

# SHIRE OF SHARK BAY MINUTES

30 October 2019

## ORDINARY COUNCIL MEETING



Eagle Bluff – Shark Bay



30 OCTOBER 2019



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# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

The minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 30 October 2019 commencing at 3.00 pm.

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**1.0 DECLARATION OF OPENING**

The President Cr Cowell declared the Ordinary Council meeting open at 3.00pm.

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

**ATTENDANCES**

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

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

**APOLOGIES**

**VISITORS**

3 visitors in the gallery

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

There were no previous public questions on notice.

**4.0 PUBLIC QUESTION TIME**

The President opened public question time at 3.01pm.

Mr Des Mathews requested that the Shire investigate options for affordable accommodation for local business operator's staff in Shark Bay. Mr Mathews commented that accommodation is at a premium in Denham due to the improved business climate and it is proving difficult to get competent staff due to a lack of suitable accommodation. Mr Mathews also commented on the service workers concept that had been implemented in Coral Bay.

The President replied that the Shire is introducing through the Town Planning Scheme No.4. Regulations in regard to short term accommodation in the Denham residential area which may have an impact upon available rental accommodation.

The President also advised that the Strategic Plan of Council is being reviewed and accommodation for service workers may be included in the Councils long term planning.



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The Chief Executive Officer reiterated the President's comments in regard to the Town Planning Scheme and the opportunity for Council to consider this issue at greater length when the Strategic Plan is reviewed.

The President closed public question time at 3.10 pm.

### **5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

There were no applications for leave of absence presented to the Ordinary Council meeting.

### **6.0 PETITIONS**

There were no petitions presented to the Ordinary Council meeting.

### **7.0 CONFIRMATION OF MINUTES**

#### **7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 SEPTEMBER 2019**

Moved            Cr Ridgley  
Seconded       Cr Burton

#### **Council Resolution**

**That the minutes of the Ordinary Council meeting held on 25 September 2019, as circulated to all Councillors, be confirmed as a true and accurate record.**

**7/0 CARRIED**

### **8.0 ANNOUNCEMENTS BY THE CHAIR**

The 2019/2020 Rates Incentive Prize will now be drawn, verified and announced.

The rates incentive prize was drawn through the Council's software program, with the following prize winners:.

1<sup>st</sup> Prize Winner: Mr Peter Cope – 6 Mainland Street, Denham

2<sup>nd</sup> Prize Winner: Anvolt Pty Ltd – 36B Denham Road, Denham

3<sup>rd</sup> Prize Winner: Mr Rodney Mell – 39 Hartog Crescent, Denham

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**9.0 PRESIDENT'S REPORT**

Committee Membership

Member                      Audit Committee  
Member                      Shark Bay Arts Council Incorporated

Meeting Attendance

1 October 2019              Citizenship Ceremonies  
7 & 8                          Gascoyne Development Commission  
14                              Destination Shark Bay Working Group meeting  
30                              Special Council meeting and Ordinary Council meeting

Moved                      Cr Ridgley  
Seconded                  Cr Fenny

**Council Resolution**

**That Councillor Cowell's October 2019 report on activities as Council representative be received.**

**7/0 CARRIED**

**10.0 COUNCILLORS' REPORTS**

**10.1 CR BURTON**  
GV00018

Committee Membership

Member                      Audit Committee  
Member                      Shark Bay Arts Council Incorporated

Meeting Attendance

2 October 2019              Denham Seniors special meeting  
5                              Lasertag  
12                              Shark Bay Speedway Club end of season presentations  
26                              Colour Run

Signatures

Councillor                      *Councillor Burton*  
Date of Report                  21 October 2019

Moved                      Cr Ridgley  
Seconded                  Cr Smith

**Council Resolution**

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

**7/0 CARRIED**

**10.2 CR BELLOTTIE**  
GV00010

Nil report for the October 2019 Ordinary Council meeting.

**10.5 CR FENNY**  
GV00017

Nil report for the October 2019 Ordinary Council meeting.

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**11.0 ADMINISTRATION REPORT**

**11.1 ORDINARY COUNCIL MEETING DATES FOR 2020**  
**CM00016**

Author

Executive Assistant

Disclosure of Any Interest

Nil

Officer Recommendation

That Council, in accordance with Section 5.25(1)(a) of the *Local Government Act 1995*, approve the following schedule of meeting dates for Council's 2020 Ordinary meetings:

January 2020 – No ordinary meeting of Council to be held;  
February 2020 – Wednesday 26 Commencing at 3.00 pm in Council Chambers;  
March 2020 – Wednesday 25 Commencing at 3.00 pm in Council Chambers;  
April 2020 – Wednesday 29 Commencing at 3.00 pm in Council Chambers;  
May 2020 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;  
June 2020 – Wednesday 24 Commencing at 3.00 pm in Council Chambers;  
July 2020 – Wednesday 29 Commencing at 3.00 pm in Council Chambers;  
August 2020 – Wednesday 26 Commencing at 3.00pm in Council Chambers;  
September 2020–Wednesday 30 Commencing at 3.00 pm in Council Chambers;  
October 2020 – Wednesday 28 Commencing at 3.00 pm in Council Chambers;  
November 2020 –Wednesday 25 Commencing at 3.00 pm in Council Chambers; and  
December 2020 – Wednesday 16 Commencing at 3.00 pm in Council Chambers.

**AMENDMENT TO OFFICERS RECOMMENDATION**

**Reason:** Council considered that the date of the December 2020 meeting should be moved to Tuesday 15 December to minimise possible conflict with the Shark Bay Schools end of year concert.

Moved           Cr Fenny

Seconded      Cr Burton

**Council Resolution**

**That Council, in accordance with Section 5.25(1)(a) of the *Local Government Act 1995*, approve the following schedule of meeting dates for Council's 2020 Ordinary meetings:**

**January 2020 – No ordinary meeting of Council to be held;  
February 2020 – Wednesday 26 Commencing at 3.00 pm in Council Chambers;  
March 2020 – Wednesday 25 Commencing at 3.00 pm in Council Chambers;  
April 2020 – Wednesday 29 Commencing at 3.00 pm in Council Chambers;  
May 2020 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;  
June 2020 – Wednesday 24 Commencing at 3.00 pm in Council Chambers;  
July 2020 – Wednesday 29 Commencing at 3.00 pm in Council Chambers;  
August 2020 – Wednesday 26 Commencing at 3.00pm in Council Chambers;  
September 2020–Wednesday 30 Commencing at 3.00 pm in Council Chambers;  
October 2020 – Wednesday 28 Commencing at 3.00 pm in Council Chambers;  
November 2020 –Wednesday 25 Commencing at 3.00 pm in Council Chambers;  
and  
December 2020 – Tuesday 15 Commencing at 3.00 pm in Council Chambers.**

**7/0 CARRIED**

## MINUTES OF THE ORDINARY COUNCIL MEETING

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### Background

The *Local Government Act 1995* Section 5.25 requires the Council to advertise its Ordinary Council meeting dates for the forthcoming year.

### Comment

Listed below is a proposed schedule for Council meetings in the year 2020 for consideration and approval:

January 2020 – No ordinary meeting of Council to be held;  
February 2020 – Wednesday 26 Commencing at 3.00 pm in Council Chambers;  
March 2020 – Wednesday 25 Commencing at 3.00 pm in Council Chambers;  
April 2020 – Wednesday 29 Commencing at 3.00 pm in Council Chambers;  
May 2020 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;  
June 2020 – Wednesday 24 Commencing at 3.00 pm in Council Chambers;  
July 2020 – Wednesday 29 Commencing at 3.00 pm in Council Chambers;  
August 2020 – Wednesday 26 Commencing at 3.00pm in Council Chambers;  
September 2020–Wednesday 30 Commencing at 3.00 pm in Council Chambers;  
October 2020 – Wednesday 28 Commencing at 3.00 pm in Council Chambers;  
November 2020 –Wednesday 25 Commencing at 3.00 pm in Council Chambers; and  
December 2020 – Wednesday 16 Commencing at 3.00 pm in Council Chambers.

Ordinary meetings of Council are held on the last Wednesday of each month unless specifically resolved by Council to allow for other circumstances.

Council regularly amends its December meeting due to Christmas. The schedule indicates that the December 2020 meeting be held on Wednesday 16 December in lieu of 30 December, being the last Wednesday in the month. This gives the Council Administration Staff time to get the minutes and correspondence out to the public before shutdown for the Christmas break.

### Legal Implications

Section 5.25 of the *Local Government Act 1995* and the Local Government Regulations Section 12 Public notice of council or committee meetings –

At least once each year a local government is to give local public notice of the dates on which and the time and place at which –

The ordinary council meetings; and

The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

Are to be held in the next twelve (12) months.

### Policy Implications

Policy 1.1 - Meetings of Council

Ordinary Council meetings will be held on the last Wednesday of each month except January, unless resolved by Council to allow for other circumstances.

### Financial Implications

The financial implication is the travel costs associated with all members of Council and Council staff traveling to the Council meeting site in August (when allocated) and the cost of the local public notice.

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### Strategic Implications

There are no Strategic Implications association with this report.

### Risk Management

This is a low risk item to Council.

### Voting Requirements

Simple Majority Required

### Signatures

Chief Executive Officer

*P Anderson*

Date of Report

2 October 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

✕

2020 Calendar

January							February							March							April						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
			1	2	3	4							1	1	2	3	4	5	6	7				1	2	3	4
5	6	7	8	9	10	11	2	3	4	5	6	7	8	8	9	10	11	12	13	14	5	6	7	8	9	10	11
12	13	14	15	16	17	18	9	10	11	12	13	14	15	15	16	17	18	19	20	21	12	13	14	15	16	17	18
19	20	21	22	23	24	25	16	17	18	19	20	21	22	22	23	24	25	26	27	28	19	20	21	22	23	24	25
26	27	28	29	30	31		23	24	25	26	27	28	29	29	30	31					26	27	28	29	30		

May							June							July							August						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
					1	2		1	2	3	4	5	6			1	2	3	4							1	
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31		23	24	25	26	27	28	29
31																					30	31					

September							October							November							December							
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	
			1	2	3	4					1	2	3	1	2	3	4	5	6	7				1	2	3	4	5
6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12	
13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19	
20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26	
27	28	29	30				25	26	27	28	29	30	31	29	30						27	28	29	30	31			

## Western Australia Public Holidays 2020

This page contains a calendar of all 2020 public holidays for Western Australia. These dates may be modified as official changes are announced, so please check back regularly for updates.

Date	Day	Holiday
1 Jan	Wed	<a href="#">New Year's Day</a>
27 Jan	Mon	<a href="#">Australia Day Holiday</a>
2 Mar	Mon	<a href="#">Labour Day</a>
10 Apr	Fri	<a href="#">Good Friday</a>
13 Apr	Mon	<a href="#">Easter Monday</a>
25 Apr	Sat	<a href="#">Anzac Day</a>
27 Apr	Mon	<a href="#">Anzac Day Holiday</a>
1 Jun	Mon	<a href="#">Western Australia Day</a>
28 Sep	Mon	<a href="#">Queen's Birthday</a>
25 Dec	Fri	<a href="#">Christmas Day</a>
26 Dec	Sat	<a href="#">Boxing Day</a>
28 Dec	Mon	<a href="#">Boxing Day Holiday</a>



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11.2 CHRISTMAS/NEW YEAR CLOSURE 2019/2020  
CM00016

Author  
Executive Assistant

Disclosure of Any Interest  
Nil

Moved Cr Burton  
Seconded Cr Fenny

**Council Resolution**

**That the:**

- 1. Council's administration office and depot close for the Christmas/New Year period from close of business Friday 20 December 2019 to Wednesday 1 January 2020;**
- 2. Shark Bay World Heritage Discovery and Visitor Centre be closed on 25 December 2019 and 1 January 2020; and**
- 3. Denham Refuse Site be:**
  - a. Closed on Wednesday 25 December 2019;**
  - b. Closed on Thursday 26 December 2019; and**
  - c. Closed on Wednesday 1 January 2020.**

**7/0 CARRIED**

Background

Council has previously closed the office and depot between Christmas and New Year. The public holidays for the Christmas this period are Christmas day being Wednesday 25 December 2019, Boxing Day Thursday 26 December 2019 and Wednesday 1 January 2020.

