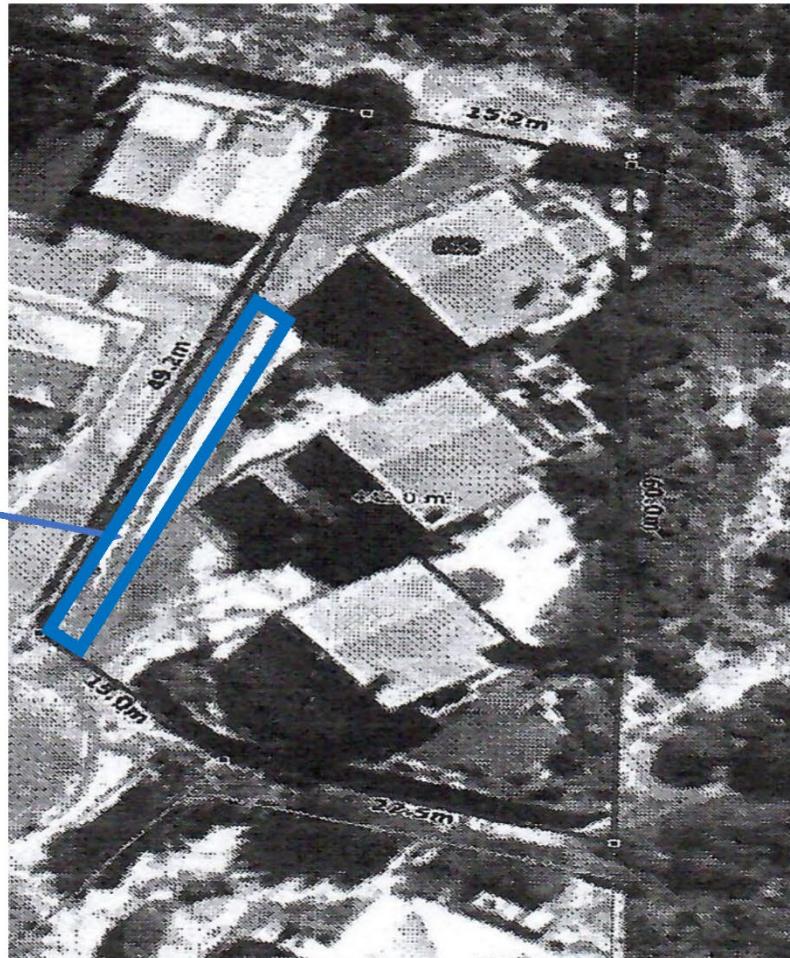


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Attachment 2

**Strata Plan View
35 Fry Court**

Common ground



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- 10.8 APPLICATION FOR APPROVALS – PORTION OF DENHAM SEASIDE CARAVAN PARK (ENCROACHMENTS) INTO LOT 347 (20) KNIGHT TERRACE, DENHAM (RESERVE 39569) AND EXISTING DEVELOPMENT IN LOT 100 STELLA ROWLEY DRIVE, DENHAM P4404

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Stubberfield

Seconded Cr Smith

LOST Council Motion

That Council:

- A. Approve the Development Application for caravan park sites (unpowered camp sites), a fish cleaning station, a viewing platform, retaining walls, and fencing within Lot 347 (20) Knight Terrace, Denham (Reserve 39569) and Lot 100 Stella Rowley Drive, Denham subject to the following conditions and footnotes:

1. The plans lodged with the application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.

Footnote:

- (i) This approval does not negate the need for separate approvals for development in local government property (Reserve 39569) in accordance with the *Local Government (Uniform Local Provisions) Regulations 1996*. The Shire reserves the right to require removal of the structures in Reserve 39569 under any circumstance where an approval lapses or is cancelled in accordance with Section 17 of the *Local Government (Uniform Local Provisions) Regulations 1996*.
 - (ii) This approval does not constitute a building approval. It is recommended that the proponent liaise with the City of Greater Geraldton to ascertain if separate building certification is required.
- B. Pursuant to Section 17 of the *Local Government (Uniform Local Provisions) Regulations 1996* grant permission to Tasman Tourism Property Pty Ltd for construction of caravan park sites (unpowered camp sites), a fish cleaning station, a viewing platform, retaining walls, and fencing within Lot 347 (20) Knight Terrace, Denham (Reserve 39569) as Local Government Property subject to the following conditions:
1. This approval is granted for a maximum 6 year period taken from the date of this letter, after which it will expire and become null and void.
This approval may be cancelled by the Shire by giving written notice to the Directors of the company to whom this permission has been granted.
 2. The ordinary and reasonable use of the public place (Reserve 39569) for the purpose to which it is dedicated is not to be permanently or unreasonably obstructed.
 3. The person carrying out any construction or maintenance work ensures that the public place that is local government property is covered during any period specified in writing by the local government so as to prevent inconvenience to the public or danger from falling materials and any damage resulting from the

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construction or maintenance is repaired to the satisfaction of the Chief Executive Officer.

4. Tasman Tourism Property Pty Ltd:
 - (a) shall be responsible for maintaining all structures and areas included in this approval at all times to the satisfaction of the Chief Executive Officer; and
 - (b) shall obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and Tasman Tourism Property Pty Ltd, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use.
The above insurance indemnity must be lodged within 2 months of the date of this approval.
- C. Advise the applicant that the Shire has no power to lease under the current vesting order. It is recommended that Tasman Tourism Property Pty Ltd initiate a Crown Land enquiry to initiate a lease/licence with the Department of Planning, Lands and Heritage and /or acquisition of a portion of Lot 347 (20) Knight Terrace, Denham (Reserve 39569) to resolve the encroachments in the long term. A Crown Land Enquiry would be processed by the Department of Planning, Lands and Heritage.

0/7 LOST

Reason: Lot 347 is under the care and control of the Shire of Shark Bay. The Shire does not support encroachment into Reserve 39569 due to the impact on public use and the foreshore.

Moved Cr Stubberfield
Seconded Cr Fenny

Council Resolution

That Council refuse the item and an alternative to be presented to Council.

7/0 CARRIED

ALTERNATIVE MOTION

Reason: Lot 347 is under the care and control of the Shire of Shark Bay. Council requires the current owners of Seaside Caravan Park to remove all physical structures that encroach onto Lot 374 (20) Knight Terrace, Denham (Reserve 39569) to be removed within 60 days, and the use of powered and unpowered campsites partially within Lot 347 also to cease within the same 60 day timeframe.

Moved Cr Bellottie
Seconded Cr Vankova

Council Resolution

A. Refuse the Development Application for caravan park sites (unpowered camp sites), a fish cleaning station, a viewing platform, retaining walls, and fencing within Lot 347 (20) Knight Terrace, Denham (Reserve 39569) and Lot 100 Stella Rowley Drive, Denham for the following reason:

1. Lot 347 is under the care and control of the Shire of Shark Bay. The Shire does not support any encroachments into Reserve 39569 (Lot 347) due to the impact

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on public access to the land by the wider community, and the negative impact on the environment of the foreshore.

B. Pursuant to Section 17 of the *Local Government (Uniform Local Provisions) Regulations 1996* refuse to grant permission to Tasman Tourism Property Pty Ltd for construction of caravan park sites (unpowered camp sites), a fish cleaning station, a viewing platform, retaining walls, and fencing within Lot 347 (No 20) Knight Terrace, Denham (Reserve 39569) as Local Government Property for the following reason:

1. The Shire does not support any encroachments into Reserve 39569 (Lot 347) due to the impact on public access to the land by the wider community, and the negative impact on the environment of the foreshore.

C. Advise the current owners of Seaside Caravan Park that all physical structures that encroach into Lot 347 (No 20) Knight Terrace, Denham (Reserve 39569) should be removed within 60 days, and use of unpowered campsites partially within Lot 347 should also cease within the same 60 day timeframe.

7/0 CARRIED

BACKGROUND

- **Seaside Caravan Park**

The Denham Seaside Caravan Park originally operated on Lot 309 and 310 Stella Rowley Drive Denham.

Planning approval for 20 overflow sites on Lot 309 Stella Rowley Drive Denham was approved by Council at the Ordinary Meeting held on the 30 June 2010.

An application for expansion of the caravan park by approximately 50 sites was approved on the 9 September 2019.

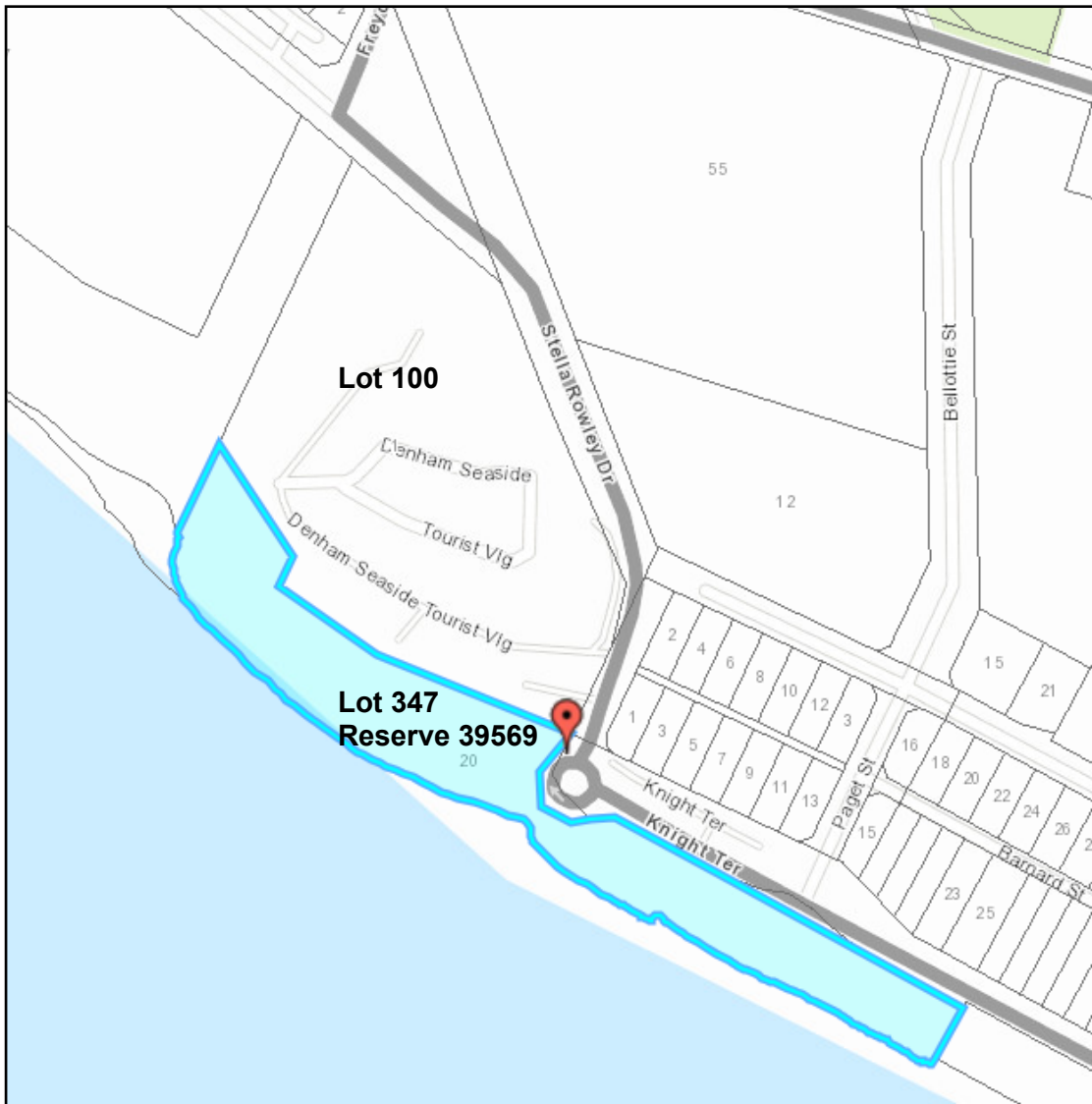
Lot 309 and 310 were amalgamated and are now known as Lot 100 (1) Stella Rowley Drive, Denham. Planning approval for a desalination plant for water supply on Lot 100 was issued in November 2020.

More recently, planning approval was granted for the relocation of 10 chalets and construction of 8 new chalets on Lot 100. The approval was issued on the 14 March 2024.

- **Location and Ownership of Lot 347, Reserve 39569**

This application seeks retrospective planning approval for parts of the caravan park that encroach into adjacent Lot 347 to the south. Lot 347 is a crown reserve (No 39569).

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Above: Location Plan

There is a Vesting Order over the reserve to the Shire of Shark Bay for the purpose of 'recreation and foreshore protection'. The Vesting Order is basic and does not provide the Shire with any power to lease – Attachment 1.

A planning application form has been signed by the Department of Planning, Lands and Heritage on behalf of the State of WA as Lot 347 is crown land.

- **Ownership of Lot 100 (Seaside Caravan Park)**

Tasman Holiday Parks purchased Lot 100 in 2022 and seek to provide an improved tourism offering within the Denham townsite.

The applicant has advised that *'Tasman is making substantial investments in the Denham Seaside Caravan Park, with the latest initiative being a Development Approval Application for a \$2,500,000 accommodation project. This proposal focuses on the creation of modern cabins strategically placed in the central area of the park,*

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enhancing the current range of accommodations on the premises. Additionally, Tasman is actively working on formulating a Masterplan for the caravan park, which will be submitted to the Council in the near future. It is intended that the Masterplan will streamline funding applications to Government, enabling the development of a high-quality resort. This endeavour is anticipated to bring about increased economic benefits to the townsite of Denham.'

COMMENT

- **Description of Application**

Previous owners have constructed a number of structures on Lot 100 that encroach into Lot 347 without Development Approval and have historically utilised a portion of Lot 347 for unpowered camp sites, which the current landowner now seeks to formalise through a retrospective Application for Development Approval.

The applicant has lodged a detailed feature survey and has summarised the encroachments into Lot 347 on the plan below.



The structures/areas within Lot 100 and the encroachments into Lot 347 are shown on a feature survey – refer Attachment 2. Town Planning Innovations has marked the lot boundary in as a thick blue line.

The structures and encroachments are shown in Figures 2-5 below, and include:

- A fish cleaning station;
- A viewing platform;
- Retaining walls;
- Boundary fencing; and

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- Unpowered camp sites.



Figure 2: Fish Cleaning Station



Figure 3: Viewing Platform



Figure 4: Boundary Fence Encroachment



Figure 5: Unpowered Camp Site

- **Scheme Requirements**

Lot 347 is a Local Scheme Reserve for public open space. There are no prohibited uses within a Local Scheme Reserve so Council has broad discretion to approve the encroachments.

The applicant submits that the encroachments are minor, and are recreational in nature, so can be considered to be consistent with the objectives for the public open space reserve.

Lot 100 is zoned Special Use and Council has discretion to approve a caravan park and associated structures under the Scheme.

- **Separate Approval**

In addition to retrospective planning approval, the applicant also seeks approval for the encroachments into Lot 347 in accordance with the *Local Government (Uniform Local Provisions) Regulations 1996 (LG Regulations)*.

The separate approval is being sought as:

1. Lot 347 is vested to the Shire so is construed to be Local Government Property.
2. The structures that encroach onto or over Reserve 39569 have been erected in contravention of Section 17 of the *Local Government (Uniform Local Provisions) Regulations 1996* because the Shire did not grant permission for the structures to be constructed on or over Reserve 39569.

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3. The only way to resolve the unauthorised structures is for them to be removed, or for the proponent to apply for, and obtain, approval under the Local Government Regulations.
4. If approval is granted under the Local Government Regulations, then maintenance of all structures is to be undertaken by the owners of the caravan park. They also have to provide insurance that indemnifies the Shire against any claim for damages which may arise in, or out of, its construction, maintenance or use under Section 17(8)(b).

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.

Shire of Shark Bay Local Planning Scheme No 4 –

The objectives of a scheme reserve for public open space are:

- (i) To set aside areas for public open space, particularly those established under the *Planning and Development Act 2005* s.152.
- (ii) To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
- (iii) Accommodate a wide range of development including and not limited to buildings, structures, landscaping, amenities, carparks, caravan parks, campsites, or other activities for the general enjoyment, relaxation, exercise, play or entertainment of the local community, visitors, tourists and the general public.

Local Government (Uniform Local Provisions) Regulations 1996 – Section 17 deals with 'private works on, over, or under public places' as follows:

- (1) A person must not, without lawful authority, construct anything on, over, or under a public thoroughfare or other public place that is local government property.
Penalty: a fine of \$5 000.
- (2) Subregulation (1) does not apply to the construction of things by or on behalf of the Crown.
- (3) A person may apply to the local government for permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property.
- (4) Permission granted by the local government under this regulation —
 - (a) must be in writing; and

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- (b) must specify the period for which it is granted; and
 - (c) must specify each condition imposed under subregulation (5); and
 - (d) may be renewed from time to time; and
 - (e) may be cancelled by giving written notice to the person to whom the permission was granted.
- (5) The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following —
- (a) a condition imposing a charge for any damage to the public thoroughfare or public place resulting from the construction;
 - (b) a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the CEO of the local government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the construction, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant.
- (6) It is a condition of the permission granted under this regulation that —
- (a) the ordinary and reasonable use of the public thoroughfare or public place for the purpose to which it is dedicated is not to be permanently or unreasonably obstructed; and
 - (b) the person carrying out the construction work ensures that a footpath of a public thoroughfare or other public place that is local government property is covered during the period specified in writing by the local government so as to —
 - (i) prevent damage to the footpath; or
 - (ii) prevent inconvenience to the public or danger from falling materials;
- and
- (c) damage to the public thoroughfare or public place resulting from the construction is repaired to the satisfaction of the CEO of the local government.
- (7) A person granted permission under this regulation must comply with each condition of the permission.
Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.
- (8) A person who constructs anything in accordance with permission granted under this regulation must —
- (a) maintain it; and
 - (b) obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use.
Penalty: a fine of \$5 000.