Comment

**Administration Office and Depot**

It is recommended that the office and depot be closed from the close of business Friday 20 December 2019 and reopen on Thursday 2 January 2020 which results in closure for an 8 day period.

Staff would be required to take leave as follows:

- Public Holidays; and
- Accrued RDO's or Annual Leave

Emergency staff would still be contactable and a skeleton crew would be working at the depot.

**Shark Bay World Heritage Discovery and Visitor Centre**

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Shark Bay World Heritage Discovery and Visitor Centre would be open throughout with the exception of Christmas Day and New Year's Day when the Centre would be closed.

### **Refuse Site**

The refuse site would be closed on Wednesday 25 December 2019 and Thursday 26 December 2019 and again on Wednesday 1 January 2020.

The refuse site is normally closed on Wednesdays and Thursdays.

### Legal Implications

There are not legal implications relating to this report

### Policy Implications

There are no policy implications relating to this report.

### Financial Implications

The closure of the office and depot would assist in the reduction of leave liability.

### Strategic Implications

There are no strategic implications relating to this report.

### Risk Management

This is a low risk item to Council.

### Voting Requirements

Simple Majority Required

### Signatures

Chief Executive Officer *P Anderson*

Date of Report 12 October 2019

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11.3 DRAFT LOCAL GOVERNMENT ACT CONSULTATION STANDARDS AND GUIDELINES FOR CHIEF EXECUTIVE OFFICER RECRUITMENT AND SELECTION, PERFORMANCE REVIEW AND TERMINATION  
PE10000

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Mr Anderson

Nature of Interest: Impartiality Interest as employed as the Shire of Shark Bay's Chief Executive Officer

Moved            Cr Ridgley  
Seconded       Cr Smith

**Council Resolution**

**That Council:**

- 1. Note and endorse the Draft submission by the Western Australian Local Government Association in response to the State Governments Draft Consultation on Standards for Local Government Chief Executive Officer Recruitment and Selection, Performance Review and Termination.**

**7/0 CARRIED**

BACKGROUND

The Department of Local Government, Sport and Cultural Industries (the Department) on 24 September 2019 issued for comment the proposed Standards and Guidelines for Chief Executive Officer Recruitment and Selection, Performance Review and Termination (the Standards). Feedback will help inform the changes proposed the Local Government Act as part of the *Local Government Legislation Amendment Act 2019*.

The Standards were developed through a working group with key stakeholders including Western Australian Local Government Association, but it would seem additional changes were made without reference to the stakeholders and that the draft does not necessarily reflect the views of those consulted so far.

Western Australian Local Government Association subsequently advised in an email on 25 September 2019 that this document was released without the Western Australian Local Government Association's endorsement and it has a number of concerns. In a follow-up email on 4 October 2019, the Western Australian Local Government Association provided a draft submission for comment as well as outlining its concerns that include: why the need to readvertise the Chief Executive Officer's position after ten years, having an independent person on the selection panel is of no real benefit and that a Local Government Commissioner would be of no real value.

The consultation paper and the Western Australian Local Government Association submission are attached.

COMMENT

Western Australian Local Government Association has reviewed both the Department's proposed Standards and Guidelines for Chief Executive Officer

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Recruitment and Selection, Performance Review and Termination. The Shire's response to the Western Australian Local Government Association submission can also be used as the submission to the Department.

Accordingly, the author provides the following comments in relation to the Western Australian Local Government Association draft submission, both in terms of points of common interest and points of difference:

### **Survey Approach**

The Shire notes that a submission could be made through either the completion of an online survey or by sending through a written submission.

Surveys, if not constructed properly and applied through an independent mechanism can lead to a constructed outcome. This may not be the intent, but it does cause some concern.

The matter of Chief Executive Officer standards is a specific issue and not one of a broad nature as when the Department was seeking a direction regarding the draft of changes proposed to the Local Government Act.

The matter of Chief Executive Officer standards is too important not to have a wider range of qualitative feedback instead of quantitative feedback, although there is an opportunity to provide a written response within some parts of the survey.

### **General Comments – Philosophical Approach**

Western Australian Local Government Association's comments regarding its' principle that democratically elected Councils are competent and should be empowered to undertake their governing role.

A guideline that can be used to assist a Council build capacity regarding matters concerning the Chief Executive Officer is far more preferable to one that is required to be legislated and included in the Local Government (Administration) Regulations 1996.

### **Part 1 - Recruitment and Selection Standard**

Western Australian Local Government Association notes that Departmental Guideline 10 is already available to help guide Councils regarding the Chief Executive Officer Recruitment and Selection process.

Local Governments can use this guideline in conjunction with Council's policy regarding the recruitment and appointment of the Chief Executive Officer.

### **Re-advertising the Position after 10 Years (S1.11)**

It is unclear why there is a need for the position of Chief Executive Officer to be advertised after 10 years as a matter of course.

If the Council and the Chief Executive Officer are satisfied with the employment relationship, then forcing the position to be advertised will be disruptive, time-consuming, expensive, and counter-productive for the Local Government. Further, it will create uncertainty for the Chief Executive Officer who may be forced to look for alternative employment 'just in case'.

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In addition, if the performance management process is undertaken correctly and thoroughly, there should not be any need for the position to be advertised after a timeframe specified in regulations.

Lastly, as Chief Executive Officers are on fixed term contracts, Councils already have the opportunity to consider whether to renew the incumbent's contract.

However, the Shire agrees with the Western Australian Local Government Association that there is no need to include a re-advertising requirement as Councils (as do Chief Executive Officers) already have the opportunity to explore renewing the incumbent's contract. So, Standard 1.11 should be removed.

### **Selection Panel – Independent Person**

The Guidelines require an independent person to be on the recruitment panel. The Chief Executive Officer, like the Western Australian Local Government Association believes this is totally unnecessary and will cause problems during the recruitment process.

If a Council uses a qualified recruitment consultant to assist it with the Chief Executive Officer recruitment process, where that consultant adheres to the Local Government Act, the Administration Regulations and Guideline 10, then this is more than enough to ensure an effective Chief Executive Officer recruitment process.

### **Creating Diversity Section**

The Chief Executive Officer agrees that this section in the Guidelines should be renamed 'Sound Decision Making'. Creating diversity is important. However, many councils across Western Australia are already diverse in their nature.

The Act requires quite clearly that a council member, as a representative, is typical of the type of persons that reside or operate in the local government district, must make decisions for the good of the persons in its district and apply the principles of the general function.

### **Part 2 – Performance Review**

The principles, standards and guidelines presented in Part 2 are sound. The only further suggestion it would make is that examples of key result areas and how they are constructed as key performance indicators should be included.

That being said, Part 2 should be set out as a separate guideline similar to the Department's existing Guideline 10 or included in a revised version of this document.

### **Part 3 – Termination**

The principles, standards and guidelines presented in Part 3 are also sound. An independent review of the termination report is not required.

The issue, however, is when a Chief Executive Officer is terminated without following due process. It is the Shire's view that the Minister should have some capacity to seek a review if it was warranted.

As per the comments regarding Part 2, Part 3 should be set out as a separate guideline similar to the Department's existing Guideline 10 or included in a revised version of this document.

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#### **Part 4 – Monitoring and Enforcement**

In terms of potential models regarding the monitoring and enforcement of the Chief Executive Officer principles, standards and guidelines, the author makes the following comments:

There is no value in appointing an independent Local Government Commissioner just for a quality assurance role regarding the Chief Executive Officer principles, standards and guidelines.

It was generally agreed that if the sector is to operate within best practice guidelines that they should be developed and owned by the sector.

It could also be argued that it is now a case of pursuing better practice rather than best practice as outlined in recent comments by the Auditor General.

As outlined in the Western Australian Local Government Association submission the value would be the improvement within the Department of Local Government, Sport and Cultural Industries regarding either its governance support function or further strengthening of the inspection resources.

#### LEGAL IMPLICATIONS

There are no known policy implications relative to this report

#### POLICY IMPLICATIONS

There are no known policy implications relative to this report

#### FINANCIAL IMPLICATIONS

There are no known financial implications relative to this report

#### STRATEGIC IMPLICATIONS

There are no known strategic implications relative to this report

#### RISK MANAGEMENT

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

#### VOTING REQUIREMENTS

Simple Majority Required

#### SIGNATURES

Chief Executive Officer

*P Anderson*

Date of Report

18 October 2019

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# **Standards and Guidelines For Local Government CEO Recruitment and Selection, Performance Review and Termination**

**Draft for Consultation**



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# MINUTES OF THE ORDINARY COUNCIL MEETING

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## Preface

As part of the McGowan Government's commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* includes a requirement for model standards covering the recruitment and selection, performance review and early termination of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes among local governments.

This document outlines proposed mandatory minimum standards, shown in boxes. These standards will inform the drafting of regulations.

The accompanying guidelines outline the recommended practice for local governments in undertaking these processes. The guidelines will assist local governments in meeting the proposed standards and will not form part of the legislative framework.

The standards and guidelines have been developed by the Department of Local Government, Sport and Cultural Industries (Department) in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LGPro). The Department gratefully acknowledges the participation and contribution of these representatives.

The Department notes that the content of these does not necessarily reflect the views or policies of the organisations or individuals that have been consulted.

Feedback is sought on the proposed standards and guidelines. A survey is available at [www.dlgsc.wa.gov.au/l gareview](http://www.dlgsc.wa.gov.au/l gareview) or you can provide your feedback to [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au) by 8 November 2019.

## Part 1 – Recruitment and Selection

One of the fundamental roles of the council is the employment of the local government's CEO. The CEO is responsible for implementing the council's strategic vision and leading the local government administration.

### Principles

A local government must select a CEO in accordance with the principles of merit, equity and transparency. A local government must not exercise nepotism, bias or patronage in exercising its powers. Additionally, a local government must not unlawfully discriminate against applicants. Section 5.40 of the *Local Government Act 1995* (Act) lists a number of general principles of employment that apply to local governments.

#### Recruitment and Selection Standard

The minimum standard for recruitment and selection will be met if:

- S1.1** The council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular local government context.
- S1.2** The council has approved, by absolute majority, the Job Description Form which clearly outlines the qualifications, selection criteria and responsibilities of the position, and which is made available to all applicants.
- S1.3** The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member or staff member of the local government.
- S1.4** The local government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year).
- S1.5** The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- S1.6** The local government has thoroughly verified the recommended applicant's work history, qualifications, referees and claims made in his or her job application.
- S1.7** The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how his or her knowledge, skills and experience meet the selection criteria.



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### **Recruitment and Selection Standard cont.**

- S1.8 The appointment is made impartially and free from nepotism, bias or unlawful discrimination.
- S1.9 The council has endorsed by absolute majority the final appointment.
- S1.10 The council has approved the employment contract by absolute majority.
- S1.11 The local government must re-advertise the CEO position after each instance where a person has occupied the CEO position for ten (10) consecutive years.

## **Guidelines**

### **Recruitment and selection process**

Regulation 18C of the *Local Government (Administration) Regulations 1996* (Administration Regulations) requires a local government to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

The council of the local government should act collectively throughout the recruitment and selection process. To uphold the integrity of the process, the council must resist any attempt to influence the outcome through canvassing or lobbying.

The local government should carefully consider the role of the CEO. This includes the CEO's legislated powers and functions and their role as the head of the administrative arm of the local government. In determining the selection criteria for the position of CEO, it will be important for a local government to consider the needs of the district and the specific skills and experience that will be required of the CEO in that particular local government. The competencies the council looks for in its CEO should reflect the council's strategic community plan.

Once the essential skills and experience which form the selection criteria for the position have been identified, the local government must set out the selection criteria (essential and desirable) and the responsibilities of the position in a Job Description Form (JDF). If emphasis is placed on certain selection criteria, this should be highlighted in the JDF so that applicants are aware of this. For example, some level of project management experience will usually be an important criterion, but if the local government is undertaking a major development such as a new recreation centre, added emphasis may need to be given to this criterion.

The JDF must be approved by an absolute majority of the council.

**Advertising**

The local government should ensure that applicants are clearly informed about the application process, such as the application requirements, the closing date for applications and how applications are to be submitted. It is essential that this process is transparent and that each step in the process is documented and the records kept in a manner consistent with the *State Records Act 2000* (WA).

In order to attract the best possible pool of applicants for the CEO position, it is recommended that local governments use a diverse range of advertising methods, mediums and platforms (in addition to the advertising requirement under section 5.36(4) of the Act). For example:

- advertising on the local government's website;
- posting on online jobs boards (e.g. SEEK);
- sharing the advertisement via professional networks; and
- undertaking an executive search (also known as headhunting).

A local government must publicly advertise the CEO position if one person has remained in the job for 10 consecutive years. This does not prevent the incumbent individual from being employed as CEO for another term, provided they are selected following a transparent selection and recruitment process.

**Selection panel and independent person**

Local governments are to appoint a selection panel to conduct and facilitate the recruitment and selection process. The selection panel should be made up of elected members (the number to be determined by the council) and must include at least one independent person. The independent person cannot be a current elected member or staff member of the local government. Examples of who the independent person could be include:

- former elected members or staff members of the local government;
- former or current elected members (such as a Mayor or Shire President) or staff members of *another* local government;
- a prominent or highly regarded member of the community; or
- a person with experience in the recruitment and selection of CEOs and senior executives.

The independent person would be on the committee on an unpaid basis (except for reasonable travel and accommodation costs which should be covered by the local government) to provide objectivity to the selection and recruitment process.

The independent person and elected members on the panel are responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant.

**Independent human resources consultant**

A local government should seek independent advice from a human resources consultant where the council lacks the capacity or expertise to facilitate the recruitment

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and selection process (or any aspect of it). A member of the human resources team within a local government should not be involved in the recruitment of a new CEO because if the CEO is employed, he or she would be their employer.

The consultant should not be associated with the local government or any of its council members and can be an independent human resources professional, recruitment consultant, or recruitment agency.

An independent human resources consultant can provide advice to the selection panel on how to conduct the recruitment process or a local government may engage a consultant to support it in undertaking certain aspects of the recruitment process, such as one or more of the following:

- development or review of the JDE;
- development of selection criteria;
- sourcing and development of assessment methods in relation to the selection criteria;
- drafting of the advertisement;
- executive search;
- preliminary assessment of the applications;
- final shortlisting;
- drafting of the questions for interview;
- coordinating interviews;
- writing the selection report;
- arranging for an integrity check and/or police clearance; and
- assisting the council in preparing the employment contract.

The consultant is not to be directly involved in determining which applicant should be recommended for the position.

It is recommended that rigorous checks be conducted on any independent consultants before they are engaged to ensure they have the necessary skills and experience to effectively assist the council. Local government recruitment experience may be beneficial but is not necessary.

The independent human resources consultant must be able to validate their experience in senior executive recruitment and appointments. It is important to note that if the local government uses a consultant or agency to assist in finding applicants, that consultant or agency will require an employment agent licence under the *Employment Agents Act 1976* (WA).

A good independent human resources consultant will bring expertise, an objective perspective and additional human resources to what is a complex and time-consuming process. Given the time and effort involved in finding a competent CEO, and the cost of recruiting an unsuitable CEO, there can be a good business case for spending money on an independent consultant.

There is no requirement for local governments to engage an independent human resources consultant to assist with the recruitment of a CEO. If a decision is made to outsource the recruitment process, it is imperative that the council maintains a high



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level of involvement in the process and enters into a formal agreement (contract) with the consultant. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process. As with any contractor engagement, the local government must ensure their procurement and tender processes comply with the Act and the procurement policy of the local government.

### **Council's responsibilities**

A human resources consultant cannot undertake the tasks for which the council is solely responsible. An independent consultant cannot and should not be asked to:

- Conduct interviews with short-listed applicants: This should be done by the council (this may involve the establishment of a committee consisting of only council members under section 5.8 of the Act). A council may decide that a human resources consultant undertakes the initial shortlisting of candidates, for example, conducting initial interviews and compiling a short-list of applicants for the council to review. Following shortlisting, a consultant can participate by sitting in on the interviews, providing advice on the recruitment and selection process and writing up the recommendations. The consultant may also arrange the written referee reports of applicants.
- Make the decision about who to recruit: Only the council can make this decision, drawing upon advice from the selection panel.
- Negotiate the terms and conditions of employment: The council should conduct the final negotiations (noting that the consultant should be able to provide advice on remuneration constraints and other terms and conditions).

### **Creating Diversity**

In order to ensure all applicants are given an equal opportunity for success, selection methods need to be consistent and objective. In a structured interview, each applicant should have the opportunity to answer the same primary questions with follow-up questions used to illicit further detail or clarification. ~~Behavioural-based~~ interview questions are objective and gauge the applicants' hard and soft skills, reducing biases in assessment (see examples below).

Basing a selection decision on the results of a number of selection methods can help to reduce procedural shortcomings and ensure the best applicant is chosen. Psychometric, ability and aptitude testing are considered to be valid, reliable and objective. While applicants with extensive experience and reputable education may appear to be more qualified, an objective assessment of each person's ability and personal traits can provide a clearer picture of the applicant.

Where possible, it is recommended that local governments ensure diversity on the selection panel. This may be achieved by ensuring gender, ethnic, age and experiential diversity on the panel. Diversity is also a consideration when selecting an independent person for the selection panel, particularly where there is a lack of diversity on the council. A diverse selection panel will aid in making quality decisions regarding suitable applicants.

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Individuals are often unaware of biases they may have. For this reason, it is helpful for the selection panel to undertake training about unconscious biases. Awareness of unconscious biases assists individuals in preventing those biases from interfering in their decision making. For example, if there are considerable discrepancies in the assessment scores between two panel members, discussion will be required to ensure bias has not influenced these scores. Allowing team members to acknowledge and recognise prejudices is essential to managing those biases. The following biases should be addressed:

- "Similar-to-me" effect - if interviewers share the same characteristics with the applicants or view those characteristics positively, they are more likely to score them highly;
- "Halo" effect – interviewers may let one quality (such as race, gender, looks, accent, experience, etc.) positively or negatively affect the assessment of the applicant's other characteristics.

### **Due Diligence**

It is essential that the local government ensures that the necessary due diligence is undertaken to verify an applicant's qualifications, experience and demonstrated performance. This includes:

- verifying an applicant's qualifications such as university degrees and training courses;
- verifying the applicant's claims (in relation to the applicant's character, details of work experience, skills and performance) by contacting the applicant's referees. Referee reports should be in writing in the form of a written report or recorded and verified by the referee;
- requesting that an applicant obtains a national police clearance as part of the application process; and
- ensuring no conflicts of interests arise by looking to outside interests such as board membership and secondary employment.

A council may wish to contact a person who is not listed as an applicant's referee, such as a previous employer. This may be useful in obtaining further information regarding an applicant's character and work experience, and verifying related claims. The applicant should be advised of this and be able to provide written comments to the council.

A search of a media material and whether an applicant has an online presence may also assist in identifying potential issues. For example, an applicant may have expressed views which are in conflict with the local government's values. This should be made clear in the application information.

To ensure the integrity of the recruitment process, a council must act collectively when performing due diligence.



**Selection**

Once the application period closes, the council, selection panel or consultant assesses each application and identifies a shortlist of applicants to be interviewed.

In shortlisting applicants for the interview phase, the selection panel should consider the transferable skills of applicants and how these would be of value in the role of CEO. The selection panel should not overlook applicants who do not have experience working in the local government sector.

It is important that the assessment process is consistent for all applicants. For example, each applicant being asked the same interview questions which are related to the selection criteria and being provided with the same information and completing the same assessments.

Elected members should declare any previous association with an applicant or any potential conflict of interest at the time of shortlisting if they are part of the selection panel. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence. If the potential conflict of interest is significant or a member's relationship with an applicant may result in claims of nepotism, patronage or bias, the council may need to consider whether to exclude the elected member from the process. The decision should be documented and recorded for future reference.

Selecting an applicant should be based on merit; that is, choosing an applicant that is best suited to the requirements of the position and the needs of the local government. This involves the consideration and assessment of applicants' skills, knowledge, qualifications and experience against the selection criteria required for the role. As part of the selection process, a council may consider it appropriate for each of the preferred candidates to do a presentation to council.

The appointment decision by the council should be based on the assessment of all measures used, including:

- assessment technique(s) used (e.g. interview performance);
- quality of application;
- referee reports;
- verification and sighting of formal qualifications and other claims provided by the applicant; and
- other vetting assessments used (e.g. police checks, integrity checks, etc.).

**Employment contract**

In preparing the CEO's employment contract, the council must ensure the contract includes the necessary provisions required under section 5.39 of the Act and associated regulations, that it meets the requirements set out in relevant employment law and that it is legally binding and valid.

Section 5.39 of the Act provides that a CEO's employment contract must not be for a term exceeding five years. The term of a contract for an acting or temporary position cannot exceed one year.

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Further, the employment contract is of no effect unless it contains:

- the expiry date of the contract;
- the performance review criteria; and
- as prescribed under regulation 18B of the Administration Regulations, the maximum amount of money (or a method of calculating such an amount) to which the CEO is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of:
  - the value of one year's remuneration under the contract; or
  - ~~the~~ the value of the remuneration that the CEO would have been entitled to had the contract not been terminated.

It is recommended that the council seeks independent legal advice to ensure that the contract is lawful and able to be enforced. In particular, advice should be sought if there is any (even slight) doubt as to the meaning of the provisions of the contract.

Councils should be aware that CEO remuneration is determined by the Salaries and Allowances Tribunal and the remuneration package may not fall outside the band applicable to the particular local government.

The CEO's employment contract should clearly outline grounds for termination and the termination process (refer to the termination guidelines in this document for information on the process of termination). The notice periods outlined in the employment contract should be consistent with Australian employment law.

The council of the local government must approve, by absolute majority, the employment contract and the person they appoint as CEO.

### **Appointment**

Following the decision of council to approve an offer to appoint, with the contract negotiations finalised and the preferred applicant accepting the offer of appointment, council is required to make the formal and final appointment of the CEO. The council is required to endorse the appointment and approve the CEO's employment contract by absolute majority. The employment contract must be signed by both parties.

The council should notify both the successful individual and the remaining unsuccessful applicants as soon as possible before publicly announcing the CEO appointment.

The successful applicant should not commence duties with the local government as CEO until the employment contract has been signed.

The unsuccessful applicants (including those not interviewed) should be notified of the outcome of their application. It is recommended that the local government creates a template letter for unsuccessful applicants that can be easily personalised with the applicants' details and sent out quickly.

The council should keep a record of their assessment of the unsuccessful applicant(s) and provide the unsuccessful applicant(s) with the opportunity to receive feedback on their application, or interview performance if they were granted an interview. Should

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an unsuccessful applicant request feedback, it is recommended that a member of the selection panel provides this. If a recruitment consultant is used, they may undertake this task.

### **Confidentiality**

The local government should ensure that all information produced or obtained during the recruitment and selection process is kept confidential. This includes applicants and their personal details, assessment, the selection report and outcome of the process. This ensures privacy requirements are met and maintains the integrity of the process.

### **CEO induction**

Local governments should ensure that they provide the CEO with all of the necessary information on the local government's processes, policies, procedures and systems at the commencement of the CEO's employment.

New CEOs are eligible to participate in the Local Government CEO Support Program which is a joint initiative of the Department and LGPro to provide mentoring and general support to those appointed to the position of CEO in a local government for the first time. The program runs for six to nine months from the time a CEO is appointed and involves the CEO being matched with a mentor that best meets the needs of the CEO.