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- (9) For the purposes of section 3.37 of the Act, a contravention of subregulation (1) or (7) is a contravention that can lead to impounding of goods comprising a thing constructed on, over, or under a public thoroughfare or other public place that is local government property.

POLICY IMPLICATIONS

There are no policy implication relative to this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

D Chapman

Date of Report

20 March 2024

27 MARCH 2024

ATTACHMENT # 1

L.587

11NMGG95

I-LEG-13503

4/437

LAND ACT 1933

(Section 33(2))

VESTING ORDER

DOLA File 3164/985

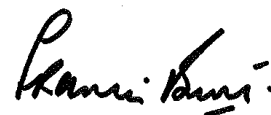
I, The Honourable Sir Francis Theodore Page Burt, Companion of the Order of Australia, Knight Commander of The Most Distinguished Order of Saint Michael and Saint George, Queen's Counsel, Governor of the State of Western Australia, do hereby in pursuance of the powers enabling me in that behalf, and under and by virtue of the provisions of Section 33(2) of the Land Act 1933, direct that Reserve No. 39569 (Denham Lot 311)

shall vest in and be held by the Shire of Shark Bay

for the designated purpose of "Recreation and Foreshore Protection"

Given under my hand, at Perth

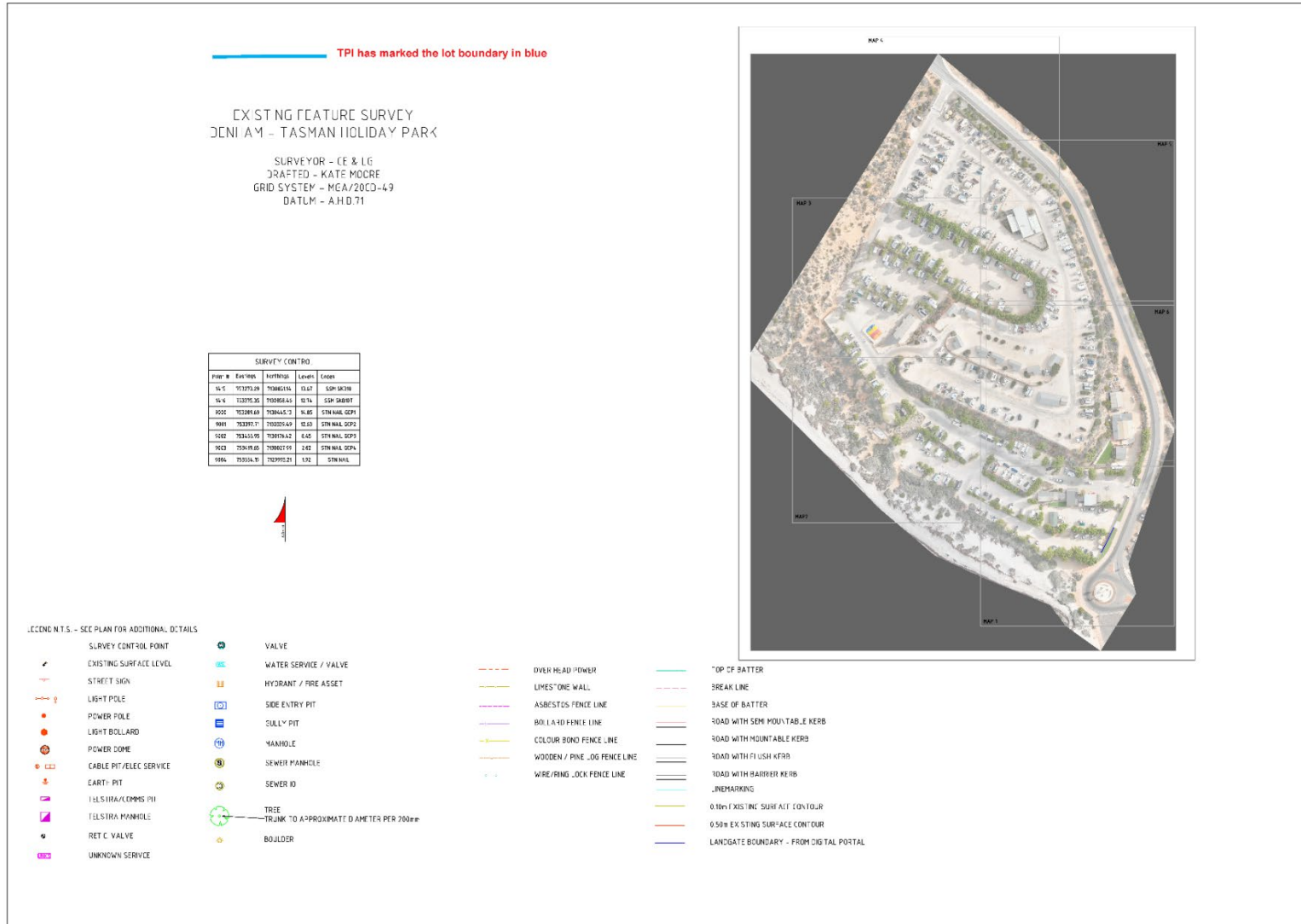
this day
24 NOV 1992
of 19



GOVERNOR

27 MARCH 2024

ATTACHMENT # 2



UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024



NO.	REV	DESCRIPTION	DATE	BY	CHKD	APP'D	NOTES

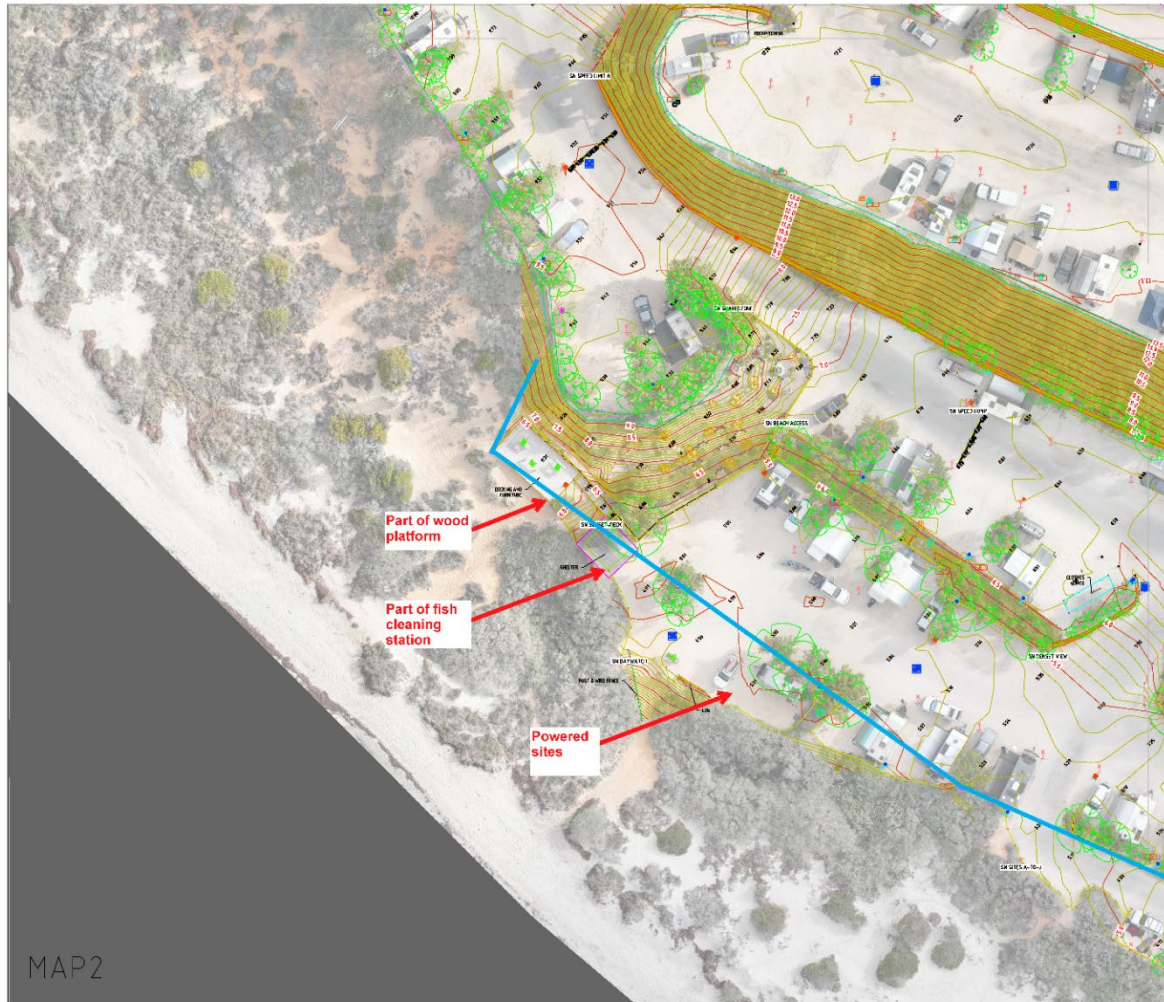
SCALE	DATE	PROJECT	CLIENT
1:250	24/03/2024	DENHAM - TASMAN HOLIDAY PARK	OFFICE SURVEY

PROJECT	DENHAM - TASMAN HOLIDAY PARK
TITLE	EXISTING FEATURE SURVEY
DRAWN BY	OFFICE SURVEY
CHECKED BY	OFFICE SURVEY

DATE	24/03/2024
TIME	10:00 AM
LOCATION	DENHAM - TASMAN HOLIDAY PARK
PROJECT	DENHAM - TASMAN HOLIDAY PARK
TITLE	EXISTING FEATURE SURVEY
DRAWN BY	OFFICE SURVEY
CHECKED BY	OFFICE SURVEY

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024



<table border="1"> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> <th>BY</th> <th>CHKD.</th> <th>APP'D.</th> <th>NOTES</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>		NO.	REVISION	DATE	BY	CHKD.	APP'D.	NOTES								<table border="1"> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> <th>BY</th> <th>CHKD.</th> <th>APP'D.</th> <th>NOTES</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>		NO.	REVISION	DATE	BY	CHKD.	APP'D.	NOTES								<p>Scale: 1:250</p>		<p>Notes: The boundaries on this plan were obtained from an aerial photograph which has been corrected for perspective and ground truthed by ground survey. The boundaries shown on this plan are not to be used for any other purpose.</p>		<table border="1"> <tr> <td> <p>ASCON SURVEY AND DRAFTING</p> </td> <td> <p>Project: DENHAM - TASMAN HOLIDAY PARK Title: EXISTING FEATURE SURVEY Scale: 1:250</p> </td> </tr> </table>		<p>ASCON SURVEY AND DRAFTING</p>	<p>Project: DENHAM - TASMAN HOLIDAY PARK Title: EXISTING FEATURE SURVEY Scale: 1:250</p>
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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024



27 MARCH 2024

11.0 FINANCE REPORT

The President adjourned the Ordinary Council meeting at 3.08pm

The President reconvened the Ordinary Council meeting at 3.31pm with no visitors in the gallery

11.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED
CM00017

Author

Finance Officer / Accounts Payable

Disclosure of any Interest

Nil

Moved Cr Fenny

Seconded Cr Vankova

Council Resolution

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$334,009.57 be accepted.

7/0 CARRIED

Comment

The schedules of accounts for payment covering -

Municipal fund Electronic BPay payments for the month of February 2024 totalling \$696.09

Municipal fund credit card direct debits for the month of February 2024 totalling \$3,257.20

There were no Municipal Fund cheques issued for the month of February 2024 totalling \$0.00

Municipal fund direct debits to Council for the month of February 2024 totalling \$30,368.15

Municipal fund account electronic payment numbers MUNI 32000 to 32056 totalling \$142,045.01

Municipal fund account for February 2024 payroll totalling \$142,297.92

Municipal fund Police Licensing for February 2024 transaction number 222336 totalling \$15,345.20 and

27 MARCH 2024

No Trust fund account cheque numbers were issued for February 2024 totalling \$0

The schedule of accounts submitted to each member of Council on 22 March 2024 has been checked and are fully supported by vouchers and invoices. All vouchers and invoices have been duly certified as to the receipt of goods and services and the cost of goods and services received.

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

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

Chief Executive Officer

D Chapman

Date of Report

18 March 2024

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

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**SHIRE OF SHARK BAY – MUNI
ELECTRONIC BPAY TRANSACTIONS
FEBRUARY 2024**

DATE	NAME	DESCRIPTION	AMOUNT
01/02/2024	BPAY	AWARE - SUPERANNUATION	\$188.98
01/02/2024	BPAY	GESB – SUPERANNUATION	\$507.11
		TOTAL	\$696.09

SHIRE OF SHARK BAY – CREDIT CARD

PERIOD – FEBRUARY 2024

TOTAL \$3,257.20

CEO

DATE	NAME	DESCRIPTION	AMOUNT
21/12/2023	EG FUELCO 4039	DIESEL FOR NEW UTE (P214), REPLACEMENT FOR P200	\$180.43
		TOTAL	\$180.43

EMCD

DATE	NAME	DESCRIPTION	AMOUNT
21/12/2023	CANVA	YEARLY SUBSCRIPTION FOR CANVA 4 MEMBERS – 21 DECEMBER 2023 TO 20 DECEMBER 2024	\$164.99
		TOTAL	\$164.99

SFA

DATE	NAME	DESCRIPTION	AMOUNT
27/12/2023	STARLINK AUSTRALIA	STARLINK INTERNET 20 DECEMBER 2023 TO 19 JANUARY 2024 FOR TAMALA CAMP (PP118), REFUSE SITE AND BUSH FIRE BRIGADE	\$452.00

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

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29/12/2023	AUDIBLE LIMITED AU	INCORRECT PURCHASE - REIMBURSED 1 FEBRUARY 2024	\$16.45
4/01/2024	BELONG	BELONG INTERNET 04 JANUARY TO 03 FEBRUARY 2024 FOR RECREATION CENTRE DOOR ENTRY	\$15.00
4/01/2024	BELONG	BELONG INTERNET 04 JANUARY TO 03 FEBRUARY 2024 FOR DENHAM HALL DOOR ENTRY	\$15.00
4/01/2024	QUEST INNALOO	ACCOMMODATION DURING DEPARTMENT OF TRANSPORT TRAINING - SUPERVISOR FINANCE AND ADMINISTRATION (REIMBURSABLE FROM DOT)	\$1,418.78
5/01/2024	DEPARTMENT OF TRANSPORT	COMMUNITY JETTY LICENCE INITIAL FEE - DENHAM FINGER JETTY	\$101.65
6/01/2024	SHARK BAY CAFÉ	STAFF REFRESHMENT FOR STAFF RECRUITMENT	\$21.20
8/01/2024	DEPARTMENT OF TRANSPORT	COMMERCIAL JETTY LICENCE RENEWAL FEE 2024 - MONKEY MIA	\$785.70
9/01/2024	KINATICO LTD	NATIONAL POLICE CHECK FOR SUPERVISOR FINANCE AND ADMINISTRATION TO ATTEND DEPARTMENT OF TRANSPORT TRAINING	\$54.90
11/01/2024	SHIRE OF SHARK BAY	PLATE FEE CHANGE FOR NEW VEHICLE (REPLACEMENT OF P200)	\$31.10
		TOTAL	\$2,911.78

**SHIRE OF SHARK BAY – MUNI DIRECT DEBITS
FEBRUARY 2024**

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD17598.1	11/02/2024	EQUIP SUPER	SUPERANNUATION CONTRIBUTIONS	-130.10
DD17598.2	11/02/2024	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-598.34
DD17598.3	11/02/2024	AUSTRALIAN RETIREMENT TRUST	SUPERANNUATION CONTRIBUTIONS	-150.75
DD17598.4	11/02/2024	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-288.81
DD17598.5	11/02/2024	AMP SUPER DIRECTIONS FUND	SUPERANNUATION CONTRIBUTIONS	-265.36
DD17598.6	11/02/2024	MLC SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-470.41
DD17598.7	11/02/2024	CRUELTY FREE SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-304.67
DD17598.8	11/02/2024	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-497.02

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

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DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD17598.9	11/02/2024	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-470.41
DD17609.1	07/02/2024	URL NETWORKS PTY LTD	SHIRE OFFICES TELEPHONE CHARGES - FEBRUARY 2024	-52.00
DD17610.1	28/02/2024	EXETEL PTY LTD	SHIRE PROPERTIES INTERNET CHARGES - MARCH 2024	-382.35
DD17612.1	20/02/2024	WATER CORPORATION - OSBORNE PARK	VARIOUS SHIRE PROPERTIES - WATER USAGE AND SERVICE CHARGES	-2941.01
DD17612.2	16/02/2024	WATER CORPORATION - OSBORNE PARK	VARIOUS SHIRE PROPERTIES - WATER USAGE AND SERVICE CHARGES	-2161.71
DD17612.3	21/02/2024	WATER CORPORATION - OSBORNE PARK	VARIOUS SHIRE PROPERTIES - WATER USAGE AND SERVICE CHARGES	-305.36
DD17612.4	15/02/2024	WATER CORPORATION - OSBORNE PARK	VARIOUS SHIRE PROPERTIES - WATER USAGE AND SERVICE CHARGES	-3146.54
DD17612.5	14/02/2024	WATER CORPORATION - OSBORNE PARK	PIONEER PARK - WATER USAGE	-100.35
DD17612.6	22/02/2024	WATER CORPORATION - OSBORNE PARK	DEPOT - WATER USAGE	-609.30
DD17619.1	25/02/2024	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-2295.92
DD17619.2	25/02/2024	AUSTRALIAN RETIREMENT TRUST	SUPERANNUATION CONTRIBUTIONS	-544.33
DD17619.3	25/02/2024	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-299.22
DD17619.4	25/02/2024	AMP SUPER DIRECTIONS FUND	SUPERANNUATION CONTRIBUTIONS	-265.36
DD17619.5	25/02/2024	MLC SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-470.41
DD17619.6	25/02/2024	CRUELTY FREE SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-304.67
DD17619.7	25/02/2024	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-561.13
DD17619.8	25/02/2024	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-645.14
DD17619.9	25/02/2024	AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	-3864.44
DD17625.1	21/02/2024	VIVA ENERGY AUSTRALIA	MONTHLY FUEL ACCOUNT - JANUARY 2024	-471.06
DD17598.10	11/02/2024	AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	-3864.44
DD17598.11	11/02/2024	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-191.50
DD17598.12	11/02/2024	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-273.54
DD17598.13	11/02/2024	MERCER SUPER TRUST	SUPERANNUATION CONTRIBUTIONS	-81.78

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DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD17598.14	11/02/2024	ASGARD ELEMENTS SUPER ACCOUNT	SUPERANNUATION CONTRIBUTIONS	-275.00
DD17598.15	11/02/2024	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1545.11
DD17619.10	25/02/2024	EQUIP SUPER	SUPERANNUATION CONTRIBUTIONS	-156.12
DD17619.11	25/02/2024	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-210.27
DD17619.12	25/02/2024	MERCER SUPER TRUST	SUPERANNUATION CONTRIBUTIONS	-53.90
DD17619.13	25/02/2024	ASGARD ELEMENTS SUPER ACCOUNT	SUPERANNUATION CONTRIBUTIONS	-275.00
DD17619.14	25/02/2024	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-845.32
			TOTAL	\$30,368.15

**SHIRE OF SHARK BAY – MUNI EFT
FEBRUARY 2024
EFT 32000 – 32056**

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT32001	02/02/2024	HARTOG COTTAGES	BOOKEASY OPERATOR PAYMENT - JANUARY 2024	-1016.40
EFT32002	02/02/2024	HAMELIN POOL CARAVAN PARK AND TOURIST CENTRE	BOOKEASY OPERATOR PAYMENT - JANUARY 2024	-862.74
EFT32003	02/02/2024	ISLAND LIFE ADVENTURES PTY LTD	BOOKEASY OPERATOR PAYMENT - JANUARY 2024	-1056.00
EFT32004	02/02/2024	MONKEY MIA YACHT CHARTERS	BOOKEASY OPERATOR PAYMENT - JANUARY 2024	-6080.80
EFT32005	02/02/2024	OCEANSIDE VILLAGE	BOOKEASY OPERATOR PAYMENT - JANUARY 2024	-1320.00
EFT32006	02/02/2024	PINNACLE COACHLINES	BOOKEASY OPERATOR PAYMENT - JANUARY 2024	-109.47
EFT32007	02/02/2024	RAC TOURISM ASSETS P/L T/A MONKEY MIA DOLPHIN RESORT	BOOKEASY OPERATOR PAYMENT - JANUARY 2024	-287.76
EFT32008	02/02/2024	SHARK BAY DIVE AND MARINE SAFARIS	BOOKEASY OPERATOR PAYMENT - JANUARY 2024	-875.60
EFT32009	02/02/2024	SHARK BAY 4WD TOURS	BOOKEASY OPERATOR PAYMENT - JANUARY 2024	-4119.28
EFT32010	02/02/2024	SHARK BAY COASTAL TOURS	BOOKEASY OPERATOR PAYMENT - JANUARY 2024	-387.20

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EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT32011	02/02/2024	SHIRE OF SHARK BAY	BOOKEASY OPERATOR COMMISSION - JANUARY 2024	-2585.75
EFT32012	02/02/2024	TASMAN HOLIDAY PARKS - SEASIDE	BOOKEASY OPERATOR PAYMENT - JANUARY 2024	-1592.80
EFT32013	02/02/2024	SHARK BAY SEAFRONT APARTMENTS	BOOKEASY OPERATOR PAYMENT - JANUARY 2024	-968.00
EFT32014	14/02/2024	NAPA AUTO PARTS	DEGREASER AND FILTER SERVICE KITS FOR EMCD (P213) AND FINANCE VEHICLES (P211) INCLUDES OUTWARDS FREIGHT COST	-216.40
EFT32015	14/02/2024	AUSTRALIA POST	MONTHLY POSTAL SERVICE - JANUARY 2024	-121.38
EFT32016	14/02/2024	BOOKEASY AUSTRALIA PTY LTD	BOOKEASY BOOKING FEE - JANUARY 2024	-467.76
EFT32017	14/02/2024	BOC LIMITED	MONTHLY CONTAINER RENTAL - JANUARY 2024	-149.55
EFT32018	14/02/2024	BOLTS R US	LARGE HEAD RIVETS FOR LITTLE LAGOON GAZEBO MAINTENANCE	-84.48
EFT32019	14/02/2024	BRIDGESTONE SERVICE CENTRE	SUPPLY AND FIT LOADER TYRE (P191)	-1650.00
EFT32020	14/02/2024	BOB WADDELL & ASSOCIATES	CONTRACT RATES OFFICER CHARGES	-288.75
EFT32021	14/02/2024	BEAVIS & SMITH CLEANING & CHEMICALS	240L BIN LINERS FOR ROADSIDE RUBBISH PICK UP	-288.00
EFT32021	14/02/2024	BEAVIS & SMITH CLEANING & CHEMICALS	CLEANING CONSUMABLES – JANUARY 2024	-428.95
EFT32021	14/02/2024	BEAVIS & SMITH CLEANING & CHEMICALS	MONTHLY CLEANING ACCOUNT - JANUARY 2024	-21116.25
EFT32022	14/02/2024	SHARK BAY SUPERMARKET	MONTHLY SUPERMARKET ACCOUNT - JANUARY 2024	-162.40
EFT32023	14/02/2024	HORIZON POWER	STREET LIGHTING - JANUARY 2024	-4612.43
EFT32024	14/02/2024	HORIZON POWER	EMERGENCY SERVICES BUILDING - ELECTRICITY CHARGES	-747.41
EFT32025	14/02/2024	DENHAM WA PTY LTD	MONTHLY SUPERMARKET ACCOUNT - JANUARY 2024	-175.21
EFT32026	14/02/2024	IMPART MEDIA PTY LTD	SBDC - ANNUAL HOSTING FEE FOR PERIOD 17 JANUARY 2024 TO 17 JANUARY 2025	-1320.00
EFT32027	14/02/2024	IRWIN PLANT HIRE	CART SHELL FROM SHELL BEACH TO DENHAM, CART GRAVEL INTO STELLA ROWLEY DRIVE FOR SHOULDER RECONSTRUCTION - PART PAYMENT	-10485.75
EFT32028	14/02/2024	TEAM GLOBAL EXPRESS PTY LTD	MONTHLY FREIGHT ACCOUNT - JANUARY 2024	-248.68
EFT32029	14/02/2024	GRAYT MAINTENANCE SOLUTIONS	MONTHLY RUBBISH TRUCK HIRE - JANUARY 2024	-5399.96

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EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT32030	14/02/2024	MIDWEST CONTRACTING	GRADER HIRE MAINTENANCE GRADING ON THE EASTERN ROADS - WOODLEIGH BYRO ROAD INCLUDING LOADER HIRE AND ACCOMMODATION	-21340.00
EFT32031	14/02/2024	OFFICEWORKS LTD	STATIONERY ORDER JANUARY 2024 FOR ADMINISTRATION OFFICE, DISCOVERY CENTRE, AND DEPOT	-1420.82
EFT32032	14/02/2024	XL2	MANAGED IT SERVICES	-165.00
EFT32033	14/02/2024	PAULS TYRES	PUMP OUTS AND DISPOSAL OF SEPTIC WASTE FROM DUMP POINT AT CORNER OF DENHAM AND MONKEY MIA ROAD AND SHIRE HOUSE	-1830.00
EFT32034	14/02/2024	MOORE AUSTRALIA	MOORE AUSTRALIA - CONTRACT FINANCIAL SERVICES TASKS - JANUARY 2024	-7284.75
EFT32035	14/02/2024	SUPERIOR PAK PTY LTD	TWO ASSY GRAB ARMS FOR RUBBISH TRUCK	-695.53
EFT32036	14/02/2024	TELSTRA LIMITED	SHIRE MOBILE TELEPHONE SERVICES - 16 DECEMBER 2023 TO 15 JANUARY 2024	-351.92
EFT32037	14/02/2024	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES - JANUARY 2024	-1691.25
EFT32038	14/02/2024	TOTAL UNIFORMS	24X STAFF UNIFORMS	-1054.84
EFT32039	14/02/2024	MARIE ANNE GAMBLE	RENT SUBSIDY FOR DENHAM DAY CARE EDUCATOR - 11 FEBRUARY TO 9 MARCH 2024 (4WEEKS)	-2000.00
EFT32040	15/02/2024	AUSTRALIAN TAXATION OFFICE	BAS RETURN JANUARY 2024	-11704.00
EFT32041	23/02/2024	NAPA AUTO PARTS	UHF TOURING PACK FOR TOWN SUPERVISOR VEHICLE (P218)	-608.30
EFT32042	23/02/2024	BOB WADDELL & ASSOCIATES	CONTRACT RATES OFFICER CHARGES	-783.75
EFT32043	23/02/2024	BEAVIS & SMITH CLEANING & CHEMICALS	OVAL SUGARCANE PLATES AND SLEEVE OF COFFEE CUPS FOR COUNCIL CHAMBERS	-138.00
EFT32044	23/02/2024	DARREN ANDREW COPUS	REIMBURSEMENT FOR STAFF POLICE CLEARANCE CHECK	-54.90
EFT32045	23/02/2024	HORIZON POWER	SHIRE PROPERTIES ELECTRICITY CHARGES - JANUARY 2024	-7864.07
EFT32046	23/02/2024	TEAM GLOBAL EXPRESS PTY LTD	MONTHLY FREIGHT ACCOUNT - FEBRUARY 2024	-2234.34

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EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT32047	23/02/2024	LGISWA	OUTSTANDING SHIRE PROPERTY INSURANCE 30 JUNE 2023 TO 30 JUNE 2024	-48.76
EFT32048	23/02/2024	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	LIFT OFF MENTORING PROGRAM 2024 SHIRE STAFF	-770.00
EFT32049	23/02/2024	OCEANFRONT HOTEL PTY LTD T/A SHARK BAY HOTEL	CATERING FOR OPENING OF ART EXHIBITION JILA KUJARRA – DISCOVERY CENTRE	-716.00
EFT32050	23/02/2024	XL2	MANAGED IT SERVICES AND MONTHLY WORKSTATION MONITORING AND SUPPORT WEBROOT ENDPOINT PROTECTION, BACK UP SERVICES, MANAGEMENT FEE FOR VOIP PHONE SYSTEM AND COMPUTER LICENCES - MARCH 2024	-2268.83
EFT32051	23/02/2024	PAULS TYRES	PUNCTURE REPAIRS TO 2 TYRES ON RANGER VEHICLE (P206), SUPPLY OF 5 NEW TYRES FOR WORKS MANAGER VEHICLE (P209) AND TRANSPORT OF TYRE FROM WHEEL LOADER (P191) TO TYRE POWER GERALDTON	-2440.00
EFT32052	23/02/2024	R & L COURIERS	MONTHLY FREIGHT ACCOUNT – NOVEMBER AND DECEMBER 2023, JANUARY 2024	-582.45
EFT32053	23/02/2024	SHORELINE DESIGNS	SBDC MERCHANDISE - CANDLES	-640.00
EFT32054	23/02/2024	STRATA CORPORATION T/AS STRATAGREEN	HERBICIDE, FERTILISER AND SOIL STABILISER FOR TOWN OVAL	-3293.50
EFT32055	23/02/2024	TELSTRA LIMITED	SHIRE MOBILE TELEPHONE SERVICES - 16 JANUARY TO 15 FEBRUARY 2024, BUSH FIRE BRIGADE SATELLITE PHONES	-443.22
EFT32056	23/02/2024	TOURISM COUNCIL	2024 TINY TOURISM TOWN AWARD NOMINATION FEE	-275.00
			TOTAL	\$142,045.01

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

**SHIRE OF SHARK BAY – MUNI
ELECTRONIC PAYROLL TRANSACTIONS
FEBRUARY 2024**

DATE	NAME	DESCRIPTION	AMOUNT
13/02/2024	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 11 FEBRUARY 2024	\$68,072.37
27/02/2024	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 25 FEBRUARY 2024	\$74,225.55
		TOTAL	\$142,297.92

**SHIRE OF SHARK BAY
FEBRUARY 2024
POLICE LICENSING TRANSACTION #222336**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
222336	29/02/2024	COMMISSIONER OF POLICE	POLICE LICENSING FEBRUARY 2024	\$15,345.20
			TOTAL	\$15,345.20

27 MARCH 2024

11.2 FINANCIAL REPORTS TO 29 FEBRUARY 2024
CM00017

Author
Chief Executive Officer

Disclosure of Any Interest
Nil

Moved Cr Fenny
Seconded Cr Vankova

Council Resolution

That the monthly financial report to 29 February 2024 as attached be received.
7/0 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 29 February 2024 are attached.

VARIANCE ANALYSIS

Revenue from operating activities - Actual revenue as of 29 February 2024 was \$159,811 less than the year-to-date budget. It should be noted that revenue from grants, subsidies and contributions is under budget by \$188,434 primarily due to a \$130,000 contract liability relative to the Department of Planning Lands and Heritage planning strategy review grant.

An increase in Other Revenue year to date of \$71,587, specifically Community Development Program Employer Incentive Funding, Visitor Centre booking commission and diesel fuel rebate actual income higher than year to date budget.

Expenditure from operating activities - Actual expenditure as of 29 February 2024 is greater than the year-to-date budget by \$1,913,632. This is substantially due to actual depreciation being \$2,482,201 more than budgeted. As highlighted in the January 2024 financial statements, an increase in road depreciation occurred due to the revaluation of road assets in 2022/2023 and a significant reduction in the remaining useful life of unsealed roads and pavements.

Notably, employee costs are \$289,357, and expenditure on materials and contracts \$337,825 less than the year-to-date budget.

Capital Revenue - Capital Revenue is \$2,985,876 less than year to date budget due to Grants contract liabilities for the Social Housing Economic Recovery Package Community Housing Project and Denham Finger Jetty, Cyclone Seroja resilience funding, Denham foreshore seawall/revetment, and Roads to Recovery funding.

Capital Expenditure - Capital Expenditure is consequently \$4,574,754 less than year to date budget. This is broken up between payments for property, plant and equipment \$2,566,247, specifically capital works on staff housing, Social Housing Economic

27 MARCH 2024

Recovery Package Community Housing Project, road sweeper and pensioner units' capital works, and payments for construction and infrastructure \$2,008,507, specifically Denham seawall/revetment upgrade, Denham finger jetty and Roads to Recovery being lower than year to date budgets.

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The financial report shows the financial position of the Shire. Strategies built into the budget to closely manage expenditure remain in place.

STRATEGIC IMPLICATIONS

Strategy 7.2 – Provide appropriate services to the community in a professional and efficient manner.

7.2.2 – Maintain accountability and financial responsibility in accordance with Long Term Financial Plan.