The program provides the CEO with an opportunity (through meetings and on-going regular communications) to discuss a wide range of issues with their appointed mentor in the strictest confidence. The program is aimed at addressing the individual needs of the CEO. Examples of issues that may be covered include the following:

- Role of the CEO
- Governance
- Strategic and long-term planning
- Legislative framework
- Relationships and dealing with council members
- Risk management
- Resource management
- Managing the business of Council
- Family considerations



## Part 2 – Performance Review

### Principles

The standards regarding CEO performance review are based on the principles of fairness, integrity and impartiality.

#### Performance Review Standard

The minimum standard for performance review will be met if:

- S2.1 Key result areas are specific, relevant, measurable, achievable and time-based.
- S2.2 The key result areas and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
- S2.3 The CEO is informed about how their performance will be managed and the results of their performance assessment.
- S2.4 The collection of evidence regarding key result areas is thorough and comprehensive.
- S2.5 Assessment is made free from bias and based on the CEO's achievement against key result areas and decisions and actions are impartial, transparent and capable of review.
- S2.6 The council has endorsed the performance review assessment by absolute majority.

### Guidelines

Section 5.38 of the Act provides that, for a CEO who is employed for a term of more than one year, the performance of a CEO is to be reviewed formally at least once in every year of their employment.

In addition to this minimum requirement, it is recommended that the council engages in regular discussions with the CEO regarding their performance about key result areas, progress and ways that the CEO can be supported. Any changes to the CEO's performance agreement such as changes to key result areas should also be discussed, and agreed to, between the council and the CEO, as the matter arises.

#### Employment contract and performance agreement

Section 5.39, of the Act requires the employment contract to specify the performance criteria for the purpose of reviewing the CEO's performance. This will include ongoing permanent performance criteria. A local government may wish to have a separate additional document called a "performance agreement" which includes the

performance review criteria in the employment contract, additional criteria (e.g. the performance indicators in relation to specific projects) and how the criteria will be assessed. The performance agreement should be negotiated and agreed upon by the CEO and the council. The performance agreement may also set out the CEO's professional development goals and outline a plan to achieve these goals.

### **Key result areas, performance indicators and goals**

Setting the performance criteria is an important step. As one of the CEO's key responsibilities is to oversee the implementation of council's strategic direction, it is important to align the CEO's performance criteria to the goals contained in the council's Strategic Community Plan and Corporate Business Plan. Accordingly, as these plans are updated, the CEO's performance criteria should be updated to reflect the changes.

In leading the administrative arm of a local government, the CEO is responsible for undertaking core tasks, the achievement of which will contribute to the effectiveness of the council. These tasks are called key result areas. Key result areas should be set for each critical aspect of the CEO's role. It is important that each key result area is measurable and clearly defined. These could be in relation to:

- service delivery targets from the council's Strategic Community Plan;
- budget compliance;
- ~~organisational~~ capability;
- operational and project management;
- financial performance and asset management;
- timeliness and accuracy of information and advice to councillors;
- implementation of council resolutions;
- management of ~~organisational~~ risks;
- leadership (including conduct and ~~behaviour~~) and human resource management; and
- ~~stakeholder~~ management and satisfaction.

Key result areas should focus on the priorities of the council and, if appropriate, could be assigned priority weighting in percentages. The council and CEO should set goals as to the target outcome for future achievement in the key result areas. Goals should be specific, measurable, achievable, relevant and time-based.

Following the determination of the key result areas and goals, the council will need to determine how to measure the outcomes in each key result area. Key performance indicators measure the achievement of the key result areas. It is important to relate performance indicators to the selection criteria used in selecting the CEO. For example, if the CEO has been selected due to their financial experience and ability to improve the local government's finances, indicators regarding improved revenue and reduced expenses are obvious starting points.

Considering the context within which the local government is operating is important. For example, if a significant financial event occurs, such a downturn in the economy, financial performance indicators will likely need to be adjusted. It is important that



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such contextual factors are given weight and that goals are flexible to allow regular adjustment. Adjustments may be initiated by either the CEO or the council.

Councils need to be realistic in terms of their expectations of a CEO's performance and provide appropriate resources and support to facilitate the achievement of performance criteria.

### **Performance review panel**

It is recommended that the council delegates the CEO performance review to a panel (e.g. comprising certain council members and an independent observer). The panel has a duty to gather as much evidence as possible upon which to base their assessments. The role of the review panel includes developing the performance agreement in the first instance, conducting the performance review and reporting on the findings and recommendations of the review to council.

### **Independent consultant**

If a council lacks the resources and expertise to meet the expected standard of performance review, the council should engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement. The local government should ensure that the consultant has experience in performance management and, if possible, experience in local government or dealing with the performance management of senior executives. The consultant should not have any interest in, or relationship with, the council or the CEO.

With guidance from the performance review panel, a consultant can facilitate the following tasks:

- setting performance goals;
- setting key result areas;
- preparing the performance agreement;
- collecting performance evidence;
- writing the performance appraisal report;
- facilitating meetings between the performance review panel;
- assisting with the provision of feedback to the CEO;
- formulating plans to support improvement (if necessary); and
- providing an objective view regarding any performance management-related matters between the concerned parties.

### **Assessing performance**

The process of assessing performance should be agreed to by both parties and documented in the employment contract or performance agreement.

It is essential that CEO performance is measured in an objective manner against the performance criteria alone. It is important that reviews are impartial and not skewed by personal relationships between the review panel and the CEO. Close personal relationships between the panel members and the CEO can be just as problematic as extremely poor relationships.

The council should consider any evidence of CEO performance from two perspectives, namely, current CEO performance and future performance if the CEO's current behaviours continue. Evidence of CEO performance may come from an array of sources, many of which the CEO themselves can and should provide to the council as part of regular reporting. These sources include:

- achievement of key business outcomes;
- interactions with the council and progress that has been made towards implementing the council's strategic vision;
- audit and risk committee reports;
- workforce metrics (e.g. the average time to fill vacancies, retention rate, information about why people leave the organisation and staff absence rate);
- incident reports (e.g. results of occupational health and safety assessments, the number and nature of occupational health and safety incident reports, and the number and nature of staff grievances);
- organisational survey results;
- relationships (e.g. with relevant organisations, stakeholder groups, professional networks and the relevant unions); and
- insights from key stakeholders (this could be done by way of a survey to obtain stakeholder input).

It is important that, in addition to looking at the achievement of KPIs, the council considers the following:

- How the CEO has achieved the outcomes. In particular, whether or not their methods are acceptable and sustainable.
- The extent to which current performance is contingent upon current circumstances. Has the CEO demonstrated skills and behaviours to address and manage changes in circumstances which have affected his or her performance?
- What the CEO has done to ensure the wellbeing of staff and to maintain trust in the local government.

The council should consider the attention the CEO has given to ensuring equal employment opportunity, occupational health and safety, privacy, managing potential conflicts of interest, and complying with procurement process requirements.

### **Addressing performance issues**

Once the CEO's performance has been assessed, it is essential that any areas requiring attention or improvement are identified, discussed with the CEO and a plan is agreed and put in place to address these. The plan should outline the actions to be taken, who is responsible for the actions and an agreed timeframe.

The performance review panel must decide on an appropriate course of action that will address the performance issue. This may include professional development courses, training, counselling, mediation, mentoring or developing new work routines to ensure specific areas are not neglected. The performance review panel should then arrange for regular discussion and ongoing feedback on the identified performance issues, ensuring improvements are being made.

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It is important to keep in mind that a local government falling short of its goals is not always attributable to the CEO. External factors may have resulted in initial performance expectations becoming unrealistic. Failure to meet key result areas does not necessarily mean the CEO has performed poorly and, for this reason, performance and outcome should be considered separately. Where ongoing issues have been identified, the council will need to take a constructive approach and seek to develop the CEO's competency in that area (for example, through an agreed improvement plan).

**Confidentiality**

The council should ensure that accurate and comprehensive records of the performance management process are created. Any information produced should be kept confidential.



## Part 3 – Termination

### Principles

The standards for the termination of a local government CEO (other than for reasons such as voluntary resignation or retirement) are based on the principles of fairness and clarity. Procedural fairness is a principle of common law regarding the proper and fair procedure that should apply when a decision is made that may adversely impact upon a person's rights or interests.

#### Termination Standard

The minimum standard for the early termination of a CEO's contract will be met if:

- S3.1 Decisions are based on the assessment of the local government's requirements (such as the documented key result areas) and the CEO's performance is measured against these.
- S3.2 Performance issues have been identified and the CEO informed. The council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues.
- S3.3 Procedural fairness and the principles of natural justice are applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decision affecting them, and their response is genuinely considered.
- S3.4 Decisions are impartial, transparent and capable of review.
- S3.5 The council of the local government has endorsed the termination by absolute majority.
- S3.6 The required notice of termination (which outlines the reason for termination) is provided in writing.

### Guidelines

#### Reason for termination

The early termination of a CEO's employment may end due to:

- poor performance;
- misconduct; or
- ~~non-performance~~ or repudiation of contract terms.

There is a difference between poor performance and serious misconduct. Poor performance is defined as an employee not meeting the required performance criteria or demonstrating unacceptable conduct and ~~behaviour~~ at work. It includes:

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- not carrying out their work to the required standard or not doing their job at all;
- not following workplace policies, rules or procedures;
- unacceptable conduct and behaviour at work, e.g. speaking to people in a disrespectful manner, not attending required work meetings and telling inappropriate jokes;
- disruptive or negative behaviour at work, e.g. constantly speaking negatively about the organisation;
- not meeting the performance criteria set in the employment contract and/or performance agreement unless these are outside the CEO's control;
- not complying with an agreed plan to address performance issues (a plan for improvement);
- failing to comply with the provisions of the *Local Government Act 1995* and other relevant legislation;
- failing to follow council endorsed policies.

Serious misconduct can include when an employee:

- causes serious and imminent risk to the health and safety of another person or to the reputation or revenue of the local government; or
- behaving unlawfully or corruptly; or
- deliberately behaves in a way that's inconsistent with continuing their employment.

Examples of serious misconduct can include:

- matters arising under section 4(a), (b) and (c) of the *Corruption, Crime and Misconduct Act 2003*;
- theft;
- fraud;
- assault;
- falsification of records;
- being under the influence of drugs or alcohol at work; or
- refusing to carry out appropriate and lawful resolutions of council.

Misconduct is also defined in section 4 of the *Corruption, Crime and Misconduct Act 2003* (WA). Under this Act, misconduct can be either serious or minor and the obligation to notify the Public Sector Commission or the Corruption and Crime Commission is paramount.

Termination on the basis of misconduct is covered by employment law. A local government should take all reasonable steps to consider misconduct allegations including ensuring procedural fairness is applied. It should also seek independent legal, employment or industrial relations advice prior to a termination. A council should seek independent advice generally during the termination process including the relevant employment legislation affecting CEO employment and the application of that legislation in the circumstances. This will ensure that a council complies with employment law during the entire termination process.

To meet the termination standard, the local government is required to endorse the decision to terminate the CEO's employment by way of an absolute majority resolution.



**Opportunity to improve and mediation**

If a CEO is deemed to have been performing poorly, the council must be transparent and inform the CEO of this. It is important that the CEO is given an opportunity to remedy the issues within a reasonable timeframe as agreed between the CEO and the council. The council should clearly outline the areas in need of improvement, and with the CEO's input, determine a plan to help the CEO improve. If a plan for improvement is put in place and the CEO's performance remains poor, then termination may be necessary.

Where the concerns or issues relate to problematic working relationships or dysfunctional behaviour, it is recommended that a council engages an independent accredited mediator to conduct a mediation between the parties. A mediation session may be useful in assisting parties to understand and address issues before the situation escalates to a breakdown in the working relationship (which affects the ability of the CEO to effectively perform his or her duties) and the subsequent termination of the CEO's employment.

**Independent review of termination report**

The council should prepare a termination report which outlines the reasons for termination, the opportunities and assistance provided to the CEO to remedy the issues, and an explanation of the CEO's failure to remedy the issues. It is recommended that the council arranges for the termination report to be reviewed by an independent person (e.g. a person with legal expertise, local government experience or a human resources consultant) to ensure the council has complied with procedural fairness, and provided adequate opportunities and support to the CEO to assist him or her in remedying the issues which form the basis of the termination. In the interests of fairness, the review should take place promptly and before the termination of the CEO's employment.