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

D Chapman

Date of Report

19 March 2024

27 MARCH 2024

SHIRE OF SHARK BAY
MONTHLY FINANCIAL REPORT
(Containing the required statement of financial activity and statement of financial position)
For the period ended 29 February 2024

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

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Please refer to the compilation report

| 1

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2024

Note	Adopted Budget Estimates (a) \$	YTD Budget Estimates (b) \$	YTD Actual (c) \$	Variance* \$ (c) - (b) \$	Variance* % ((c) - (b))/(b) %	Var.
OPERATING ACTIVITIES						
Revenue from operating activities						
	1,488,455	1,488,455	1,476,967	(11,488)	(0.77%)	▼
General rates	113,772	113,772	124,091	10,319	9.07%	▲
Rates excluding general rates	770,438	666,432	477,998	(188,434)	(28.28%)	▼
Grants, subsidies and contributions	1,717,150	1,011,961	1,007,801	(4,160)	(0.41%)	▼
Fees and charges	117,250	78,616	50,071	(28,545)	(36.31%)	▼
Interest revenue	141,189	96,754	168,341	71,587	73.99%	▲
Other revenue	24,483	14,819	5,729	(9,090)	(61.34%)	▼
Profit on asset disposals	4,372,737	3,470,809	3,310,998	(159,811)	(4.60%)	
Expenditure from operating activities						
	(2,803,877)	(1,801,797)	(1,512,440)	289,357	16.06%	▲
Employee costs	(2,317,521)	(1,289,331)	(951,506)	337,825	26.20%	▲
Materials and contracts	(179,775)	(120,072)	(117,853)	2,219	1.85%	▲
Utility charges	(1,881,680)	(1,252,701)	(3,734,902)	(2,482,201)	(198.15%)	▼
Depreciation	(20,139)	(7,088)	(7,087)	1	0.01%	▲
Finance costs	(242,362)	(213,649)	(242,064)	(28,415)	(13.30%)	▼
Insurance	(229,781)	(164,472)	(135,999)	28,473	17.31%	▲
Other expenditure	(145,336)	0	(60,891)	(60,891)	0.00%	▼
Loss on asset disposals	(7,820,471)	(4,849,110)	(6,762,742)	(1,913,632)	(39.46%)	
Non-cash amounts excluded from operating activities	2(b) 2,002,533	1,237,882	3,791,005	2,553,123	206.25%	▲
Amount attributable to operating activities	(1,445,201)	(140,419)	339,261	479,680	341.61%	
INVESTING ACTIVITIES						
Inflows from investing activities						
	8,069,996	3,440,104	454,228	(2,985,876)	(86.80%)	▼
Proceeds from capital grants, subsidies and contributions	327,000	159,728	159,728	0	0.00%	▲
Proceeds from disposal of assets	8,396,996	3,599,832	613,956	(2,985,876)	(82.94%)	
Outflows from investing activities						
	(5,245,985)	(2,967,471)	(401,224)	2,566,247	86.48%	▲
Payments for property, plant and equipment	(4,553,570)	(2,636,446)	(627,939)	2,008,507	76.18%	▲
Payments for construction of infrastructure	(9,799,555)	(5,603,917)	(1,029,163)	4,574,754	81.63%	
Amount attributable to investing activities	(1,402,559)	(2,004,085)	(415,207)	1,588,878	79.28%	
FINANCING ACTIVITIES						
Inflows from financing activities						
	1,189,340	0	0	0	0.00%	▲
Transfer from reserves	1,189,340	0	0	0	0.00%	
Outflows from financing activities						
	(34,324)	(17,067)	(17,067)	0	0.00%	▲
Repayment of borrowings	(1,115,884)	(23,693)	(23,693)	0	0.00%	▲
Transfer to reserves	(1,150,208)	(40,760)	(40,760)	0	0.00%	
Amount attributable to financing activities	39,132	(40,760)	(40,760)	0	0.00%	
MOVEMENT IN SURPLUS OR DEFICIT						
Surplus or deficit at the start of the financial year	2(a) 2,808,628	2,808,628	2,967,522	158,894	5.66%	▲
Amount attributable to operating activities	(1,445,201)	(140,419)	339,261	479,680	341.61%	▲
Amount attributable to investing activities	(1,402,559)	(2,004,085)	(415,207)	1,588,878	79.28%	▲
Amount attributable to financing activities	39,132	(40,760)	(40,760)	0	0.00%	▲
Surplus or deficit after imposition of general rates	2(a) 0	623,364	2,850,816	2,227,452	357.33%	▲

KEY INFORMATION

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

* Refer to Note 3 for an explanation of the reasons for the variance.

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

Please refer to the compilation report

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27 MARCH 2024

**SHIRE OF SHARK BAY
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

	Actual 30 June 2023	Actual as at 29 February 2024
	\$	\$
CURRENT ASSETS		
Cash and cash equivalents	12,103,541	11,646,840
Trade and other receivables	146,630	231,834
Inventories	129,762	129,762
Other assets	40,645	0
TOTAL CURRENT ASSETS	12,420,578	12,008,436
NON-CURRENT ASSETS		
Trade and other receivables	11,217	11,217
Other financial assets	40,745	40,745
Property, plant and equipment	28,741,170	28,204,507
Infrastructure	71,946,339	69,562,373
TOTAL NON-CURRENT ASSETS	100,739,471	97,818,842
TOTAL ASSETS	113,160,049	109,827,278
CURRENT LIABILITIES		
Trade and other payables	1,075,865	117,405
Other liabilities	3,277,741	3,923,499
Borrowings	34,324	17,257
Employee related provisions	288,217	282,731
TOTAL CURRENT LIABILITIES	4,676,147	4,340,892
NON-CURRENT LIABILITIES		
Borrowings	667,174	667,174
Employee related provisions	43,110	43,110
TOTAL NON-CURRENT LIABILITIES	710,284	710,284
TOTAL LIABILITIES	5,386,431	5,051,176
NET ASSETS	107,773,618	104,776,102
EQUITY		
Retained surplus	39,744,832	35,084,199
Reserve accounts	5,010,342	5,034,035
Revaluation surplus	63,018,444	64,657,868
TOTAL EQUITY	107,773,618	104,776,102

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

**SHIRE OF SHARK BAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

1 BASIS OF PREPARATION AND SIGNIFICANT ACCOUNTING POLICIES

BASIS OF PREPARATION

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements

Section 6.4(2) of the *Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Local Government (Financial Management) Regulations 1996, regulation 34 prescribes contents of the financial report. Supporting information does not form part of the financial report.

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

THE LOCAL GOVERNMENT REPORTING ENTITY

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

All monies held in the Trust Fund are excluded from the financial statements.

Judgements and estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimated fair value of certain financial assets
- impairment of financial assets
- estimation of fair values of land, buildings and infrastructure

SIGNIFICANT ACCOUNTING POLICIES

Significant accounting policies utilised in the preparation of these statements are as described within the 2023-24 Annual Budget.

Please refer to the adopted budget document for details of these policies.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 18 March 2024

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2024

2 STATEMENT OF FINANCIAL ACTIVITY INFORMATION

(a) Net current assets used in the Statement of Financial Activity	Note	Adopted	Actual	Actual
		Budget Opening 1 July 2023	as at 30 June 2023	as at 29 Feb 2024
Current assets		\$	\$	\$
Cash and cash equivalents		11,663,686	12,103,541	11,646,840
Trade and other receivables		142,412	146,630	231,834
Inventories		140,182	129,762	129,762
Other assets		40,645	40,645	0
		11,986,925	12,420,578	12,008,436
Less: current liabilities				
Trade and other payables		(500,313)	(1,075,865)	(117,405)
Other liabilities		(3,384,911)	(3,277,741)	(3,923,499)
Borrowings		(34,324)	(34,324)	(17,257)
Employee related provisions		(282,731)	(288,217)	(282,731)
		(4,202,279)	(4,676,147)	(4,340,892)
Net current assets		7,784,646	7,744,431	7,667,544
Less: Total adjustments to net current assets	2(c)	(4,976,018)	(4,776,909)	(4,816,728)
Closing funding surplus / (deficit)		2,808,628	2,967,522	2,850,816

(b) Non-cash amounts excluded from operating activities

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

Non-cash amounts excluded from operating activities	Adopted Budget Estimates 30 June 2024	YTD Budget Estimates	YTD Actual
	\$	\$	\$
Adjustments to operating activities			
Less: Profit on asset disposals	(24,483)	(14,819)	(5,729)
Add: Movement in liabilities associated with restricted cash	0	0	941
Add: Loss on asset disposals	145,336	0	60,891
Add: Depreciation	1,881,680	1,252,701	3,734,902
Total non-cash amounts excluded from operating activities	2,002,533	1,237,882	3,791,005

(c) Current assets and liabilities excluded from budgeted deficiency

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

Adjustments to net current assets	Adopted Budget Opening 1 July 2023	Actual as at 30 June 2023	Actual as at 29 Feb 2024
	\$	\$	\$
Adjustments to net current assets			
Less: Reserve accounts	(5,010,342)	(5,010,342)	(5,034,035)
Add: Current liabilities not expected to be cleared at the end of the year			
- Current portion of borrowings	34,324	34,324	17,257
- Current portion of employee benefit provisions held in reserve	0	199,109	200,050
Total adjustments to net current assets	(4,976,018)	(4,776,909)	(4,816,728)

CURRENT AND NON-CURRENT CLASSIFICATION

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

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 29 FEBRUARY 2024

3 EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.
The material variance adopted by Council for the 2023-24 year is \$5,000 or 5.00% whichever is the greater.

Description	Var. \$ \$	Var. % %	
Revenue from operating activities			
General rates Difference in revaluations at time of rate modelling.	(11,488)	(0.77%)	▼
Rates excluding general rates Interim rating for GRV Residential, Vacant and back rates.	10,319	9.07%	▲
Grants, subsidies and contributions Grant - Regional North Local Government and Coburn Resources Education are a contract liability. One third of the Useless Loop funding received. Balance of FAGS grants funding received. Preparing Australian Communities - Emergency Recovery Exercise grant unbudgeted received.	(188,434)	(28.28%)	▼
Interest revenue Interest earnings are lower than the YTD budget and are profiled at 8/12th of the annual budget.	(28,545)	(36.31%)	▼
Other revenue CDP Employer Incentive Funding, Visitor Centre booking commission, merchandise sales and diesel fuel rebate actual income higher than YTD budget. Fire System Monitoring Reimbursement - no income received.	71,587	73.99%	▲
Profit on asset disposals Some plant items still to be traded.	(9,090)	(61.34%)	▼
Expenditure from operating activities			
Employee costs Most YTD budgets are profiled as 8/12th of the annual budget. Some YTD actuals are lower than the YTD budget as there are vacant employment positions. Useless Loop road maintenance YTD actuals are higher than YTD budgets. Administration and Community Development salaries, Country Roads maintenance, allowances and works superannuation YTD actuals are lower than YTD budget.	289,357	16.06%	▲
Materials and contracts Most YTD budgets are profiled as 8/12th of the annual budget. Shire rebranding, Planning & Strategy - Regional North Local Government and cleaning BBQs - Foreshore & Lagoon YTD actuals are lower than YTD budget. Salaries and wages admin, software licence fees, maintenance - Country Roads, Useless Loop road maintenance, plant operations costs YTD actuals are higher than YTD budget.	337,825	26.20%	▲
Depreciation YTD budgets are profiled as 8/12th of the annual budget. There was a revaluation of asset classes in 2022-23 so some depreciation expenses are more than the previous year calculations.	(2,482,201)	(198.15%)	▼
Insurance Insurance general is profiled as 8/12th of the annual budget.	(28,415)	(13.30%)	▼
Other expenditure Members conference expenses, emergency management consultant, crossovers YTD actuals are higher than YTD budget - these items may also require revision and reallocated to materials and contracts. SES Denham operating and Council assistance program YTD actuals are lower than YTD budget.	28,473	17.31%	▲
Loss on asset disposals Some plant items still to be traded.	(60,891)	0.00%	▼
Non-cash amounts excluded from operating activities Asset depreciation, loss on asset disposals, profit on asset disposals.	2,553,123	206.25%	▲

Please refer to the compilation report

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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 29 FEBRUARY 2024

3 EXPLANATION OF MATERIAL VARIANCES

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

The material variance adopted by Council for the 2023-24 year is \$5,000 or 5.00% whichever is the greater.

Description	Var. \$ \$	Var. % %	
Inflows from investing activities			
Proceeds from capital grants, subsidies and contributions	(2,985,876)	(86.80%)	▼
Grants contract liabilities - SHERP Community Housing, Seawall Revetment, Cyclone Seroja resilience. Finger Jetty and R2R grant not yet received.			
Outflows from investing activities			
Payments for property, plant and equipment	2,566,247	86.48%	▲
Dual Cab Truck 5T and Multi Tyred rubber roller YTD actual is higher than YTD budget. Office furniture and equipment, capital works staff housing, SHERP Community Housing, Pensioner Units, Denham Town Hall, Dual Cab Country and Road Sweeper YTD actuals are lower than YTD budgets.			
Payments for construction of infrastructure	2,008,507	76.18%	▲
Disability beach access and equipment, BBQ replacement Little Lagoon, Regional Road Group YTD actuals are higher than YTD budgets. Seawall upgrade, town oval reticulation/resurfacing, access bicycle and walking paths, Roads to Recovery, Denham finger jetty YTD actuals are lower than YTD budgets.			
Surplus or deficit at the start of the financial year	158,894	5.66%	▲
Refer to note 2(a) for detail of differences.			
Surplus or deficit after imposition of general rates	2,227,452	357.33%	▲
Due to variances described above			

Please refer to the compilation report

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SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

1 KEY INFORMATION

Funding Surplus or Deficit Components

Funding surplus / (deficit)				
	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$2.81 M	\$2.81 M	\$2.97 M	\$0.16 M
Closing	\$0.00 M	\$0.62 M	\$2.85 M	\$2.23 M

Refer to Statement of Financial Activity

Cash and cash equivalents			Payables		Receivables		
	\$	% of total	\$	% Outstanding	\$	% Collected	
Unrestricted Cash	\$6.61 M	56.8%	Trade Payables	\$0.03 M	Rates Receivable	\$0.07 M	90.0%
Restricted Cash	\$5.03 M	43.2%	0 to 30 Days	100.0%	Trade Receivable	\$0.16 M	13.6%
			Over 30 Days	0.0%	Over 30 Days		
			Over 90 Days	0.0%	Over 90 Days		7.4%

Refer to 3 - Cash and Financial Assets Refer to 9 - Payables Refer to 7 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$1.45 M)	(\$0.14 M)	\$0.34 M	\$0.48 M

Refer to Statement of Financial Activity

Rates Revenue			Grants and Contributions			Fees and Charges		
YTD Actual	\$	% Variance	YTD Actual	\$	% Variance	YTD Actual	\$	% Variance
YTD Budget	\$1.60 M	(0.1%)	YTD Budget	\$0.67 M	(28.3%)	YTD Budget	\$1.01 M	(0.4%)

Refer to 10 - Rate Revenue Refer to 13 - Grants and Contributions Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$1.40 M)	(\$2.00 M)	(\$0.42 M)	\$1.59 M

Refer to Statement of Financial Activity

Proceeds on sale			Asset Acquisition			Capital Grants		
YTD Actual	\$	%	YTD Actual	\$	% Spent	YTD Actual	\$	% Received
Adopted Budget	\$0.33 M	(51.2%)	Adopted Budget	\$4.55 M	(86.2%)	Adopted Budget	\$8.07 M	(94.4%)

Refer to 6 - Disposal of Assets Refer to 5 - Capital Acquisitions Refer to 5 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$0.04 M	(\$0.04 M)	(\$0.04 M)	\$0.00 M

Refer to Statement of Financial Activity

Borrowings		Reserves	
Principal repayments	(\$0.02 M)	Reserves balance	\$5.03 M
Interest expense	(\$0.00 M)	Interest earned	\$0.02 M
Principal due	\$0.68 M		

Refer to 11 - Borrowings Refer to 4 - Cash Reserves

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

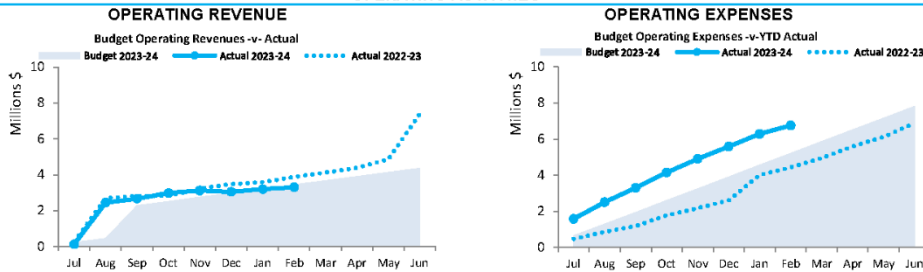
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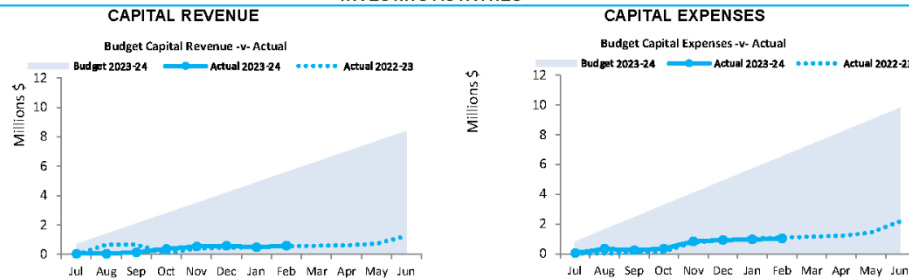
SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

2 KEY INFORMATION - GRAPHICAL

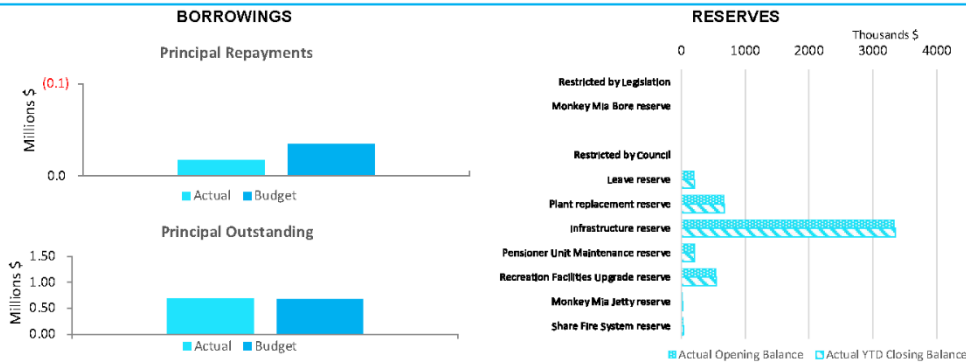
OPERATING ACTIVITIES



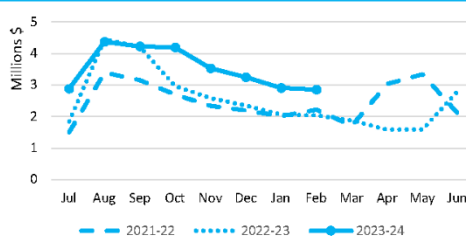
INVESTING ACTIVITIES



FINANCING ACTIVITIES



Closing funding surplus / (deficit)



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

Please refer to the compilation report

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

3 CASH AND FINANCIAL ASSETS

Description	Classification	Unrestricted	Restricted	Total Cash	Institution	Interest Rate	Maturity Date
		\$	\$	\$			
Cash Float	Cash and cash equivalents	900	0	900	Not applicable	Not applicable	NA
Municipal Fund Bank	Cash and cash equivalents	1,006,069	0	1,006,069	Bankwest	Variable	NA
Municipal Telenet Saver Account	Cash and cash equivalents	1,846,832	0	1,846,832	Bankwest	Variable	NA
SHERP Telenet Saver Account	Cash and cash equivalents	827,020	0	827,020	Not available	Not available	NA
Municipal Term Deposit	Cash and cash equivalents	1,000,000	0	1,000,000	Not available	Not available	NA
FESA Grant TD	Cash and cash equivalents	1,931,984	0	1,931,984	Not available	Not available	NA
Reserve Telenet Saver 0454	Cash and cash equivalents	0	2,033,856	2,033,856	Not available	Not available	NA
Reserve Bank Account	Cash and cash equivalents	0	179	179	Bankwest	Variable	NA
Reserve Term Deposit	Cash and cash equivalents	0	2,000,000	2,000,000	Not available	Not available	NA
Reserve Term Deposit	Cash and cash equivalents	0	1,000,000	1,000,000	Not available	Not available	NA
Total		6,612,805	5,034,035	11,646,840			
Comprising							
Cash and cash equivalents		6,612,805	5,034,035	11,646,840			
		6,612,805	5,034,035	11,646,840			

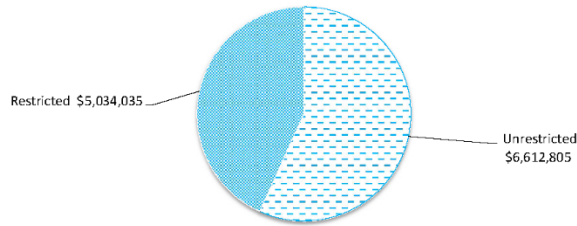
KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



Please refer to the compilation report

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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

4 RESERVE ACCOUNTS

Reserve name	Budget Opening Balance	Budget Interest Earned	Budget Transfers In (+)	Budget Transfers Out (-)	Budget Closing Balance	Actual Opening Balance	Actual Interest Earned	Actual Transfers In (+)	Actual Transfers Out (-)	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Restricted by Legislation										
Monkey Mia Bore reserve	0	0	15,200	0	15,200	0	0	0	0	0
Restricted by Council										
Leave reserve	199,109	0	3,300	0	202,409	199,109	941	0	0	200,050
Plant replacement reserve	671,374	0	392,000	(501,785)	561,589	671,374	3,175	0	0	674,549
Infrastructure reserve	3,336,123	0	643,534	(577,555)	3,402,102	3,336,123	15,776	0	0	3,351,899
Pensioner Unit Maintenance reserve	207,868	0	53,000	(60,000)	200,868	207,868	983	0	0	208,851
Recreation Facilities Upgrade reserve	543,114	0	8,000	(50,000)	501,114	543,114	2,568	0	0	545,682
Monkey Mia Jetty reserve	22,560	0	350	0	22,910	22,560	107	0	0	22,667
Share Fire System reserve	30,194	0	500	0	30,694	30,194	143	0	0	30,337
	5,010,342	0	1,115,884	(1,189,340)	4,936,886	5,010,342	23,693	0	0	5,034,035

Please refer to the compilation report

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27 MARCH 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

INVESTING ACTIVITIES

5 CAPITAL ACQUISITIONS

	Adopted		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Capital acquisitions				
Buildings	4,360,200	2,620,576	10,392	(2,610,184)
Furniture & Office Equip.	30,000	30,000	2,954	(27,046)
Plant , Equip. & Vehicles	828,785	289,895	385,936	96,041
Heritage Assets	27,000	27,000	1,942	(25,058)
Acquisition of property, plant and equipment	5,245,985	2,967,471	401,224	(2,566,247)
Roads (Non Town)	528,117	0	236,661	236,661
Footpaths	163,120	100,000	96,840	(3,160)
Town Streets	597,350	237,350	4,346	(233,004)
Public Facilities	3,264,983	2,299,096	290,092	(2,009,004)
Acquisition of infrastructure	4,553,570	2,636,446	627,939	(2,008,507)
Total capital acquisitions	9,799,555	5,603,917	1,029,163	(4,574,754)
Capital Acquisitions Funded By:				
Capital grants and contributions	8,069,996	3,440,104	454,228	(2,985,876)
Other (disposals & C/Fwd)	327,000	159,728	159,728	0
Reserve accounts				
Plant replacement reserve	501,785	0	0	0
Infrastructure reserve	577,555	0	0	0
Pensioner Unit Maintenance reserve	60,000	0	0	0
Recreation Facilities Upgrade reserve	50,000	0	0	0
Contribution - operations	213,219	2,004,085	415,207	(1,588,878)
Capital funding total	9,799,555	5,603,917	1,029,163	(4,574,754)

KEY INFORMATION

Each class of fixed assets within either plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Financial Management Regulation 17A (5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

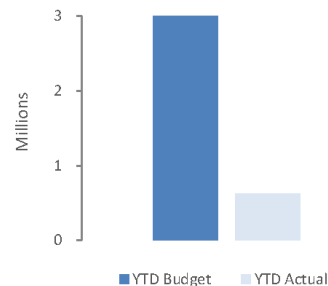
Initial recognition and measurement for assets held at cost

Plant and equipment including furniture and equipment is recognised at cost on acquisition in accordance with *Financial Management Regulation 17A*. Where acquired at no cost the asset is initially recognise at fair value. Assets held at cost are depreciated and assessed for impairment annually.

Initial recognition and measurement between mandatory revaluation dates for assets held at fair value

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 zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Payments for Capital Acquisitions



Please refer to the compilation report

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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

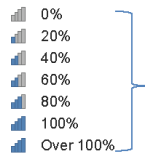
SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

INVESTING ACTIVITIES

5 CAPITAL ACQUISITIONS - DETAILED

Capital expenditure total

Level of completion indicators



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

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

		Current	Adopted Year to Date Budget	Year to Date Actual	Variance (Under)/Over
Account Description		Budget	Budget		
Capital Expenditure					
Furniture & Office Equip.					
	05204975 Office Furniture & Equipment	30,000	30,000	0	(30,000)
	36005001 SBDC - Discovery Centre Upgrade (LRCl)	0	0	2,954	2,954
	Furniture & Office Equip. Total	30,000	30,000	2,954	(27,046)
Plant , Equip. & Vehicles					
	05205335 CEO Vehicle Replacement	61,193	61,193	61,193	(0)
	45205346 Town Gardener's Ute	50,000	0	0	0
	45205475 Major Plant Items - Capital	20,000	11,110	216	(10,894)
	45205506 Prime Mover	250,000	0	0	0
	45205510 Dual Cab Truck 5T	105,000	105,000	122,090	17,090
	45205512 Multi Tyred Rubber Roller	180,000	0	202,437	202,437
	45205515 Rangers Vehicle	50,000	0	0	0
	45205516 Dual Cab Ute - Country	52,592	52,592	0	(52,592)
	45205518 Road Sweeper	60,000	60,000	0	(60,000)
	Plant , Equip. & Vehicles Total	828,785	289,895	385,936	96,040
Buildings					
	09128000 Capital Works Staff Housing	52,000	34,656	0	(34,656)
	25104775 SHERP - Community Housing Project	4,118,200	2,470,920	240	(2,470,680)
	25104785 Pensioner Units Capital Works	60,000	35,000	5,211	(29,789)
	35104702 Denham Town Hall Capital Works	80,000	80,000	0	(80,000)
	35304736 Sport and Recreation Buildings Capital Works	50,000	0	1,066	1,066
	36004998 SBDC Airconditioner Upgrade	0	0	225	225
	09102810 Grant - Essential Worker Accommodation	0	0	3,650	3,650
	Buildings Total	4,360,200	2,620,576	10,392	(2,610,184)
Public Facilities					
	30405593 Cemetery Upgrade	5,500	0	0	0
	30445150 Carpark Capital Works	10,000	0	0	0
	35205538 Hard Shade Structures - Playgrounds	63,129	0	0	0
	35205539 Disability Beach/Water Access and Equipment	50,000	0	47,495	47,495
	35205540 CCTV Upgrades - Foreshore (LRCl)	50,000	0	0	0
	35205541 Seawall Upgrade - Capital Works	2,146,649	1,718,649	17,520	(1,701,129)
	35205542 Beach Emergency Numbers Signage - Capital Expenditure	11,230	11,230	11,364	134
	35302284 Little Lagoon Upgrades, Gazebo, Bollards and Signage	5,000	5,000	0	(5,000)
	35305511 Town Oval and Recreation Reticulation/Resurfacing	203,000	203,000	158,350	(44,650)
	35305512 Access Bicycle and Walking Paths - Recreation Precinct	30,000	30,000	181	(29,819)
	35305586 Parks & Gardens Capital Exp	12,000	12,000	547	(11,453)
	45156790 Electronic Road Closed Sign - Useless Loop Road	30,000	0	0	0
	45156791 LRCl Phase 4 - Unallocated Capital Projects	229,258	0	0	0
	45505558 Denham Finger Jetty - Foreshore	419,217	319,217	21,262	(297,955)
	35312163 Limestone Wall Replacemnet - East End CP (LRCl)	0	0	3,196	3,196
	35605502 BBQ Replacment Little Lagoon - (LRCl)	0	0	30,177	30,177
	Public Facilities Total	3,264,983	2,299,096	290,092	(2,009,003)
Heritage Assets					
	35605182 Heritage Stables Refurbishment	27,000	27,000	1,942	(25,058)
	Heritage Assets Total	27,000	27,000	1,942	(25,058)
Footpaths					
	45145250 Town Footpaths - Dual Use Path Construction	163,120	100,000	96,840	(3,160)
	Footpaths Total	163,120	100,000	96,840	(3,160)
Town Streets					
	45156690 Roads To Recovery - R2R	597,350	237,350	4,346	(233,004)
	Town Streets Total	597,350	237,350	4,346	(233,004)
Roads (Non Town)					
	45165670 Regional Roads Group - RRG	528,117	0	236,661	236,661
	Roads (Non Town) Total	528,117	0	236,661	236,661
	Grand Total	9,799,555	5,603,917	1,029,163	(4,574,753)

Please refer to the compilation report

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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

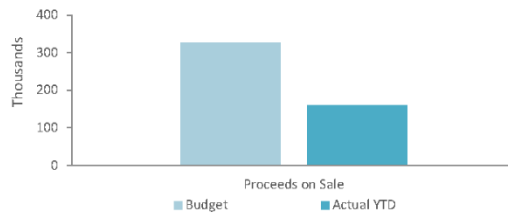
27 MARCH 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

OPERATING ACTIVITIES

6 DISPOSAL OF ASSETS

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Plant and equipment								
	Plant and equipment	400,000	254,664	0	(145,336)	0	0	0	0
	Plant and equipment	47,853	72,336	24,483	0	0	0	0	0
MV203	Toyota Prado	0	0	0	0	53,141	54,545	1,404	0
MV187	Multipac Multi Wheeled Roller	0	0	0	0	110,891	50,000	0	(60,891)
MV178	WA Hino 300 Series 817	0	0	0	0	50,858	55,183	4,325	0
	Dual Cab - Ranger	0	0	0	0	0	0	0	0
	Dual Cab - Gardener	0	0	0	0	0	0	0	0
	Dual Cab Ute - Town Supervisor	0	0	0	0	0	0	0	0
	Dual Cab Truck 4x4	0	0	0	0	0	0	0	0
		447,853	327,000	24,483	(145,336)	214,890	159,728	5,729	(60,891)



Please refer to the compilation report

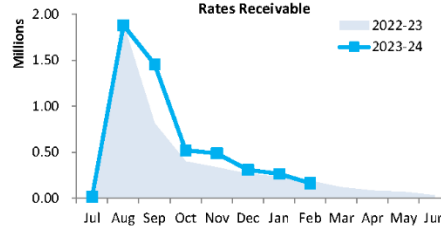
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SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

OPERATING ACTIVITIES

7 RECEIVABLES

Rates receivable	30 June 2023	29 Feb 2024
	\$	\$
Opening arrears previous years	34,985	31,192
Levied this year	1,915,923	1,601,058
Less - collections to date	(1,919,716)	(1,468,867)
Gross rates collectable	31,192	163,383
Net rates collectable	31,192	163,383
% Collected	98.4%	90.0%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(466)	34,032	1,570	874	2,863	38,873
Percentage	(1.2%)	87.5%	4.0%	2.2%	7.4%	
Balance per trial balance						
Trade receivables						38,873
Other receivables						19,717
GST receivable						9,861
Total receivables general outstanding						68,451

Amounts shown above include GST (where applicable)

KEY INFORMATION

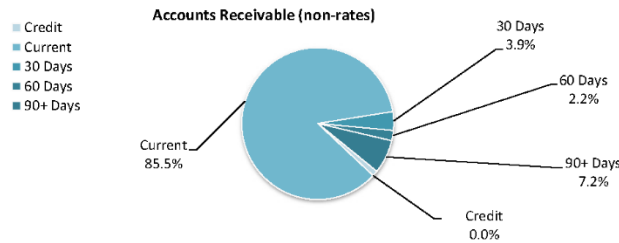
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Classification and subsequent measurement

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



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SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

OPERATING ACTIVITIES

8 OTHER CURRENT ASSETS

	Opening Balance 1 July 2023	Asset Increase	Asset Reduction	Closing Balance 29 Feb 2024
	\$	\$	\$	\$
Other current assets				
Inventory				
Stock on hand	129,762	0	0	129,762
Other assets				
Prepayments	6,067	0	(6,067)	0
Accrued income	34,578	0	(34,578)	0
Total other current assets	170,407	0	(40,645)	129,762

Amounts shown above include GST (where applicable)

KEY INFORMATION

Inventory

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

OPERATING ACTIVITIES

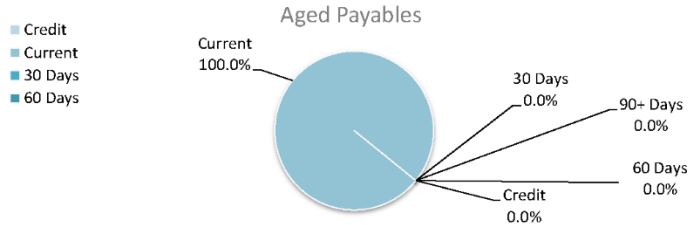
9 PAYABLES

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	31,517	0	0	0	31,517
Percentage	0.0%	100.0%	0.0%	0.0%	0.0%	
Balance per trial balance						
Sundry creditors						31,517
ATO liabilities						6,234
Other payables						6,364
Esl Liability						373
Bond Liability						62,130
Prepaid Rates						10,787
Total payables general outstanding						117,405

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

OPERATING ACTIVITIES

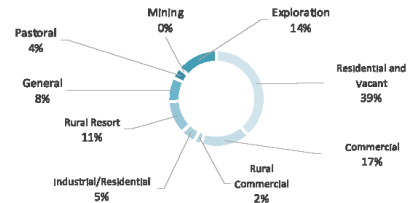
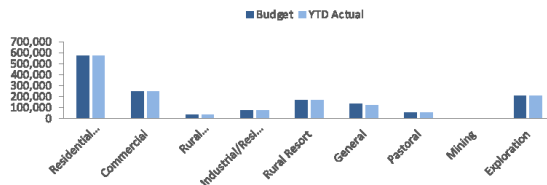
10 RATE REVENUE

General rate revenue

RATE TYPE	Rate in	Number of Properties	Rateable Value	Rate	Budget Interim	Total Revenue	Rate	YTD Actual	Total Revenue
	\$			Revenue	Rate Revenue		Revenue	Revenue	
Gross rental value									
Residential and Vacant	0.1022	394	5,576,693	570,056	0	570,056	571,465	0	571,465
Commercial	0.1051	41	233,198	245,141	0	245,141	245,141	0	245,141
Rural Commercial	0.1063	5	341,522	36,290	0	36,290	36,290	0	36,290
Industrial/Residential	0.1131	47	648,097	73,324	0	73,324	74,795	0	74,795
Rural Resort	0.1122	2	1,474,654	165,400	0	165,400	165,400	0	165,400
Unimproved value									
General	0.1455	7	922,203	134,180	0	134,180	122,262	0	122,262
Pastoral	0.0896	11	544,677	54,274	0	54,274	54,274	0	54,274
Mining	0.1985	1	9,350	1,856	0	1,856	2,024	0	2,024
Exploration	0.1908	13	1,089,739	207,934	0	207,934	205,316	0	205,316
Sub-Total		521	10,839,133	1,488,455	0	1,488,455	1,476,967	0	1,476,967
Minimum payment									
Gross rental value									
Residential and Vacant	866	92	295,702	79,672	0	79,672	78,806	9,549	88,355
Commercial	866	17	90,069	14,722	0	14,722	14,722	0	14,722
Industrial/Residential	866	3	20,036	2,598	0	2,598	1,732	0	1,732
Unimproved value									
General	659	6	9,863	3,954	0	3,954	3,954	0	3,954
Pastoral	910	1	769	910	0	910	910	0	910
Mining	910	2	5,839	1,820	0	1,820	1,820	0	1,820
Sub-total		121	422,278	103,676	0	103,676	101,944	9,549	111,493
Concession						(4,904)			(2,401)
Total general rates						1,587,227			1,586,059
Specified area rates									
Monkey Mia Bore Replacement	0.010630		1,411,050	15,000	0	15,000	14,999	0	14,999
Total specified area rates			1,411,050	15,000	0	15,000	14,999	0	14,999
Total						1,602,227			1,601,058

KEY INFORMATION

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



Please refer to the compilation report

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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

FINANCING ACTIVITIES

11 BORROWINGS

Repayments - borrowings

Information on borrowings	Particulars	Loan No.	New Loans			Principal Repayments		Principal Outstanding		Interest Repayments	
			1 July 2023	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
			\$	\$	\$	\$	\$	\$	\$	\$	
	Town Oval Bore	58	701,498	0	0	(17,067)	(34,324)	684,431	667,174	(4,637)	(20,139)
	Total		701,498	0	0	(17,067)	(34,324)	684,431	667,174	(4,637)	(20,139)
	Current borrowings		34,324					17,257			
	Non-current borrowings		667,174					667,174			
			701,498					684,431			

All debenture repayments were financed by general purpose revenue.