**Confidentiality**

Local governments should ensure that the termination process is kept confidential. The CEO is to be informed of the grounds for termination and avenues for review of the decision. Notice of termination of employment is required to be given in writing. In addition, where possible, the news of termination of employment should be delivered in person. The CEO should be provided with a letter outlining the reasons for, and date of, the termination of the employment.

Before making any public announcements on the termination of the CEO, a council should ensure that the entire termination process is complete, including that the CEO has been informed in person of the termination.

**Disclaimer**

It is outside the scope of these guidelines to provide legal advice, and local governments should seek their own legal advice where necessary. Guidance as to legal requirements and compliance in relation to the termination of employment is provided by the Fair Work Commission at [www.fwc.gov.au](http://www.fwc.gov.au), the Fair Work



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Ombudsman at [www.fairwork.gov.au](http://www.fairwork.gov.au) and the Western Australian Industrial Relations Commission at [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au).

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## **Part 4 – Monitoring and enforcement**

To ensure that councils are complying with the standards and to address any alleged non-compliance, a process will need to be established to monitor and enforce the standards.

Feedback is sought on potential models and processes for monitoring and enforcement.

One potential model is for the establishment of an independent Local Government Commissioner. This position would provide a quality assurance role over ~~CEO~~ recruitment and selection, performance review and terminations by ensuring that the minimum standards were met.

In relation to performance review, either the ~~CEO~~ or council could approach the Local Government Commissioner who would have the power to order that a third party be involved in the performance management process if the Commissioner deemed it necessary.

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### **CEO standards consultation survey**

As part of the McGowan Government's commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* introduces model standards covering the recruitment and selection, performance review and early termination of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes among local governments.

It is intended that the standards will be mandatory and inform the drafting of regulations. These will be accompanied by guidelines outlining the recommended practice for local governments undertaking these processes.

This survey is intended to provide the Government with feedback regarding the proposed content of the standards and the guidelines.

Thank you for taking the time to complete this survey.

1. Who are you completing this survey on behalf of?
  - a. Yourself
  - b. An organisation, including a local government, peak body, community organisation or a business
2. What is the name of that organisation?
3. What is your name?
4. What best describes your relationship to local government?
  - a. Resident or ratepayer
  - b. Staff member
  - c. Council member (includes Mayor or President)
  - d. Survey responses are provided on behalf of a local government (council endorsed)
  - e. Peak body
  - f. State Government agency
  - g. Community body
  - h. Other (please specify)
5. What best describes your gender?
  - a. Male
  - b. Female
  - c. Other
  - d. Not applicable/the survey responses are provided on behalf of an organisation
6. What is your age?
  - a. Under 18
  - b. 18-24
  - c. 25-34
  - d. 35-44
  - e. 45-54

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- f. 55-64
- g. 65+
- h. Not applicable/the survey responses are provided on behalf of an organisation
- 7. Which local government do you interact with most?
- 8. Do you wish for your response to this survey to be confidential?
  - a. Yes
  - b. No
- 9. What is your email address?
- 10. Have you previously completed a survey or provided a submission regarding the review of the *Local Government Act 1995*?
  - a. Yes
  - b. No
  - c. Unsure
- 11. If no, what were your reasons for not previously providing your views to inform the Local Government Act review?
  - a. I was not aware of the Local Government Act review
  - b. I was not interested in providing my views
  - c. I did not have time to provide my views
  - d. Other (please specify)

#### Recruitment and selection

- 12. How frequently should a council be required to re-advertise the ~~CEO~~ position?
  - a. At the conclusion of the term of the ~~CEO's~~ contract
  - b. Where a person has occupied the ~~CEO~~ position for two (2) consecutive terms
  - c. Where a person has occupied the ~~CEO~~ position for ten (10) consecutive years
  - d. When council determines
  - e. Unsure
  - f. Other (please specify)

- 13. To what extent do you support the following statement?

"A local government should be required to undertake 'blind CV recruitment' (i.e. redacting personal details and any diversity specific information from curriculum vitae) to avoid bias in the early stages of the recruitment process."

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

**It is proposed that a council will be required to appoint a selection panel made up of council members to conduct and facilitate the ~~CEO~~ recruitment and selection process.**



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The selection panel would be responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant.

14. To what extent do you support the following statement?

"The selection panel must include at least one person who is independent of the council to assist the council in selecting the CEO"

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

15. If a council is required to have an independent person on the selection panel to assist them in selecting a CEO, who should the independent person be? (please choose one or more of the following options)

<input type="checkbox"/>	A recruitment/human resources consultant
<input type="checkbox"/>	A community member
<input type="checkbox"/>	A person with experience in local government
<input type="checkbox"/>	A person with experience in appointing senior executives
<input type="checkbox"/>	Unsure
<input type="checkbox"/>	Other (please specify)

16. To what extent do you support the following statement?

"If a council is required to have an independent person on the selection panel to assist them in selecting a CEO, the independent person must not be a current council member or staff member of any local government"

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

17. Should there be any other restrictions on who the independent person on a selection panel should be?

- a. Yes
- b. No
- c. If yes, please specify

### Performance review

The *Local Government Act 1995* currently requires a council to review the performance of the CEO annually.

18. How frequently should a council review the performance of the CEO?

- a. Annually
- b. Twice annually

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- c. Quarterly
- d. Every two years
- e. When council determines a performance review is required

19. To what extent do you support the following statement?

"A local government should be required to establish a performance review panel, which must include at least one person who is independent of the council, to assist the council in assessing the performance of a CEO"

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

20. If a council is required to have an independent person assist them in assessing the performance of a CEO as part of a performance review panel, who should the independent person be? (please choose one or more of the following options)

<input type="checkbox"/>	A recruitment/human resources consultant
<input type="checkbox"/>	A community member
<input type="checkbox"/>	A person with experience in local government
<input type="checkbox"/>	A person with experience in appointing senior executives
<input type="checkbox"/>	Unsure
<input type="checkbox"/>	Other (please specify)

21. Should there be any restrictions on who the independent person should be?

- a. Yes
- b. No
- c. If yes, please specify

### Termination

22. To what extent do you support the following statement:

"The legislation should provide a minimum notice period that the council provides to the CEO if the council terminates the CEO's employment before the expiry date of the employment contract"

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

23. If the legislation required council to provide the CEO with a minimum notice period of the early termination of the CEO's employment, what should the minimum notice period be?

- a. Two (2) weeks
- b. Four (4) weeks
- c. Other (please specify)

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**Monitoring and enforcement**

To ensure that councils are complying with the standards and to address any alleged non-compliance, a process will need to be established to monitor and enforce the standards.

Feedback is sought on potential models and processes for monitoring and enforcement.

24. Who should be responsible for monitoring and enforcing the CEO standards?

- a. Public Sector Commission or other integrity agency
- b. Department of Local Government, Sport and Cultural Industries
- c. Independent office of Local Government Commissioner
- d. Joint Panel consisting of nominees from the WA Local Government Association (WALGA) and the Local Government Professionals WA (LGPro WA)
- e. Local Government Standards Panel (expanded role)
- f. Other (please specify)

25. To what extent do you support the following statement?

"If a Local Government Commissioner were to be established, local governments should be required to pay a levy to fund its establishment and operation"

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

26. What powers should the body responsible for monitoring and enforcing the standards have? (please choose one or more of the following options)

<input type="checkbox"/>	To order a local government to restart a process (recruitment, selection, performance review or termination) or remedy a defect
<input type="checkbox"/>	To order that a third party be involved in the performance review process
<input type="checkbox"/>	To order that a local government engages in mediation or arbitration to resolve a dispute (this could be disputes between council members or between council members and the <u>CEO</u> )
<input type="checkbox"/>	To arbitrate or make a ruling on a matter
<input type="checkbox"/>	To prepare a report on contract termination (for potential referral for industrial relations action)
<input type="checkbox"/>	To provide a report to the Minister for Local Government or the Director General of the Department of Local Government, Sport and Cultural Industries for consideration in relation to powers to suspend, dismiss or order remedial action whether in regards to the entire council or individual council members

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<input type="checkbox"/>	To order that a local government seeks professional advice or assistance from an independent person
<input type="checkbox"/>	Unsure
<input type="checkbox"/>	Other (please specify)

27. To what extent do you support the following statement?

"If the body responsible for monitoring and enforcing the CEO standards directed a local government to undertake mediation or arbitration to resolve a dispute, the costs of the dispute resolution should be borne by the local government."

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

28. To what extent do you support the following statement?

"If a council has not complied with the standard for a particular process, they should be required to recommence the process"

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

29. To what extent do you support the following statement?

"Local governments should be subject to penalties if they do not comply with the CEO standards"

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

30. Do you have any additional comments in relation to the CEO standards?

#### **Guidelines accompanying the CEO standards**

The mandatory CEO standards will be accompanied by guidelines outlining the recommended practice for local governments undertaking the processes of recruitment and selection, performance review and early termination of CEOs.

31. How useful are the proposed guidelines?

Extremely useful	Very useful	Moderately useful	Slightly useful	Not at all useful

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Please specify why:

32. Do you have any suggestions regarding any changes that need to be made to the proposed guidelines or is there anything else you think should be included in the guidelines? (please specify)
33. Do you have any additional comments in relation to the guidelines?

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# Draft Submission

## Standards and Guidelines for CEO Recruitment and Selection, Performance Review and Termination

October 2019

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## About WALGA

The WA Local Government Association (WALGA) is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 138 Western Australian Local Governments. As the united voice of Local Government in Western Australia, WALGA is an independent, membership-based organisation representing and supporting the work and interests of Local Governments in Western Australia. WALGA provides an essential voice for 1,222 Elected Members, approximately 22,000 Local Government employees (16,500 Full Time Equivalent's) as well as over 2.5 million constituents of Local Governments in Western Australia.

## Contacts

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## Background

The *Local Government Legislation Amendment Act 2019* will introduce new requirements in relation to CEO recruitment, performance and termination (Sections 5.39A and 5.39B).

The Department of Local Government, Sport and Cultural Industries have released a draft document – *Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination* – for consultation.

While WALGA and other invited parties participated in a working group to develop the document, the draft was released without WALGA's endorsement and there are a number of concerns with the draft that will be expanded upon in this submission. WALGA appreciates the opportunity afforded to participate in the working group process and to make a submission on the draft document.

The Department of Local Government, Sport and Cultural Industries is seeking feedback on the draft document by 6 December 2019. It is important that Local Governments also make submissions to the Department on this draft document to ensure the sector's views are received.

WALGA is seeking feedback on this draft submission by 25 October 2019. WALGA's submission, which will be updated following sector feedback, will then be included in the December State Council Agenda for consideration at November Zone meetings, before being considered at the 4 December meeting of State Council.



## General Comments – Philosophical Approach

WALGA's fundamental guiding principle is that democratically elected Councils are competent, and should be empowered to undertake their role of governing the Local Government's affairs. This is articulated in WALGA's Strategic Plan, which outlines the vision for Local Government as follows:

*Local Governments will be built on good governance, autonomy, local leadership, democracy, community engagement and diversity.*

WALGA's perspective is that Councils should be empowered to do the job they've been entrusted by the community in democratic elections to do. This includes responsibility for employment of a Chief Executive Officer. Further, WALGA believes that the correct approach is to build the capacity of Councils to undertake this function through the provision of professional services, advice and support, and training.

This is not to downplay the challenges associated with employing and managing a Chief Executive Officer. It is fully acknowledged that this is one of Council's most challenging tasks.

Given Council has only one employee – the Chief Executive Officer – it is crucial that the Council makes an informed decision when employing a CEO, and has the processes in place to effectively manage the performance of the CEO. As Councillors are often community representatives, who may not be experienced or qualified in contemporary human resource management practices, employment, management and performance appraisal of the CEO may be one of the Council's most significant challenges.

The *Local Government Act 1995* requires that performance criteria for the purpose of reviewing the CEO's performance are established. Similarly, development of these performance criteria are crucial for the Council to get right.

For these reasons, WALGA offers an Elected Member training course on CEO Performance Appraisals, and provides Elected Members with significant advice and assistance through the CEO recruitment and performance appraisal cycle.

WALGA also recommends that Councils engage a specialised recruitment consultant to assist Councils manage the recruitment process.

The development of guidelines to assist Councils through the Chief Executive Officer employment cycle is supported in principle. However, WALGA believes the approach should be based on capacity building, guidance and support, and help where necessary; not based on the development of rules that create a compliance regime which may create uncertainty, unnecessary administration and risk for Local Governments and Chief Executive Officers.





## Specific Feedback

WALGA has concerns relating to some specific aspects of the draft document. These concerns are outlined below.

### Re-advertising the Position after 10 Years

It is unclear why there is a need for the position of Chief Executive Officer to be advertised after 10 years as a matter of course.

If the Council and the Chief Executive Officer are satisfied with the employment relationship, then forcing the position to be advertised will be disruptive, time-consuming, expensive, and counter-productive for the Local Government. Further, it will create uncertainty for the CEO who may be forced to look for alternative employment 'just in case'.

In addition, if the performance management process is undertaken correctly and thoroughly, there should not be any need for the position to be advertised after a timeframe specified in regulations.

Lastly, as Chief Executive Officers are on fixed term contracts, Councils already have the opportunity to consider whether to renew the incumbent's contract.

WALGA's view is that this requirement should be removed from the guidelines, and not included in regulations.

### Selection Panel – Independent Person

It is unclear why an independent person should be included on the selection panel that makes recommendations to Council about the employment of a Chief Executive Officer.

Employment of the Chief Executive Officer is a fundamental role of Council. Including others on the selection panel risks creating uncertainty and ambiguity about the employment relationship.

The requirement to have an independent person on the selection panel is also impractical and may cause processes and decisions to become protracted. There is no guarantee that the independent person will have knowledge or experience in recruitment, Local Government processes, or Local Government Act requirements. This requirement could also add an unnecessary and unreasonable cost to the recruitment process, particularly for Councils in remote locations.

WALGA fully supports and encourages Councils to utilise a qualified recruitment consultant to guide Councils through the process of recruiting a CEO, but this person would not be a decision-making member of the selection panel.



### Creating Diversity Section

WALGA contends that this section should be renamed "Sound Decision Making", as this is what this section is primarily about.

It is acknowledged that unconscious biases can be a factor in decision making and building awareness of these biases in the guidelines is supported.

### Independent Review of Termination Report

WALGA acknowledges that decisions and rationale relating to termination need to be documented. The principle that Councils should seek advice from an employee relations or legal advisor when terminating the CEO is acknowledged and supported.

It is not clear that requiring independent review of a termination report adds value. Rather, it will add unnecessary administrative time and risk into the decision making process.

### Feedback on Consultation Questions

WALGA provides the following feedback in response to the consultation survey questions.

#### Recruitment and Selection

*Question 12 – How frequently should a council be required to re-advertise the CEO position?*

Council, as the employer, should determine when the position of CEO is advertised.

*Question 13 – To what extent do you support that Local Governments should be required to undertake 'blind CV recruitment'?*

It is acknowledged that 'blind CV recruitment' could be a useful tool in some circumstances, but it should not be a requirement. In addition, in the Western Australian Local Government sector, blind CV recruitment would be almost practically impossible because the applicant's previous employment experience would mean that they would be identifiable. That is, if an applicant listed "CEO at the Shire of \_\_\_\_\_", their identity could be determined with a very quick internet search.

*Questions 14-17 – Independent Selection Panel Members*

The requirement to have an independent member on the selection panel is not supported.





## Performance Review

### *Question 18 – How frequently should a Council review the performance of the CEO?*

There is no rationale for why the current annual requirement is unsatisfactory. Clearly, a Council may have reasons to formally review the CEO's performance more frequently than the minimum annual requirement, and as such, the Council should have the discretion to do so.

### *Questions 19-21 – Independent Person on Performance Review Panel*

It is unclear how an independent person on a performance review panel would add any value to the process, given an independent person may have limited knowledge about the CEO's recent performance.

In fact, having a person not involved in the employment relationship involved in the performance review process seems to be contrary to a fair and proper performance review process.

WALGA fully supports Councils utilising an experienced and qualified consultant to facilitate the performance review process, but not to contribute to the substance of the performance review.

## Termination

### *Questions 22 and 23 – Termination Notice Periods*

It is noted that notice periods must comply with the National Employment Standards. There needs to be compliance with employment law at a minimum and, as the role of CEO is a senior position, a greater notice period (in the order of three months) is appropriate.

## Monitoring and Enforcement

### *Questions 24-30 – Monitoring and Enforcement*

As outlined in the general comments section above, WALGA's preferred approach is one based on capacity building, advice and support, and training.

A compliance based approach undermines the intent of having guidelines to assist Local Governments in their decision making processes, and may lead to risks and unintended consequences.

The consultation questions seem to imply that costs that result from consequences stemming from breaching the standards would be borne by the Local Government: for example, if the



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process needed to be redone or there was a dispute. Establishment of a compliance and enforcement framework of this nature seems to be unnecessarily putting public money at risk.

WALGA acknowledges that the CEO recruitment process needs to be undertaken properly, and legally, and it is for these reasons that WALGA is advocating for a capacity building approach, with Councils encouraged to engage professional services and advice to ensure the process is undertaken properly.

*Question 25 – To what extent do you support the statement: If a Local Government Commissioner were to be established, local governments should be required to pay a levy to fund its establishment and operation?*

This appears to be a new idea without any supporting information as to the powers, duties and role of a Local Government Commissioner, and is therefore not something that WALGA can support at this stage.

The idea that Local Governments should be levied to fund an apparatus of the State Government is not supported. This would represent a significant cost shift from the State Government to the Local Government sector, for what appears to be a core regulatory role of the Department of Local Government, Sport and Cultural Industries.

### Guidelines

*Questions 31-33 – Utility of the guidelines*

In general, there is useful information in the guidelines that will be of assistance to Councils embarking on a CEO recruitment process. As argued in this submission, WALGA's perspective is that the approach should be based on capacity building, support, advice, and training, and not based on a compliance driven approach.

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11.4 DRAFT LOCAL GOVERNMENT ACT CONSULTATION CONDUCT  
GV10000

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Bellottie

Seconded Cr Cowell

**Council Resolution**

**That Council:**

- 1. Note and endorse the Draft submission by the Western Australian Local Government Association in response to the State Governments proposed Mandatory Code of Conduct for Council Members, Committee Members and Candidates.**

**7/0 CARRIED**

BACKGROUND

The Department of Local Government, Sport and Cultural Industries (the Department) on 24 September 2019 issued for comment the proposed Mandatory Code of Conduct for Council Members, Committee Members and Candidates (The Code). Feedback will help inform the changes proposed the Local Government Act as part of the *Local Government Legislation Amendment Act 2019*. The Code was developed through a working group with key stakeholders including Western Australia Local Government Association, but it would seem additional changes were made without reference to the stakeholders and that the draft does not necessarily reflect the views of those consulted so far. The Shire's comments are due by 6 November 2019.

Western Australia Local Government Association subsequently advised in an email on 25 September 2019 that this document was released without Western Australia Local Government Association's endorsement and it has a number of concerns. In a follow-up email on 4 October 2019, Western Australia Local Government Association provided a draft submission for comment as well as outlining its concerns that include inconsistent references regarding who the Code is applicable to, inappropriate nomenclature and whether Part C of the Code is relevant along with the inclusion of a number of other requirements in Part C not workshopped previously. Western Australia Local Government Association has asked for feedback from local governments by Friday 25 October 2019 so that its submission can be considered at the November Zone meetings and then at Western Australia Local Government Association State Council on 4 December 2019.

COMMENT

It is noted that a submission could be made through either the completion of an online survey or by sending through a written submission.

The use of a survey to provide responses may be suitable for the wider audience in Western Australia, but not where a local government is concerned. Surveys, if not

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constructed properly and applied through an independent mechanism can lead to a constructed outcome.

This may not be the intent, but it does cause some concern. Also, this is a specific issue and not one of a broad nature when the Department was seeking a direction to take regarding the raft of changes proposed to the Local Government Act.

The matter of council member behaviour is too important.

### **Bringing Codes and Rules Together: Uncoupling Codes of Conduct for Council Members and Employees**

The clarification regarding the Chief Executive Officer preparing a separate code of conduct for local government employees with the introduction of the new section 5.51A to the Local Government Act is welcomed.

Up until now, whether a local government has had one code of conduct in place or separate codes of conduct has been dependent on how section 5.103 (1) is interpreted. Under the Local Government Act, the Chief Executive Officer is responsible for all employees and so having a common code of conduct undermines the Chief Executive Officer's authority in this area.

The Chief Executive Officer supports that the Mandatory Code of Conduct applies to election candidates. It is important that candidates exhibit the same behaviour that they will need to have as a council member once elected.

The ability to include additional behaviours into Part B of the Code, providing they are not inconsistent with the Code is also important. Some local governments do this now by way of their current code of conduct or through council policy.

#### **Part A - Principles**

The expanded explanation of the 'General principles that guide the behaviour' currently found under Regulation 3 of the Local Government (Rules of Conduct Regulations 1996) is of benefit. The further clarification provided makes sure there is no doubt the intent of the Regulations in this regard.

However, like all things, consistency in wording is important. Some words can and are interpreted differently by individuals. For example: Part A states "Council members and candidates are expected to adhere to and promote and support the following principles by example." In this case the word expected is the issue.

A person who is committed to the principles will give a much stronger meaning to the word expected as opposed to the person who does not.

The Guidelines then state "The principles outlined in Part A are overarching behaviours that council members, committee members and candidates must take into consideration in their role as public representatives." In other words, the words: expected, should and must are not the same as they have different meanings.

#### **Part B - Behaviours**

##### **1. Application**

The Chief Executive Officer supports Western Australia Local Government Association's comments that seeking an explanation from the Department as to why neither Part B nor Part C includes a reference to committee members or candidates

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Also, the term council employee should be replaced with either local government employee or local government officer. The Council is a different legal entity to that of a local government which only has one employee, the Chief Executive Officer.

#### II. New Complaints Provision

The introduction of a complaints provision is important. This is certainly consistent with what some other states in Australia have introduced regarding a council being able to “deal” with its own.

The notion of education as a constructive approach through effectively using a performance improvement plan (action plan) to help address breaches of the Code of Conduct is positive. However, there are occasions when this approach is ineffective.

Further discussion is certainly required by the sector regarding the processes and consequences associated with managing behavioural breach allegations.

#### III. Complaint Management

Under the Guidelines section it says that local governments are to have a policy in place. The Guidelines also outline sources for developing a policy and what should be in the policy regarding a complaints process.

In terms of the possible actions in Attachment 1 to the Department’s model code, the use of training, mediation, counselling and an apology does work in many instances. However, sometimes these are not enough re very strong personalities or repeat offenders.

Perhaps the criterion that might allow a Council by resolution the ability to refer the matter to the Standards Panel (similar to what the Chief Executive Officer can do at present) should be removed from Part C and placed here.

Referring a matter to the Standards Panel though may be subject to verification by the Standards Administrative Tribunal. Also, some consideration should be given as to whether a matter should be referred by Council to the Minister for a determination.

Referring the matter to the Minister would imply, in terms of consistency with other provisions of the Act, the Minister’s decision is final.

Also, clarification regarding what happens when a council member is charged with an offence that, if convicted, will disqualify them from being a council member may need to be included by way of explanation as this is a ministerial intervention under the Act.

#### **Part C – Rules of Conduct**

The value of Part C is for information only. To this extent, it should be removed from the Model Code and be made available as a separate reference tool.

However, it could be included as an attachment to the Code to explain certain criteria. That being said, the inconsistencies and corrections identified by Western Australia Local Government Association should be addressed before such a step is taken.