KEY INFORMATION

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.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature. Non-current borrowings fair values are based on discounted cash flows using a current borrowing rate.

Please refer to the compilation report

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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

OPERATING ACTIVITIES

12 OTHER CURRENT LIABILITIES

	Note	Opening Balance 1 July 2023 \$	Liability transferred from/(to) non current \$	Liability Increase \$	Liability Reduction \$	Closing Balance 29 Feb 2024 \$
Other current liabilities						
Other liabilities						
Contract liabilities		193,018	0	79,399	(124,855)	147,563
Capital grant/contributions liabilities		3,084,723	0	1,146,565	(455,351)	3,775,936
Total other liabilities		3,277,741	0	1,225,964	(580,206)	3,923,499
Employee Related Provisions						
Provision for annual leave		147,458	0	0	0	147,458
Provision for long service leave		140,759	0	0	(5,486)	135,273
Total Provisions		288,217	0	0	(5,486)	282,731
Total other current liabilities		3,565,958	0	1,225,964	(585,692)	4,206,230

Amounts shown above include GST (where applicable)

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 13 and 14

KEY INFORMATION

Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee Related Provisions

Short-term employee benefits

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

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

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

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Contract liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer.

Capital grant/contribution liabilities

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

Please refer to the compilation report

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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

OPERATING ACTIVITIES

13 GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Unspent grant, subsidies and contributions liability					Grants, subsidies and contributions revenue		
	Liability	Increase in	Decrease in	Liability	Current	Adopted	YTD	YTD
	1 July 2023	Liability	Liability	29 Feb 2024	Liability	Budget	Budget	Revenue
	\$	\$	(As revenue)	\$	\$	\$	\$	\$
Grants and subsidies								
FESA Grant - Operating Bush Fire Brigade	1,819	7,545	(5,380)	3,984	3,984	11,655	8,742	5,380
Grant FESA - SES	0	40,354	(40,354)	0	0	53,806	40,356	40,355
Planning & Strategy - Regional North LG	130,000	0	(1,013)	128,987	128,987	130,000	130,000	1,013
Coburn Resources Education Contribution	5,000	0	0	5,000	5,000	5,000	5,000	0
Road Preservation Grant	0	0	0	0	0	141,902	141,902	141,902
Useless Loop Road - Mtce	0	0	0	0	0	330,000	264,000	132,000
Community Development	0	1,000	(1,000)	0	0	1,000	1,000	1,000
DoC - Day Care Provider Accommodation Subsidy	24,000	0	(18,000)	6,000	6,000	25,000	16,664	18,000
Every Club - Gaming & Wagering Commission	7,200	0	(3,608)	3,592	3,592	7,200	3,600	3,608
Lotterywest - Beats in the Bay	20,000	0	(20,000)	0	0	20,000	20,000	20,000
Horizon - Beats in the Bay	5,000	0	(5,000)	0	0	5,000	5,000	5,000
RAC Monkey Mia Resort - Beats in the Bay	0	5,000	(5,000)	0	0	5,000	5,000	5,000
Strandline Resources - Beats in the Bay	0	5,000	(5,000)	0	0	5,000	5,000	5,000
High Grade Mechancial - Beats in the Bay	0	20,000	(20,000)	0	0	20,000	20,000	20,000
Grants Commission - General	0	0	0	0	0	0	0	68,420
Grants Commission - Roads	0	0	0	0	0	0	0	7,318
Preparing Australian Communities - ERE	0	0	0	0	0	0	0	3,302
Gascoyne Devel Commission - Beats in the Bay	0	500	(500)	0	0	0	0	500
	193,019	79,399	(124,855)	147,563	147,563	760,563	666,264	477,798
Contributions								
Donations - HMAS Sydney Exhibit	0	0	0	0	0	250	168	200
Contribution to Road Maintenance - Pipeline	0	0	0	0	0	9,625	0	0
	0	0	0	0	0	9,875	168	200
TOTALS	193,019	79,399	(124,855)	147,563	147,563	770,438	666,432	477,998

Please refer to the compilation report

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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

INVESTING ACTIVITIES

14 CAPITAL GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Capital grant/contribution liabilities					Capital grants, subsidies and contributions revenue		
	Liability	Increase in	Decrease in	Liability	Current	Adopted	YTD	YTD
	1 July 2023	Liability	Liability	29 Feb 2024	Liability	Budget	Budget	Revenue
	\$	\$	(As revenue)	\$	\$	\$	\$	\$
Capital grants and subsidies								
Grant - SHERP Community Housing Project	823,640	0	0	823,640	823,640	4,118,200	823,640	0
Grant - Seawall Revetment Capital Projects	1,931,984	0	0	1,931,984	1,931,984	2,146,649	1,900,000	0
Grant - Beach Emergency Numbers Signage	0	12,353	(12,353)	0	0	11,230	11,230	11,230
Roads To Recovery Grant - Cap	0	0	0	0	0	297,245	0	0
RRG Grants - Capital Projects	0	257,662	(257,662)	0	0	352,078	140,831	257,662
Local Road and Community Infrastructure Program Grant	329,098	376,550	(184,270)	521,378	521,378	830,191	250,000	184,270
Grant - Finger Jetty	0	0	0	0	0	314,403	314,403	0
DFES - Local Government Resilience LGRF16 Seroja	0	500,000	(1,066)	498,934	498,934	0	0	1,066
	3,084,722	1,146,565	(455,351)	3,775,936	3,775,936	8,069,996	3,440,104	454,228

Please refer to the compilation report

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27 MARCH 2024

11.3 BUDGET REVIEW 2023/2024
FM52324Author

Moore Australia (WA) Pty Ltd

Disclosure of Any Interest

Nil

Moved Cr Stubberfield
 Seconded Cr Fenny

Council Resolution

That Council adopt by absolute majority the following budget amendments to the 2023/2024 adopted annual budget:

OPERATING ACTIVITIES

Revenue from operating activities	
Grants, subsidies and contributions	Increase \$109,784
Fees and charges	Increase \$47,000
Other revenue	Increase \$27,900
Expenditure from operating activities	
Employee costs	Decrease (\$750)
Materials and contracts	Decrease (\$22,916)
Depreciation	Decrease (\$3,349,973)

INVESTING ACTIVITIES

Inflows from investing activities	
Capital grants, subsidies and contributions	Decrease (\$2,113,000)
Outflows from investing activities	
Purchase of land and buildings	Increase \$13,000
Purchase of plant and equipment	Decrease (\$33,000)
Purchase of furniture and equipment	Decrease (\$30,000)
Purchase and construction of infrastructure-roads	Increase \$135,697
Purchase and construction of infrastructure-other	Increase \$1,990,500

FINANCING ACTIVITIES

Cash outflows from financing activities	
Transfers to reserve accounts	Decrease (\$84,000)

7/0 CARRIED BY ABSOLUTE MAJORITY

27 MARCH 2024

Background

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The report for the period 1 July 2023 to 31 January 2024 shown in the attachment has been prepared incorporating year to date budget variations and forecasts to 30 June 2024 and is presented for Council's consideration.

Consideration of the status of various projects and programs was undertaken to ensure any anticipated variances were captured within the review document where possible.

The material variance levels which have been reported for the budget review, have utilised the same materiality levels as monthly reporting to determine the extent of explanation / are based on a materiality level of \$10,000 or 10% implemented for the purpose of the budget review) / are based upon management judgement where explanations are considered appropriate.

Comment

The budget review report includes at Note 4 a summary of predicted variances contained within the Statement of Financial Activity, including whether variances are considered to be permanent (where a difference is likely between the current budget and the expected outcome to 30 June) or due to timing (e.g. where a project is likely to be delayed).

Features of the budget review include:

DESCRIPTION	BUDGET CHANGE
Financial Assistance Grant (FAGS) funding to be received this year that was unbudgeted, grant for Preparing Australian Communities - Emergency Recovery Exercise, Beats in the Bay and Astrotourism from the Gascoyne Development Commission.	\$109,784
More ratepayers opting to pay by instalments, rental income to be received for 16A Sunter Place, Goulet Bluff Camping fees, Whalebone Camping fees, building permits and sale of brickies sand. Reduction in income from Pensioner Unit 3 unoccupied and cemetery burial fees.	\$47,000
CDP Employer Incentive funding received, reimbursement income from 80 Durlacher Street and unbudgeted income for the consignment sales.	\$27,900
Increase for travel and accommodation budget.	(\$750)
Decrease in expenditure for policy and local laws review, CEO performance review, EMFA vehicle costs, advertising, printing and stationery, shire office maintenance, refuse site plant overheads and building consultant fees. Increase in expenditure for the vehicle running costs, Foreshore BBQ maintenance, travel and accommodation, Astrotourism event (offset through GDC grant) and tyres \$416.	(\$22,916)

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

A physical revaluation of assets to occur as the previous was desktop only.	
There was a revaluation of asset classes in 2022/2023 so some depreciation expenses are more than the previous year calculations.	(\$3,349,973)
Non-cash amounts excluded from operating activities (asset depreciation).	\$3,349,973
Grant funding has been received the Cyclone Seroja Resilience. Essential Worker Accommodation funding is expected to be received end of year - GDC and DPLH. The SHERP Community Housing project grant will have a carried forward liability into the 2024/2025 budget. The remainder of the Seawall Revetment project grant is not anticipated to be received by the end of year.	(\$2,113,000)
The SHERP Community Housing project will have a carried forward expense to the new budget. Project works for the Essential Works Accommodation to commence, Cyclone Seroja and Discovery Centre air-conditioning upgrades.	\$13,000
Expenditure increase for plant purchase items of the town gardener's ute, rangers vehicle and the road sweeper due to quote obtained at the time of the original adopted budget (8/9 months ago).	(\$33,000)
SBDC - Discovery Centre Upgrade (LRCI)	(\$30,000)
Roads to Recovery.	\$135,697
Reduction in costs for the CCTV upgrades on the foreshore, Seawall upgrades. Increase in expenditure for the limestone wall replacement, BBQ replacement Little Lagoon.	\$1,990,500
Increase to the Leave reserve.	(\$84,000)
Difference between adopted 2023/24 budget and the closing balance of the 2022/2023 audited statements.	(\$40,215)
Overall Change	\$0

In considering the above variances and projections within the attached budget review, the closing position remains as budgeted which is reflected in the Statement of Budget Review.

Following completion of the budget review and to properly consider the impact of estimated projections at 30 June 2024, some items have been identified as requiring a budget amendment to properly account for these variances where appropriate. Required budget amendments have been included in Note 4 of the attached budget review document for information, and also presented as a separate recommendation to the budget review for council consideration.

27 MARCH 2024

Legal Implications

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget; and
 - (d) include the following —
 - (i) the annual budget adopted by the local government;
 - (ii) an update of each of the estimates included in the annual budget;
 - (iii) the actual amounts of expenditure, revenue and income as at the date of the review;
 - (iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end of year amount for the item.
- (2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

- (4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Section 6.8(1) (b) of the *Local Government Act 1995* provides that expenditure can be incurred when not included in the annual budget provided it is authorised in advance by resolution (absolute majority required).

Policy Implications

There are no policy implications associated with this report.

Financial Implications

Authorisation of expenditure through budget amendments recommended. Other specific financial implications are as outlined in the body of this report.

27 MARCH 2024

Strategic Implications

Strategic Community Plan 2020 - 2030

Outcome 6: A strategically focused, unified Council, functioning efficiently.
Strategy 6.1 Effectively represent and promote the Shire of Shark Bay.

Outcome 7: A transparent, resilient organisation demonstrating leadership and governance.

Strategy 7.1 Encourage and support community engagement.

Strategy 7.2 Provide appropriate services to the community in a professional manner.

Risk Management

There is a requirement under the *Local Government (Financial Management) Regulations 1996* that a budget review be undertaken and therefore Council needs comply with the legislation. Therefore, to not adopt a recommendation would present a high risk to Council.

Voting Requirements

Absolute Majority Required

Signatures

Chief Executive Officer

D Chapman

Date of Report

18 March 2024

27 MARCH 2024

SHIRE OF SHARK BAY

BUDGET REVIEW REPORT

FOR THE PERIOD ENDED 31 JANUARY 2024

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

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Please refer to the compilation report

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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY
STATEMENT OF BUDGET REVIEW
FOR THE PERIOD ENDED 31 JANUARY 2024

Budget v Actual					
Note	Adopted Budget	Updated Budget Estimates (a)	Year to Date Actual	Estimated Year at End Amount (b)	Predicted Variance (b) - (a)
	\$	\$	\$	\$	\$
OPERATING ACTIVITIES					
Revenue from operating activities					
	1,488,455	1,488,455	1,476,967	1,488,455	0
	113,772	113,772	123,547	113,772	0
4.1	770,438	770,438	438,048	880,222	109,784 ▲
4.2	1,717,150	1,717,150	956,284	1,764,150	47,000 ▲
	117,250	117,250	49,405	117,250	0
4.3	141,189	141,189	155,912	169,089	27,900 ▲
	24,483	24,483	5,729	24,483	0
	<u>4,372,737</u>	<u>4,372,737</u>	<u>3,205,892</u>	<u>4,557,421</u>	<u>184,684</u>
Expenditure from operating activities					
4.4	(2,803,877)	(2,803,877)	(1,350,654)	(2,804,627)	(750) ▼
4.5	(2,317,521)	(2,317,521)	(893,500)	(2,340,437)	(22,916) ▼
	(179,775)	(179,775)	(96,484)	(179,775)	0
4.6	(1,881,680)	(1,881,680)	(3,476,653)	(5,231,653)	(3,349,973) ▼
	(20,139)	(20,139)	(7,087)	(20,139)	0
	(242,362)	(242,362)	(261,163)	(242,362)	0
	(229,781)	(229,781)	(141,420)	(229,781)	0
	(145,336)	(145,336)	(60,891)	(145,336)	0
	<u>(7,820,471)</u>	<u>(7,820,471)</u>	<u>(6,287,852)</u>	<u>(11,194,110)</u>	<u>(3,373,639)</u>
4.7	2,002,533	2,002,533	3,532,756	5,352,506	3,349,973 ▲
	<u>(1,445,201)</u>	<u>(1,445,201)</u>	<u>450,796</u>	<u>(1,284,183)</u>	<u>161,018</u>
INVESTING ACTIVITIES					
Inflows from investing activities					
4.8	8,069,996	8,069,996	335,643	5,956,996	(2,113,000) ▼
	327,000	327,000	159,728	327,000	0
	<u>8,396,996</u>	<u>8,396,996</u>	<u>495,371</u>	<u>6,283,996</u>	<u>(2,113,000)</u>
Outflows from investing activities					
4.9	(4,360,200)	(4,360,200)	(10,392)	(4,347,200)	13,000 ▲
4.10	(828,785)	(828,785)	(385,936)	(861,785)	(33,000) ▼
4.11	(30,000)	(30,000)	(2,954)	(60,000)	(30,000) ▼
4.12	(1,125,467)	(1,125,467)	(172,377)	(989,770)	135,697 ▲
4.13	(3,455,103)	(3,455,103)	(395,066)	(1,464,603)	1,990,500 ▲
	<u>(9,799,555)</u>	<u>(9,799,555)</u>	<u>(966,725)</u>	<u>(7,723,358)</u>	<u>2,076,197</u>
	<u>(1,402,559)</u>	<u>(1,402,559)</u>	<u>(471,354)</u>	<u>(1,439,362)</u>	<u>(36,803)</u>
FINANCING ACTIVITIES					
Cash inflows from financing activities					
	1,189,340	1,189,340	0	1,189,340	0
	<u>1,189,340</u>	<u>1,189,340</u>	<u>0</u>	<u>1,189,340</u>	<u>0</u>
Cash outflows from financing activities					
	(34,324)	(34,324)	(17,067)	(34,324)	0
4.14	(1,115,884)	(1,115,884)	(23,693)	(1,199,884)	(84,000) ▼
	<u>(1,150,208)</u>	<u>(1,150,208)</u>	<u>(40,760)</u>	<u>(1,234,208)</u>	<u>(84,000)</u>
	<u>39,132</u>	<u>39,132</u>	<u>(40,760)</u>	<u>(44,868)</u>	<u>(84,000)</u>
MOVEMENT IN SURPLUS OR DEFICIT					
4.15	2,808,628	2,808,628	2,768,413	2,768,413	(40,215) ▼
	(1,445,201)	(1,445,201)	450,796	(1,284,183)	161,018
	(1,402,559)	(1,402,559)	(471,354)	(1,439,362)	(36,803)
	<u>39,132</u>	<u>39,132</u>	<u>(40,760)</u>	<u>(44,868)</u>	<u>(84,000)</u>
	<u>0</u>	<u>0</u>	<u>2,707,095</u>	<u>0</u>	<u>0</u>

Please refer to the compilation report

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SHIRE OF SHARK BAY
NOTES TO AND FORMING PART OF THE BUDGET REVIEW REPORT
FOR THE PERIOD ENDED 31 JANUARY 2024

1. BASIS OF PREPARATION

This budget review has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements

Section 6.4(2) of the *Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the budget review be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 Leases which would have required the Shire of Shark Bay to measure any vested improvements at zero cost.

Local Government (Financial Management) Regulations 1996, regulation 33A prescribes contents of the budget review.

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

THE LOCAL GOVERNMENT REPORTING ENTITY

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

All monies held in the Trust Fund are excluded from the financial statements.

Judgements and estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

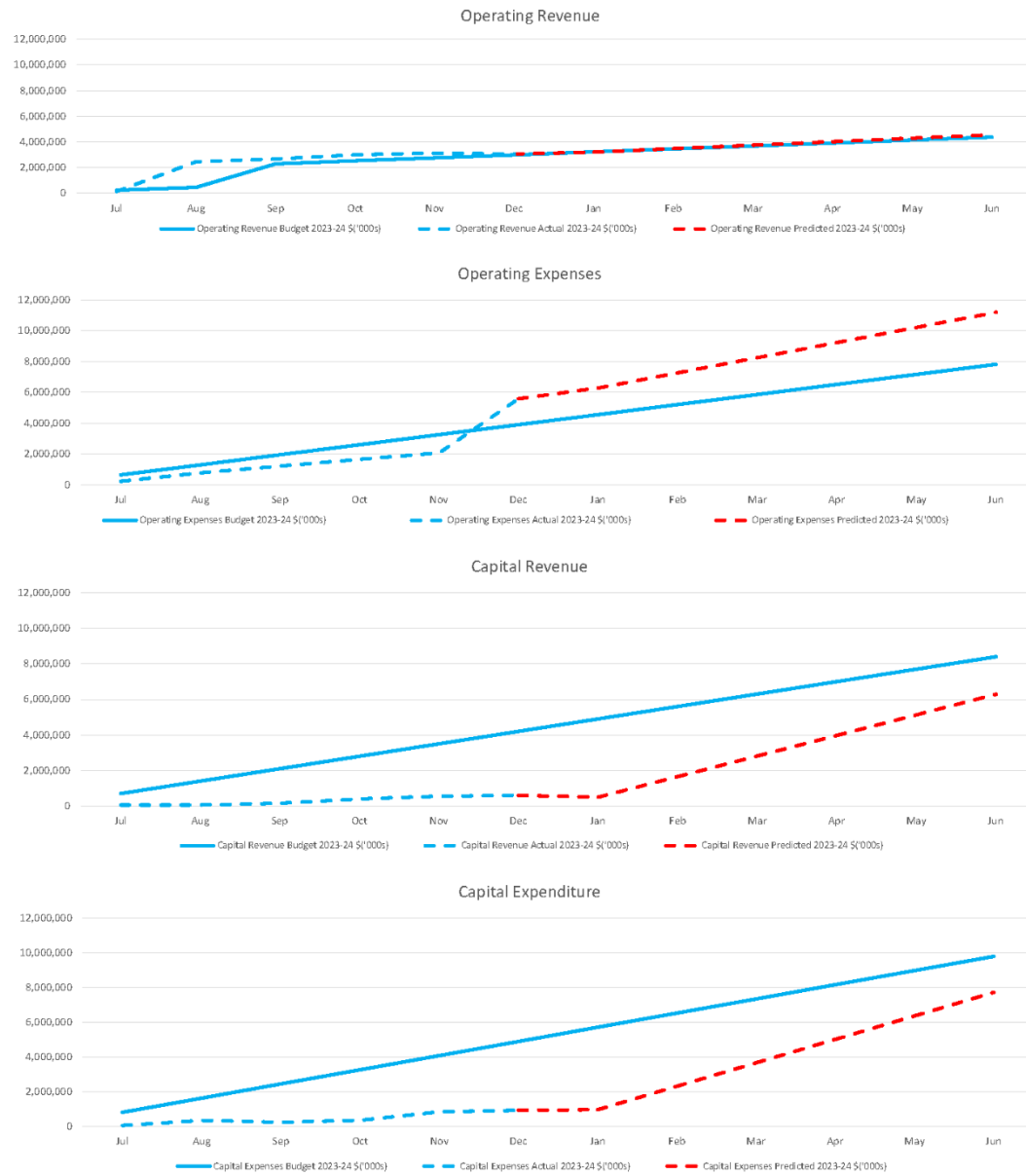
- estimated fair value of certain financial assets
- impairment of financial assets
- estimation of fair values of land and buildings, infrastructure and investment property
- estimation uncertainties made in relation to lease accounting
- estimation of fair values of provisions

SIGNIFICANT ACCOUNTING POLICES

Significant accounting policies utilised in the preparation of these statements are as described within the 2023-24 Annual Budget. Please refer to the adopted budget document for details of these policies.

SHIRE OF SHARK BAY
SUMMARY GRAPHS - BUDGET REVIEW
FOR THE PERIOD ENDED 31 JANUARY 2024

2. SUMMARY GRAPHS - BUDGET REVIEW



This information is to be read in conjunction with the accompanying financial statements and notes.

Please refer to the compilation report

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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY
NOTES TO THE BUDGET REVIEW REPORT
FOR THE PERIOD ENDED 31 JANUARY 2024

3 NET CURRENT FUNDING POSITION
EXPLANATION OF DIFFERENCE IN NET CURRENT ASSETS AND SURPLUS/(DEFICIT)

(a) Composition of estimated net current assets	Audited Actual	Adopted Budget	Updated Budget	Year to Date Actual	Estimated Year at End
	30 June 2023	30 June 2024	Estimates	31 January 2024	Amount
	\$	\$	\$	\$	\$
Current assets					
Cash and cash equivalents	12,103,541	8,781,602	8,781,602	11,703,999	7,365,698
Trade and other receivables	146,630	142,412	142,412	321,106	279,096
Inventories	129,762	140,182	140,182	129,762	140,182
Other assets	40,645	40,645	40,645	0	40,645
	12,420,578	9,104,841	9,104,841	12,154,867	7,825,621
Less: current liabilities					
Trade and other payables	(1,075,865)	(500,313)	(500,313)	(74,036)	(508,979)
Contract liabilities	(3,277,741)	(3,384,911)	(3,384,911)	(4,057,911)	(2,463,756)
Borrowings	(34,324)	(34,324)	(34,324)	(17,257)	(35,097)
Employee related provisions	(288,217)	(282,731)	(282,731)	(282,731)	(282,731)
	(4,676,147)	(4,202,279)	(4,202,279)	(4,431,935)	(3,290,563)
Net current assets	7,744,431	4,902,562	4,902,562	7,722,932	4,535,058
Less: Total adjustments to net current assets	(4,976,018)	(4,902,562)	(4,902,562)	(4,816,728)	(4,535,058)
Closing funding surplus / (deficit)	2,768,413	0	0	2,906,204	0

(b) Non-cash amounts excluded from operating activities

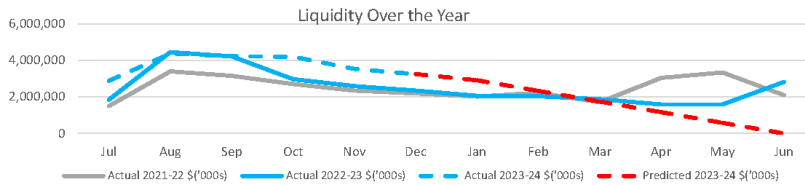
The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

Adjustments to operating activities	Audited Actual	Adopted Budget	Updated Budget	Year to Date Actual	Estimated Year at End
	30 June 2023	30 June 2024	Estimates	31 January 2024	Amount
	\$	\$	\$	\$	\$
Less: Profit on asset disposals	(106,959)	(24,483)	(24,483)	(5,729)	(24,483)
Less: Fair value adjustments to financial assets at fair value through profit or loss	(1,843)	0	0	0	0
Add: Loss on disposal of assets	7,909	145,336	145,336	60,891	145,336
Add: Depreciation on assets	1,726,933	1,881,680	1,881,680	3,476,653	5,231,653
Non-cash movements in non-current assets and liabilities:					
- Pensioner deferred rates	(1,268)	0	0	0	1,321
- Employee benefit provisions	6,101	0	0	941	0
Non-cash amounts excluded from operating activities	1,630,873	2,002,533	2,002,533	3,532,756	5,353,827

(c) Current assets and liabilities excluded from budgeted deficiency

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

Adjustments to net current assets	Audited Actual	Adopted Budget	Updated Budget	Year to Date Actual	Estimated Year at End
	30 June 2023	30 June 2024	Estimates	31 January 2024	Amount
	\$	\$	\$	\$	\$
Less: Cash - Reserve accounts	(5,010,342)	(4,936,886)	(4,936,886)	(5,034,035)	(4,852,886)
Add: Current liabilities not expected to be cleared at end of year					
- Current portion of borrowings	34,324	34,324	34,324	17,257	35,097
- Employee benefit provisions	0	0	0	200,050	282,731
Total adjustments to net current assets	(4,976,018)	(4,902,562)	(4,902,562)	(4,816,728)	(4,535,058)



Please refer to the compilation report

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**SHIRE OF SHARK BAY
NOTES TO THE BUDGET REVIEW REPORT
FOR THE PERIOD ENDED 31 JANUARY 2024**

3 COMMENTS/NOTES - NET CURRENT FUNDING POSITION (CONTINUED)

SIGNIFICANT ACCOUNTING POLICIES

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.

FINANCIAL ASSETS AT AMORTISED COST

The Shire of Shark Bay classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

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 grants, contributions, reimbursements, and goods sold and services performed in the ordinary course of business.

Trade and other receivables are recognised initially at the amount of consideration that is unconditional, unless they contain significant financing components, when they are recognised at fair value.

Trade receivables are held with the objective to collect the contractual cashflows and therefore measures them subsequently at amortised cost using the effective interest rate method.

Due to the short term nature of current receivables, their carrying amount is considered to be the same as their fair value. Non-current receivables are indexed to inflation, any difference between the face value and fair value is considered immaterial.

The Shire of Shark Bay applies the AASB 9 simplified approach to measuring expected credit losses using a lifetime expected loss allowance for all trade receivables. To measure the expected credit losses, rates receivable are separated from other trade receivables due to the difference in payment terms and security for rates receivable.

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.

CONTRACT ASSETS

Contract assets primarily relate to the Shire of Shark Bay's right to consideration for work completed but not billed at the end of the period.

CONTRACT LIABILITIES

Contract liabilities represent the Shire of Shark Bay's obligation to transfer goods or services to a customer for which the Shire of Shark Bay has received consideration from the customer.

Contract liabilities represent obligations which are not yet satisfied. Contract liabilities are recognised as revenue when the performance obligations in the contract are satisfied.

PROVISIONS

Provisions are recognised when the Shire of Shark Bay has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

CURRENT AND NON-CURRENT CLASSIFICATION

An asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Shire of Shark Bay's operational cycle. In the case of liabilities where the Shire of Shark Bay 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 or non-current based on the Shire of Shark Bay's intentions to release for sale.

TRADE AND OTHER PAYABLES

Trade and other payables represent liabilities for goods and services provided to the Shire of Shark Bay prior to the end of the financial year that are unpaid and arise when the Shire of Shark Bay 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. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.

PREPAID RATES

Prepaid rates are, until the taxable event has occurred (start of the next financial year), refundable at the request of the ratepayer. Rates received in advance are initially recognised as a financial liability. When the taxable event occurs, the financial liability is extinguished and the Shire of Shark Bay recognises revenue for the prepaid rates that have not been refunded.

EMPLOYEE BENEFITS

Short-Term Employee Benefits

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

The Shire of Shark Bay'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 net current funding position. Shire of Shark Bay's current obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the net current funding position.

Other long-term employee benefits

Long-term employee benefits provisions are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.

The Shire of Shark Bay's obligations for long-term employee benefits where the Shire of Shark Bay does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, are presented as current provisions in the net current funding position.

Please refer to the compilation report

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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

**SHIRE OF SHARK BAY
NOTES TO THE REVIEW OF THE ANNUAL BUDGET
FOR THE PERIOD ENDED 31 JANUARY 2024**

4 PREDICTED VARIANCES		<u>Variance</u>
		\$
Revenue from operating activities		
4.1	Grants, subsidies and contributions Financial Assistance Grant (FAGS) funding to be received this year \$100,984 that was unbudgeted, grant for Preparing Australian Communities - Emergency Recovery Exercise \$3,300, \$500 Beats in the Bay and \$5,000 Astrotourism from the Gascoyne Development Commission.	109,784 ▲
4.2	Fees and charges More ratepayers opting to pay by instalments \$2,000, rental income to be received for 16A Sunter Place \$5,000, Goulet Bluff Camping fees \$2,000, Whalebone Camping fees \$2,000, building permits \$1,500 and sale of brickies sand \$5,000. Pensioner Unit 3 unoccupied \$5,500 and cemetery burial fees \$1,000.	47,000 ▲
4.3	Other revenue CDP Employer Incentive funding received \$20,000, reimbursement income from 80 Durlacher Street \$1,900 and unbudgeted income for the consignment sales \$6,000.	27,900 ▲
Expenditure from operating activities		
4.4	Employee costs Increase for travel and accommodation budget \$750.	(750) ▼
4.5	Materials and contracts Decrease in expenditure for policy and local laws review \$5,000, CEO performance review \$5,000, EMFA vehicle costs \$3,000, advertising \$2,000, printing and stationery \$2,000, shire office maintenance \$2,000, refuge site plant overheads \$5,000 and building consultant fees \$10,000. Increase in expenditure for the vehicle running costs \$13,000, Foreshore BBQ maintenance \$1,000, travel and accommodation \$2,500, Astrotourism event \$5,000 (offset through GDC grant) and tyres \$416. A physical revaluation of assets to occur as the previous was desktop only \$35,000.	(22,916) ▼
4.6	Depreciation There was a revaluation of asset classes in 2022-23 so some depreciation expenses are more than the previous year calculations.	(3,349,973) ▼
Non-cash amounts excluded from operating activities Asset depreciation.		3,349,973 ▲

Please refer to the compilation report

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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

27 MARCH 2024

SHIRE OF SHARK BAY
NOTES TO THE REVIEW OF THE ANNUAL BUDGET
FOR THE PERIOD ENDED 31 JANUARY 2024

4 PREDICTED VARIANCES	<u>Variance</u>
	\$
Inflows from investing activities	
4.8 Capital grants, subsidies and contributions	(2,113,000) ▼
Grant funding has been received the Cyclone Seroja Resilience \$500,000. Essential Worker Accommodation funding is expected to be received end of year - GDC \$200,000 and DPLH \$187,000.	
The SHERP Community Housing project grant will have a \$1,000,000 carried forward liability into the 2024/25 budget. The Seawall Revetment project grant not anticipated to be received by the end of year \$2,000,000.	
Outflows from investing activities	
4.9 Purchase of land and buildings	13,000 ▲
The SHERP Community Housing project will have a carried forward expense to the new budget of \$1,000,000. Project works for the Essential Works Accommodation to commence \$437,000, Cyclone Seroja \$500,000 and Discovery Centre airconditioning upgrades \$50,000.	
4.10 Purchase of plant and equipment	(33,000) ▼
Expenditure increase for plant purchase items of the town gardener's ute \$6,000, rangers vehicle \$7,000 and the road sweeper \$20,000 due to quote obtained at the time of the original adopted budget (8/9 months ago).	
4.11 Purchase of furniture and equipment	(30,000) ▼
SBDC - Discovery Centre Upgrade (LRCl)	
4.12 Purchase and construction of infrastructure-roads	135,697 ▲
Roads to Recovery.	
4.13 Purchase and construction of infrastructure-other	1,990,500 ▲
Reduction in costs for the CCTV upgrades on the foreshore \$29,000, Seawall upgrades \$2,000,000. Increase in expenditure for the limestone wall replacement \$7,000, BBQ replacement Little Lagoon \$30,200.	
Cash outflows from financing activities	
4.14 Transfers to reserve accounts	(84,000) ▼
Increase to the Leave reserve.	
4.15 Surplus or deficit at the start of the financial year	(40,215) ▼
Difference between adopted 2023/24 budget and the closing balance of the 2022/23 audited statements.	

Please refer to the compilation report

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27 MARCH 2024

11.4 COMMUNITY ASSISTANCE GRANTS – SIGNIFICANT EVENT SPONSORSHIP FUNDING FOR SHARK BAY FIESTA 2024
GS00001

AUTHOR

Community Development Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Stubberfield

Nature of Interest: Impartiality Interest as the Shire representative on this committee

Moved Cr Fenny
Seconded Cr Vankova

Council Resolution

That Council approve the Shark Bay Community Resource Centre's 2023/2024 Community Assistance Grants application – Significant Event Sponsorship for the value of \$5,000.00 to contribute to the Shark Bay Fiesta in May 2024.

7/0 CARRIED

BACKGROUND

The Shire of Shark Bay commenced advertising the 2023/2024 Community Assistance Grants following Council's endorsement of the Annual Budget on 23 August 2023. The funding pool for the Significant Event Sponsorship Funding (total of \$20,000) is available for the duration of the financial year and funding is to be allocated at Council's discretion. The Significant Event Sponsorship Funding supports current major events and future innovative events that attract additional funds into town and recognises the positive economic value that these events bring to the Shark Bay Community.

The Shire of Shark Bay received an application from the Shark Bay Community Resource Centre on 13 March 2024 requesting sponsorship for the upcoming Shark Bay Fiesta, which will be running from 17 to 24 May 2024. This event was previously called the Shark Bay Fishing Fiesta and was run by the Shark Bay Fishing Club, however in 2022 the event was rebranded to the Shark Bay Fiesta and has since been run by the Shark Bay Community Resource Centre.