Also, if the new matters regarding repeat offences, threatening behaviour towards an employee and disclosure of personal information are agreed to, they should be listed in Part B.



## MINUTES OF THE ORDINARY COUNCIL MEETING

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### LEGAL IMPLICATIONS

There are no Known policy implications relative to this report

### POLICY IMPLICATIONS

There are no Known policy implications relative to this report

### FINANCIAL IMPLICATIONS

There are no known financial implications relative to this report

### STRATEGIC IMPLICATIONS

There are no known Strategic implications relative to this report

### RISK MANAGEMENT

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

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

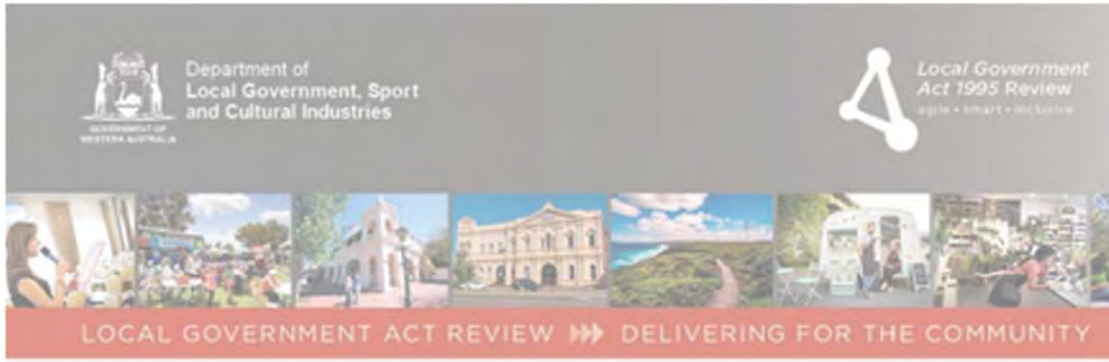
Chief Executive Officer

*P Anderson*

Date of Report

18 October 2019

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## **Mandatory Code of Conduct for Council Members, Committee Members and Candidates**

**Draft for Consultation**

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## Preface

As part of the McGowan Government's commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* introduces a mandatory code of conduct for council members, committee members and candidates. These reforms are intended to ensure that standards of behaviour are consistent between local governments and address community expectations.

This document outlines the proposed Code which will inform the drafting of regulations. This is contained in the grey boxes. The accompanying guidelines provide clarification and guidance in relation to compliance and enforcement of the Code and would be available on the Department's website.

The proposed Code and guidelines have been developed by the Department of Local Government, Sport and Cultural Industries in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LG Pro). The Department gratefully acknowledges the participation of these representatives.

The Department notes that the content of the Code does not necessarily reflect the views or policies of the organisations or individuals that have been consulted.

Feedback is sought on the proposed Code and guidelines and associated matters.

A survey is available at [www.dlgsc.wa.gov.au/lqareview](http://www.dlgsc.wa.gov.au/lqareview) or you can provide your feedback to [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au) by 22 November 2019.



## Mandatory Code of Conduct

### Preamble

The purpose of this Code of Conduct (Code) is to guide the decisions, actions and behaviours of council members, committee members and candidates running for election.

As an elected representative, council members govern the affairs and are responsible for the performance of their local government. To do this, council members must demonstrate professional and ethical behaviour to build and strengthen trust in their communities.

A person who has nominated to be a council member is also required to demonstrate professional and ethical behaviour during the election campaign.

In addition to carrying out the duties outlined in the *Local Government Act 1995*, council members and committee members must comply with the provisions in this Code of Conduct in carrying out their functions as public officials. It is the responsibility of council members, committee members and candidates to ensure that they are familiar with, and comply with, this Code at all times.

### Guidelines

The Local Government Act requires that local governments adopt the Code within three months of the amendments taking effect. Until the Code is adopted, the model Code applies.

While local governments are not able to amend Part A or Part C, additional behaviours can be included in Part B that are not inconsistent with the Code.

In considering additional behaviours, the council may give consideration to behaviours that are not currently represented in the Code that it considers are important. This may include introducing a dress standard for members or use of technology, for example.

To adopt the Code, a resolution passed by an absolute majority is required. Once the Code is adopted, it must be published on the local government's official website.

## Part A – Principles

Council members and candidates are expected to adhere to and promote and support the following principles by example. Adhering to these principles will ensure that council members and candidates can comply with the behaviours outlined in Part B or conduct as outlined in Part C. All behaviour should be considered against these principles, whether or not it is covered specifically in Part B or Part C.

### Personal integrity

- 1.1 Act with care and diligence and participate in decision making in an honest, fair, impartial and timely manner, considering all relevant information.
- 1.2 Act with honesty, integrity and uphold the concept of natural justice.

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- 1.3 Identify, declare and appropriately manage any conflicts of interest in the public interest and the interests of the Council including not accepting gifts that may give the appearance of a conflict of interest or an attempt to corruptly influence behaviour.
- 1.4 Uphold the law, and, on all occasions, act in accordance with the trust placed in council members.
- 1.5 Avoid damage to the reputation of the local government.
- 1.6 Not be impaired by mind affecting substances while performing official duties.

### **Relationships with others**

- 1.7 Treat others with respect, courtesy and fairness.
- 1.8 Maintain and contribute to a harmonious, safe and productive work environment for all.
- 1.9 Respect and value diversity in the workplace and in the community.

### **Accountability**

- 1.10 Base decisions on relevant and factually correct information and make decisions on merit and in accordance with statutory obligations and good governance.
- 1.11 Be open and accountable to the public, represent all constituents and make decisions in the public interest.

## **Guidelines**

The principles outlined in Part A are overarching behaviours that council members, committee members and candidates must take into consideration in their role as public representatives, or potential public representatives.

All council members, committee members and candidates must familiarise themselves with the Code and Guidelines and any relevant policies the local governments have in place.

Council members are generally very active in their communities which may lead to conflicts of interests. To comply with this Code, those conflicts, or perceived conflicts, need to be managed appropriately. While a member may be confident of the integrity of their actions, how the relationship and actions may appear to others must be thought through.

There are many situations that council members, committee members and candidates might find themselves in that could lead to a breach of the Code. Members should seek further guidance and advice on specific situations whenever necessary.

## Part B – Behaviour

Part B sets out the standards of behaviour which enable and empower council members to meet the principles outlined in Part A. Behaviour is expected to be managed at the local level by the local government, so Part B also deals with how complaints are to be managed.

Failure to comply with this Part may give rise to a complaint against a council member's conduct, followed by a subsequent investigation and possible corrective action by the local government. The emphasis should be on an educative role to establish sound working relationships and avoid repeated breaches, rather than punishment.

### Personal integrity

- 2.1 Act in line with the principles outlined in this Code when performing official duties.
- 2.2 Attend and participate constructively in council meetings, briefings, relevant workshops and training opportunities.
- 2.3 Respect and comply with all council policies, procedures and resolutions.
- 2.4 Ensure professional behaviour is not compromised by the use of alcohol or drugs.
- 2.5 Use all forms of media, including social media, in a way that complies with this Code.

### Relationships with others

- 2.6 Treat other council members, council employees and members of the public with courtesy, respect, honesty and fairness.
- 2.7 Do not bully or harass council staff, other council members or members of the public in any form, including social media.
- 2.8 Deal with the media in a positive, informative and appropriate manner in accordance with the Local Government Act 1995 and relevant local government policies.
- 2.9 While acting as a council member, do not:
  - i. use offensive or pejorative language in reference to another council member, council employee or member of the public; or
  - ii. disparage the character of any council member or employee, or impute dishonest or unethical motives to them in the performance of their duties.
- 2.10 When attending a council or committee meeting, do not:
  - i. behave in an abusive or threatening manner towards another council member or other person attending the meeting;
  - ii. make statements that the person knows, or could be reasonably expected to know, that are false or misleading; or
  - iii. repeatedly disrupt the meeting.
- 2.11 When attending a council or committee meeting:
  - i. comply with the local law that relates to conduct of people at council or committee meetings;



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- ii. promptly comply with any direction given by the presiding member at that meeting; and
- iii. ~~immediately~~ cease any conduct that has been ruled out of order by the presiding member in accordance with the local government's local law.

**2.12** Direct all requests for work or actions by council staff to the CEO or the CEO's nominated delegate.

### **Accountability**

**2.13** Make decisions honestly and impartially, considering all available information, legislation, policies and procedures.

**2.14** Take responsibility for decisions and actions.

**2.15** Abide by the decisions of council and publicly support the decisions even if of an alternative view.

**2.16** Adhere to the principles in the:

- i. Occupational Safety and Health Act 1984 (WA);
- ii. Equal Opportunity Act 1984 (WA);
- iii. Racial Discrimination Act 1975 (Cth); and
- iv. Sex Discrimination Act 1984 (Cth).

### **Complaint management**

**2.17** Any person may make a complaint about a council member under this Part within three months of the alleged breach occurring.

**2.18** A breach of this part does not include a matter:

- i. that is resolved by the Presiding Member during a meeting, or
- ii. ~~where~~ a council member complies with a request for remedial action in accordance with the relevant local law.

**2.19** Complaints about an alleged breach should be made to the Mayor or President or the CEO of the local government or nominated delegate.

**2.20** Complaints about an alleged breach by the Mayor or President should be made to the Deputy Mayor or President or a nominated delegate.

**2.21** A complaint may be handled or managed in any manner that council deems appropriate for handling an alleged breach of this section. This includes investigation or dismissal of the complaint. This must be laid out in a council endorsed policy.

**2.22** A complaint may be dismissed as trivial, vexatious or frivolous and accordingly not investigated.

### **Findings**

**2.23** Following an investigation in accordance with rule 2.21, the Council may, by resolution, make a finding of breach or no breach.

**2.24** In accordance with rule 2.23, if a breach is found, the Council may, by resolution:

- i. take no action, or
- ii. ~~prepare~~ an action plan, developed in conjunction with the council member, to address future behaviour.



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- 2.25 An action plan may include the requirement for the council member to undertake training, mediation or counselling or any other actions deemed appropriate by the Council.
- 2.26 The Council to which the member is elected, may decide, via resolution, to make an allegation of a rule of conduct breach under Part C:
- i. after the third finding of a breach of this Part by the same council member, or
  - ii. where the council member fails to comply with the action plan in accordance with sub-rule 2.24(ii).
- 2.27 A matter under sub-rule 2.26(i) cannot be alleged as a Part C breach unless an action plan has been developed in accordance with sub-rule 2.24(ii) for the previous two breaches.
- 2.28 Written notification of the outcome of an alleged breach under this section must be given to the council member and complainant.
- 2.29 A written record must be kept of all complaints made under this Part and how they were dealt with.

## Guidelines

Local governments are responsible for taking action against alleged breaches under Part B.

Local governments are to have a policy on how complaints are going to be handled or managed.

Australian/New Zealand Standards for complaints resolution AS/NZs 10002:2018 provides a tool and framework to assist local governments with developing a policy.

Whether or not local governments choose to adopt the Standard is optional, however, the policy must provide a clear outline of the steps that will be taken once a complaint is submitted. The complaint process must also uphold the principles of natural justice.

There are a number of resources for effective complaints handling available on the Ombudsman WA's website [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)

In developing a policy, the following key matters should be considered.

### The complaints process

- The role of the council in the process.
- The extent to which independent persons are involved and their role in the process (complaint lodgement, investigation, findings). Local governments may decide to establish a regional or shared committee to deal with these complaints, for example.
- What types of remedial action are appropriate.
- The form of the action plan.

### Process for making a complaint

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- The process for a person to make a complaint needs to be clearly outlined in the policy, including whether complaints are required to be in a specific form.
- Complaints should be submitted in writing, with consideration given to a variety of methods, including email, letter or fax.
- The policy should also outline how the complaint is lodged, whether this is via a specific code of conduct complaint email address or a letter addressed to the Mayor or President (or alternative).
- The process should be simple and not act as a barrier to the raising of concerns about elected member behaviour.