COMMENT

The annual Shark Bay Fiesta has been running for 28 years and is considered one of the major events in both Denham and in the surrounding region for the fishing calendar. The event has operated successfully throughout this time and receives community support with sponsorship and in-kind contributions from community groups and individuals.

After the 27th Shark Bay Fiesta, held in May 2022, the Shark Bay Community Resource Centre conducted a survey of their registered participants to gauge the local economic impact of the event. 188 people responded to the survey, which covered areas such as estimated spending on fuel, food, and accommodation. 82% of those who

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participated in the survey were visitors to the region, and the estimated minimum spend in the town resulting from the event was over \$440,000.

Council has contributed financially to the Shark Bay Fiesta in the past, including a total of \$14,000 towards the 28th Shark Bay Fishing Fiesta in 2023; \$8,000 cash and a further \$6,000 was budgeted as in-kind equipment (such as the Shire's marquee, temporary fencing, tables, chairs, stage and portable audio system) and venue hire to support the event.

Council has approved an in-kind budget allocation of \$6,000 for event equipment and venue hire in the 2023/2024 Shire annual budget and the Shark Bay Community Resource Centre are requesting a further \$5,000 through the 2023/2024 Significant Event Sponsorship funding.

APPLICATION

Group: **Shark Bay Community Resource Centre**

Amount requested: **\$5,000**

Project: **2024 Shark Bay Fiesta**

Funding category: **Funding for a specific event and prize money**

Strategic Community Plan (category): **Economic, Social and Environment**

The Shark Bay Community Resource Centre is a not-for-profit organisation in Denham that has many years experience running events for the community. The application describes the Shark Bay Fiesta as a week long community event that incorporates a variety of events, activities, fundraisers, education and information sessions suitable for all ages. The event will be held from 17 May 2024 until 24 May 2024 on the Denham foreshore. The event will have an economic, environmental and social impact to the local community, with visitors contributing financially to town, and socially inclusive activities providing opportunities for all ages to participate. Additionally due to funding received in 2023 from Recfishwest, the Shark Bay Fiesta been able to increase the number of catch and release activities in the annual fishing competition.

The Significant Event grant will be used to contribute to Entertainment and Workshops held during the event. The Shark Bay Fiesta attracts participants and their families, from outside the Shark Bay region, which increases the economic impact for the local community. Together with other tourists and local community members, everyone participates in, and enjoys, a week of diverse activities in Denham.

The grant application includes:

- Two project referees; Tiaza Sellenger (President of the Shark Bay P & C) and Lisa Francis (Caterer for High Tea and Biggest Morning Tea Cancer Council Fundraiser)
- Project budget
- 2023 Shark Bay Fiesta actuals
- Quotes
- Letter describing Financial Statements
- Shark Bay Community Resource Centre 2022/2023 Financial Statements – refer to 'Confidential' items folder

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OFFICER COMMENT

The Shark Bay Fiesta is a community orientated event that involves local organisations and community groups. The Shark Bay Fiesta provides an opportunity for community groups to fundraise as well as participate in an event that contributes economically and socially to the Shark Bay community.

It is recommended that Council approve \$5,000 to the Shark Bay Community Resource Centre to contribute to the 29th Shark Bay Fiesta.

Should Council approve the Shark Bay Community Resource Centre's application, the Shire's Community Development Officer will request the Shark Bay Community Resource Centre to acknowledge the sponsorship that the Shire is providing by including the Shire's logo and the words "Proudly supported by the Shire of Shark Bay" in any promotional materials (e.g. Inscription Post and Social Media).

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

POLICY IMPLICATIONS

These recommendations comply with Council Policy 2.2 Financial Assistance/ Donations.

FINANCIAL IMPLICATIONS

An amount of \$50,000 is included in the 2023/2024 adopted budget for Community Assistance Grants this includes Round 1 (Community Projects) grants, Round 2 (Equipment and small projects), and Significant Event Funding.

To date Council has approved almost \$6,000 in Round 1 funding, and \$8,000 in Significant Event funding. This leaves approximately \$36,000 for the remainder of the year, of which \$10,000 has been earmarked for the Round 2 grants (equipment and small projects) which opened on Friday 15 March 2024.

STRATEGIC IMPLICATIONS

Social Objective: A safe, welcoming and inclusive community

Economic Objective: A progressive, resilient and diverse economy

RISK MANAGEMENT

This is a low risk item for Council

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Deputy Chief Executive Officer

D Wilkes

Chief Executive Officer

D Chapman

Date of Report

15 March 2024

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Shire of Shark Bay Community Assistance Grants

APPLICATION FORM

Please complete and return the signed application form to the Shire of Shark Bay with the advertised timeframe. **Late submissions will not be considered**

Applications to be addressed to: Chief Executive Officer
Shire of Shark Bay
PO Box 126
Denham WA 6537

Applications can be delivered: Shire of Shark Bay
65 Knight Terrace
Denham WA 6537

Email: cdo@sharkbay.wa.gov.au

For further information, please contact the Community Development Officer on 9948 1218

Please ensure you have read the Shire of Shark Bay Community Assistance Grants – Guidelines before completing the application form to confirm your organisation's eligibility.

FUNDING ROUND

Please indicate which funding round you are applying for:

Significant Event Sponsorship Funding

Year: 2024

ORGANISATION DETAILS

Organisation Name Shark Bay Community Resource Centre

Postal Address PO Box 58, Denham WA 6537

Contact Person Jamie Burton

Position/Title Executive Officer

Telephone 08 9948 1787

E-mail sharkbaytc@westnet.com.au

What category best describes your organisation?

Sporting Club

Community Group

Shire of Shark Bay Community Assistance Grants – Application Form

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Not-for-profit organisation

Other: _____

Which of the following best describes your organisation's status?

	YES	NO
• Incorporated	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• GST Registered	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Have a current Association Constitution	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Australian Business Number (ABN): 31 964 552 684

Please note the Shire of Shark Bay requires applicants to have an ABN. Applicants who do not have one may be subjected to withholding tax of 48.5%. If you are unsure, please contact the Shire to discuss how to best proceed.

Bank details

Account Name: Shark Bay Community Resource Centre

BSB: 306012 Account Number: 0616478

FUNDING DETAILS

Project title: Shark Bay Fiesta

Project description: A week long community event that has a documented history of bringing large economic and social benefits to our Gascoyne community. The event incorporates a variety of events, activities, competitions, fundraisers, education and information sessions for all ages in the community to participate in or engage during.

Date(s) the project will take place: 17th – 24th May 2024

Location(s) where the project will take place: Denham Foreshore

Total project funds requested (including GST if applicable) \$5,000

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Has your organisation previously received funding from the Shire of Shark Bay?

- Yes
 No

If Yes, Previous funding amount received: \$8,000

Round / Year funding was received: 2023

Funded project: Shark Bay Fiesta

Has your organisation acquitted all previous Shire of Shark Bay funding?

- Yes
 No

If No, please outline why?

Christmas Kindy Gym 2022 grant acquittal being finalised currently.

Please Note: Your organisation is not eligible to receive new funding from the Shire of Shark Bay, until previous Shire of Shark Bay funding has been acquitted.

PROJECT DETAILS

What is the funding to be used for?

- Leveraging a grant from a State or Federal agency
- Purchasing goods and services (i.e. equipment and/or engaging a professional for the purpose of instruction)
If your funding application involves purchasing equipment, can the equipment be used by other community groups in the future?
- Yes
 No
- Infrastructure (i.e. significant construction or improvement of facilities). Please include Planning Approvals from the Shire
- Funding for a specific event or program
- Prize money.

Does the project meet the objectives of the Shire of Shark Bay Strategic Community Plan 2020-2030? Copy of the Plan can be found on the Shire's website.

- Economic A progressive, resilient and diverse economy
- Environment Help protect our unique natural and built environment
- Social A safe, welcoming and inclusive community

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Outline the project goals and how they will benefit Shark Bay community (*minimum of one objective*):

Economic: The Shark Bay Fiesta is approaching its 29th annual event in 2024 and provides a variety of financial benefits for the entire Shark Bay community and region which continues to be supported by economic impact surveys completed at the end of the 2021 and 2022 events. Items specifically identified included visitors booking week long accommodation in Shark Bay, the purchase of fuel supplies for vehicle travel and boating, other fishing supplies including bait, tackle and ice, purchasing goods from local supermarkets as well as meals and drinks from local venues (pubs, cafes etc) or at event fundraisers (Fiesta catering and bar run by many community groups).

Environment: The Shark Bay Fiesta enables our community to educate participants on safe fish handling techniques as we previously provided fish release weights and barbless hooks to fishers and the Shark Bay Fishing Club also created a Shark Bay Fishing Code of Practice publication. In 2023 we secured funding through Recfishwest of \$5,000 to continue in our efforts to encourage the fun of recreational fishing and support fishing for the future. We have been able to loan to boats a set of the same tournament scales and truth/brag mats so they can document the details of their catch and release catches prior to returning such species to the water. All statistical information obtained is forwarded onto the Fisheries research team annually.

Social: The event is socially inclusive providing opportunities for all ages to mingle and join in activities mostly free (some have a small charge). These include musical/entertainment performances, kindly gym sessions from the events area, kids fishing clinics, morning tea sessions, quiz and bingo nights, art & craft workshops, information sessions and much more.

Please list other organisations involved in this project (*if applicable*)

Name of Organisation	Project Involvement
Shark Bay Fishing Club	Use of equipment
Shire of Shark Bay	In-kind hire of events marquee, fencing, tables, chairs, stage and PA Equipment
Shark Bay SES	Utilising event to fundraise – catering, selling EPIRBS as well as donates the use of smaller marquees, tables, chairs, bbq's, safety steps, witches hats and much more
Shark Bay Speedway Club	Provides storage of event sea container on their site whilst not in use
Friendly Hub	Hosts weekly seniors sessions/morning tea from events area and assists to support the Cancer Council Biggest Morning Tea Fundraiser
Shark Bay Bowling, Sport & Recreation Club	Utilising event to fundraise – catering, hosted the 2023 bingo evening, donates the use of bar stools and tables for the high tea
War on Waste	Funded the hire of a portable drink fountain/water station on a trailer

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

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	to be used over the course of the week
Shark Bay Business & Tourism Association	Utilising event to fundraise – quiz nights and in the past catering, showcasing Shark Bay branding and local movies
Shark Bay P&C	Utilising event to fundraise – catering, games days, raffles, money boards, quiz night
Shark Bay Arts Council	Utilising event to fundraising through crafts workshops and is planning on running Upcycling ocean waste workshops
Denham Fire Brigade	Utilising event to fundraise for burns victims through catering
Marine Rescue	Provides marine safety equipment demonstrations – flares, life rafts
Boolbardi Country Club	Donates use of equipment – bain-marie
Kindy Gym families	Fundraiser and dress up for Pirate Day (brain cancer in children) and host weekly session messy play and morning tea from the event venue
Croquet group	Are keen to display their sport during the event on the grass foreshore area.
Recfishwest	Comes to interact and educate the youth in regards to fishing and fishing practices
Department of Transport	Use the event to check all vessels in the area for their in date safety equipment and educate
DPIRD/Fisheries	Fisheries welcome additional staff including a community education officer who hosts information displays and engages with all recreational fishers. All catch statistics are forwarded onto the research teams

2023 Event Sponsors included;

ART ON THE MOVE • B WELL HEALTH • BATTERMART GERALDTON • BAY LODGE • BLUE LAGOON PEARLS • BRIAN CHILD PLUMBING • BURTON TILING MAINTENANCE & RENOVATIONS • CANCER COUNCIL • CDH ELECTRICAL • CELLARBRATIONS DENHAM • CHAPMAN VALLEY MENS SHED • SHARK BAY CAFE • DENHAM SEASIDE CARAVAN PARK • DEPARTMENT OF BIODIVERSITY, CONSERVATION & ATTRACTIONS • DEPARTMENT OF PRIMARY INDUSTRIES & REGIONAL DEVELOPMENT • DEPARTMENT OF TRANSPORT • EDGECAM • ERECTIONS (WA) PTY LTD • GASCOYNE DEVELOPMENT COMMISSION • GEOFF FRANZ BRICKLAYING • GERALDTON SPORTS CENTRE • GJ FREIGHT • HIGH GRADE MECHANICAL • INGAL CIVIL • LOTTERYWEST • MARINE RESCUE SHARK BAY • MITCHELL & BROWN • OAKLEY EARTHWORKS SHARK BAY SPEEDWAY CLUB • PINJARRA SANDBLASTING • PIRATE DAY • RAC RESCUE EXPERIENCE • REAL FUTURES • RED CROSS • RECFISHWEST • ROYAL FLYING DOCTROS SERVICE • SES SHARK BAY • SHARK BAY ARTS COUNCIL • SHARK BAY AVIATION • SHARK BAY BAKERY • SHARK BAY CARAVAN PARK • SHARK BAY BOWLING, SPORT & RECREATION CLUB • SHARK BAY CAFE • SHARK BAY FISH FACTORY • SHARK BAY HOLIDAY COTTAGES • SHARK BAY HOTEL • SHARK BAY MECHANICAL & TOWING • SHARK BAY NEWS & GIFTS • SHARK BAY P & C ASSOCIATION • SHARK BAY PIZZA • SHARK BAY POLICE • SHARK BAY SERVICES • SHIRE OF SHARK BAY • SURF 'N DOLPHIN • SYKES TRANSPORT • TAYLOR AGRICULTURAL CONTRACTING • THE FRIENDLY HUB • TRUE VALUE HARDWARE • VOLUNTEERING WA • WEST COAST FIREWORKS • WESTMORE SEAFOODS.

Project Referees:

Shire of Shark Bay Community Assistance Grants – Application Form

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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

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Please provide two referees (*that is not associated with your organisation*) that are in support of your application, alternatively you can attach letters of support.

Name	Phone	Email	Organisation and position held
Tiaza Sellenger	0407 129 487	tiazasellenger13@gmail.com	Shark Bay P&C, president
Lisa Francis	0460 340 731	lisastorman59@gmail.com	- High Tea food caterer - Biggest Morning Tea Cancer council fundraiser

SIGNIFICANT EVENT - ONLY

If your project is a **Significant Event** will it attract additional visitors to town? If so, how many additional visitors are you planning for?

- 50-100
- 100-200
- 200-300
- Over 500

Will you be charging an entry fee to attend the event?

- Yes
- No – the vast majority of entertainment is free however there are ticketed entry components

If Yes, how much? _____

PROJECT BUDGET

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

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Please provide a budget description of how the Shire of Shark Bay funds, your organisation contribution and other funding source (*if applicable*). Please attach quotes with details of each expenditure item being spent.

Expenditure Item Description (i.e. materials, equipment, advertising, catering, prizes)	Shire of Shark Bay Grant (\$)	*In-Kind (\$)	Other Funding Amount (\$)	Other Funding Organisation Name (your organisation or external)
Entertainment/Workshops - Accommodation event MC – Western Angler editor & Owner Scott Coghlan \$928.57 - Rum Jungle Sea Shanties (\$1,000 + accommodation 2 nights 7 pax \$500) - Carnaby Blue musician (\$1,200 + accommodation 3 nights 1 pax - \$330) - JC & The Tree musicians (\$1,200 + accommodation 2 nights 2 pax - \$220) - Matt Hale comedian/hypnotist (\$4,394.50 + transfers/car hire \$220 + accommodation 1 night \$265) - Helen Kruger classical performers & school workshops \$3,500 - Outdoor Movie licence, Barbie \$418 - Kite making workshops \$753 - Pottery making workshops \$1,140 - C4 Band (\$4,000 + accommodation 1 night 4 pax - \$220) - Fireworks \$6,992.70	\$5,000		<ul style="list-style-type: none"> \$1,893 Horizon Power – <i>tbc</i> \$7,719 DLGSCI – <i>tbc</i> \$500 GDC - <i>tbc</i> 	Total cost of all entertainment expenses is budgeted at \$27,282 The SBCRC is hoping to contribute \$12,170 however this may vary depending on the success of grants. <ul style="list-style-type: none"> Rex Aviation have donated return flights for Matt Hale
Total	\$5,000	\$	\$10,112	\$12,170

**In-Kind value: Number of volunteers x hours worked directly on project x \$25 per hour*

Will any of your expenditure items be spent locally with **Shark Bay businesses**?

Yes - accommodation

No

PART 6 – ADDITIONAL INFORMATION

Please attach a copy of the following:

Shire of Shark Bay Community Assistance Grants – Application Form

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- Organisation's most recent (Audited) Financial Statement
- Quotations for expenditure items

PART 7 – DECLARATION

I hereby certify that I am the authorised person to sign on behalf of the organisation and that the information is correct. I have read, understand and agree to abide by the conditions set out in the Shire of Shark Bay Community Assistance Grants guidelines.

NAME Jamie Burton

SIGNATURE



POSITION IN ORGANISATION Executive Officer

DATE 12th March 2023

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REFER TO
'CONFIDENTIAL ATTACHMENT'
FOR FULL FINANCIALS OF
APPLICANT

REFER TO
'SUPPORTING DOCUMENTATION'
FOR DETAILED PROJECT QUOTES
AND INFORMATION

27 MARCH 2024

12.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There were no motions of which previous notice haven been given for the March 2024 Ordinary Council meeting.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

There were no questions by members of which due notice haven been given for the March 2024 Ordinary Council meeting.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

There were no urgent business items presented to the March 2024 Ordinary Council meeting.

15.0 MATTERS BEHIND CLOSED DOORS

There were no matters for behind closed doors presented to the March 2024 Ordinary Council meeting.

16.0 DATE AND TIME OF NEXT MEETING

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 24 April 2024, commencing at 1.00 pm.

17.0 CLOSURE OF MEETING

As there was no further business, the President closed the Ordinary Council meeting at 3.49 pm.