#### **Acknowledgement of the complaint**

- The policy should include that complaints will be acknowledged and the timeframe for this.
- Complaints should be acknowledged in a timely manner. As part of the acknowledgement process, consideration may be given to providing information on how the complaint will be progressed. This may include providing the complainant with a copy of the complaint handling policy.

#### **Responsiveness**

- The policy should outline whether complaints are going to be addressed based on seriousness or impact of the allegation or on order of submission.
- Inclusion of an expected timeframe for the matter to be reviewed is also encouraged.

#### **Action**

- Complaints must be dealt with in an equitable, objective, timely and unbiased manner. The principle of natural justice should be applied.
- The policy needs to outline who will make the initial assessment of the complaint. This includes who will make the determination that the complaint is trivial, vexatious or frivolous or worthy of further investigation.
- The policy also needs to address the process for the investigation including:
  - giving adequate opportunity for a right of reply from both parties
  - if a breach is found, what are the actions that could be imposed by council.
- Attachment 1 provides further guidance on possible actions for breaches found against Part B.

#### **Action plans**

- Action plans are designed to provide council members with the opportunity to remedy their behaviour.
- The measures to stop the behaviour from continuing are not intended to be a punishment, rather a mechanism to prevent the behaviour from reoccurring.
- The Code requires that the action plan is prepared in conjunction with the relevant council member. This is designed to provide the council member with

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the opportunity to be involved in matters such as the timing of meetings or training.

- While Council is required to give the council members the opportunity, not all council members will actively participate in the process.

**What happens if agreement cannot be reached**

- Circumstances may arise when a Council cannot agree on the outcome of an investigation, or whether an investigation is required to an alleged breach.
- In these situations, Council may decide to engage an independent person to:
  - review the complaint
  - investigate the complaint, or
  - make recommendations on appropriate actions
- The policy should address who will be engaged as an independent person. Local governments may consider sharing the services of an independent person.



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## Attachment 1 – possible actions for Part B breaches

Personal integrity		Possible actions
2.1	Act in line with the principles outlined in this Code when performing official duties.	Training
2.2	Attend and participate constructively in council meetings, briefings, relevant workshops and training opportunities.	Training Mediation
2.3	Respect and comply with all council policies, procedures and resolutions.	Training
2.4	Ensure professional behaviour is not compromised by the use of alcohol or drugs.	Counselling
2.5	Use all forms of media, including social media, in a way that complies with this Code.	Training
Relationships with others		
2.6	Treat other council members, council employees and members of the public with courtesy, respect, honesty and fairness.	Training Mediation Apology
2.7	Do not bully or harass council staff, other council members or members of the public in any form, including social media	Training Mediation Apology
2.8	Deal with the media in a positive, informative and appropriate manner in accordance with the <i>Local Government Act 1995</i> and relevant local government policies.	Training
2.9	While acting as a council member, do not: i. use offensive or pejorative language in reference to another council member, council employee or member of the public; or ii. <del>disparage</del> disparage the character of any council member or impute dishonest or unethical motives to them in the performance of their duties.	Training Mediation Counselling Apology
2.10	When attending a council or committee meeting, do not: i. behave in an abusive or threatening manner towards another council member or other person attending the meeting; ii. make statements that the person knows, or could be reasonably expected to know, that are false or misleading; or	Training Mediation Counselling Apology

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	iii. <u>repeatedly</u> disrupt the meeting.	
<b>2.11</b>	When attending a council or committee meeting: i. comply with the local law that relates to conduct of people at council or committee meetings; ii. promptly comply with any direction given by the presiding member at that meeting; and iii. <u>immediately</u> cease any conduct that has been ruled out of order by the presiding member in accordance with the local government's local law.	Training Mediation Counselling
<b>2.12</b>	Direct all requests for work or actions by council staff to the CEO or the CEO's nominated delegate.	Training
<b>Accountability</b>		
<b>2.13</b>	Make decisions honestly and impartially, considering all available information, legislation, policies and procedures.	Training
<b>2.14</b>	Take responsibility for decisions and actions.	Training Counselling
<b>2.15</b>	Abide by the decisions of council and publicly support the decisions even if of an alternative view.	Training
<b>2.16</b>	Adhere to the principles in the: i. <i>Occupational Safety and Health Act 1984 (WA)</i> ; ii. <i>Equal Opportunity Act 1984 (WA)</i> ; iii. <i>Racial Discrimination Act 1975 (Cth)</i> ; and iv. <i>Sex Discrimination Act 1984 (Cth)</i> .	Training Mediation

## Part C – Rules of Conduct

Rules of conduct breaches are matters that:

- negatively affect the honest or impartial performance of a council member;
- involve a breach of trust placed in the council member; or
- involve the misuse of information or material.

Alleged breaches of this part can be referred to the Local Government Standards Panel (Standards Panel) in accordance with the *Local Government Act 1995* (the Act). A breach of this Part is a "minor breach". In the event the Standards Panel makes a finding of breach against a council member, sanctions will be imposed in accordance with the Part 5 Division 9 of the Act.

Nothing in this part removes the obligations placed upon council members and employees (including the CEO) of the local government under the *Corruption, Crime and Misconduct Act 2003*.

### Guidelines

A breach of Part C is considered by the Standards Panel in accordance with the Act. The Standards Panel, which was established in 2007, has the authority to make binding decisions to resolve allegations of minor misconduct. The Standards Panel is independent of the Minister for Local Government and the department.

The process for complaints under Part C is outlined in the Act. Complaints in the first instance are directed to the complaints officer at the local government. The Act provides that the complaints officer is the CEO or another officer with delegated responsibility.

As the Panel does not have investigative powers, findings and decisions are made on the basis of the information it receives. To assist with understanding each Part C rule of conduct, the elements are outlined alongside each. For a finding of breach, the Standards Panel needs to be satisfied that it is more likely than not, (on the balance of probabilities) that a breach of each element has occurred.

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## Personal Integrity

<b>Misuse of local government resources</b>	<b>Elements of Rule of Conduct</b>
<p>a. <u>resource</u> is defined to mean tangible and intangible assets, services or other means of supporting the functions of local government, which are owned or paid for by the local government from public money.</p> <p>b. A person who is a council member must not either directly or indirectly use the resources of a local government —</p> <p>i. for the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the <i>Electoral Act 1907</i> or the <i>Commonwealth Electoral Act 1918</i>; or</p> <p>ii. for any purpose other than fulfilling the legal obligations and duties of the council member's office,</p> <p><u>unless</u> authorised under the Act, by the council or the CEO to use the resources for that purpose.</p>	<p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p> <p>(b) the council member directly or indirectly used;</p> <p>(c) resources that belonged to the local government;</p> <p>(d) for the identified electoral purpose or any other purpose other than in their legal role as a council member;</p> <p>(e) <u>without</u> such purpose being authorised under the Act, by the council or the local government's CEO.</p>

<b>Securing personal advantage or disadvantaging others</b>	<b>Elements of Rule of Conduct</b>
<p>c. A person who is a council member must not make improper use of the person's office as a council member —</p> <p>i. to gain directly or indirectly an advantage for the person or any other person; or</p>	<p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p> <p>(b) by engaging in the conduct, the person the subject of the complaint made use of the office of a council member (in</p>

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<p>ii. <u>to</u> cause detriment to the local government or any other person.</p> <p>d. Rule 3.3 does not apply to conduct that contravenes section 5.93 of the Act or <i>The Criminal Code</i> section 83.</p>	<p>the sense that he or she acted in their capacity as a council member, rather than in some other capacity);</p> <p>(c) when viewed objectively, such use was an improper use of the person's office as council member in that it:</p> <ul style="list-style-type: none"> <li>i. involved a breach of the standards of conduct that would be expected of a person in the position of a council member by reasonable persons with knowledge of the duties, powers and authority of the councillor and the circumstances of the case (by for example, an abuse of power or the doing of an act which the councillor knows or ought to have known that he or she had no authority to do); and</li> <li>ii. was so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty; and</li> </ul> <p>(d) the person engaged in the conduct in the belief that:</p> <ul style="list-style-type: none"> <li>i. <i>[in the case of rule 3.3(i)]</i> an advantage (pecuniary or otherwise) would be gained directly or indirectly for the person or any other person; <u>or</u></li> <li>ii. <i>[in the case of rule 3.3(ii)]</i> detriment (pecuniary or otherwise) would be suffered by the local government or another person;</li> </ul> <p>(e) It is irrelevant whether advantage was actually gained or detriment suffered;</p> <p>(f) The conduct does not fall under section 5.93 of the Act: improper use of information (which would be a serious breach), or section 83 of the Criminal Code (which would be a crime).</p>
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<b>Repeated breaches of Part B</b>	<b>Elements of Rule of Conduct</b>
<p>e. A breach of Part B of the Code of Conduct is a minor breach if:</p> <ul style="list-style-type: none"> <li>i. it occurs after the council member has been found to have committed 3 or more other breaches of Part B; or</li> <li>ii. the council member fails to comply with the action plan developed after a finding of inappropriate behaviour under Part B;</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>iii. the Council to which the member is elected, decides, via resolution, to make an allegation of a rule of conduct breach under this Part.</li> </ul>	<ul style="list-style-type: none"> <li>(a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Standards Panel makes its determination;</li> <li>(b) the council has passed a resolution referring the matter to the Standards Panel;</li> <li>(c) in the case of (i) – <ul style="list-style-type: none"> <li>i. the person has been found to have breached Part B of the code of conduct on at least three occasions;</li> <li>ii. the behaviour the subject of this complaint occurred after a finding of inappropriate behaviour;</li> <li>iii. the person has engaged in behaviour that is a breach of Part B of the code of conduct;</li> <li>iv. an action plan is in place; or</li> </ul> </li> <li>(d) In the case of (ii) – <ul style="list-style-type: none"> <li>i. there was an action plan in place;</li> <li>ii. the action plan resulted from a previous finding of a breach of Part B;</li> <li>iii. the person has not complied with the action plan.</li> </ul> </li> </ul>

## Relationships with employees

<b>Prohibition against involvement in administration</b>	<b>Elements of Rule of Conduct</b>
<p>3.7 A person who is a council member must not undertake a task that contributes to the administration of the local government unless authorised by the CEO to undertake that task.</p>	<ul style="list-style-type: none"> <li>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</li> <li>(b) the council member took on or was involved or participated in the performance, attempted performance, or part-performance, of a function or responsibility which under the</li> </ul>

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3.8 Rule 3.7 does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.	<p>Act or by delegation it is for the local government's CEO to perform or direct; and</p> <p>(c) such taking on, involvement or participation:</p> <ul style="list-style-type: none"> <li>i. contributed (for example, played a part in achieving) something; and</li> <li>ii. did not occur as anything the council member did as part of the deliberations at a council or committee meeting (which may include something the member did as part of their preparation for any such deliberation); and</li> </ul> <p>(d) <del>the</del> the local government's CEO did not authorise such taking on, involvement or participation.</p>
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<b>Relations with local government employees</b>	<b>Elements of Rule of Conduct</b>
<p>3.9 In this rule —</p> <p><u>employee</u> means a person as defined in section 5.36 of the Act and any person contracted to provide a service to the local government.</p> <p>3.10 A person who is a council member or candidate must not —</p> <ul style="list-style-type: none"> <li>i. direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or</li> <li>ii. attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee; or</li> </ul>	<p><b>Rule 3.10(i)</b></p> <ul style="list-style-type: none"> <li>(a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Panel makes its determination;</li> <li>(b) the council member or candidate gave or tried or made an effort to give a direction or an order or command;</li> <li>(c) to another person, who is an employee of the relevant local government;</li> <li>(d) to do or not to do something in the other person's capacity as a local government employee; and</li> <li>(e) <del>the</del> the direction or attempted direction was not part of anything that the person did as part of the deliberations at a council or committee meeting (which may include something he or she did as part of their preparation for any such deliberation).</li> </ul>

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<p>iii. <u>behave</u> in an abusive or threatening manner towards any local government employee.</p> <p>3.11 Rule 3.10(i) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.</p> <p>3.12 If a person, in their capacity as a council member, is attending a council meeting, committee meeting or other organised event, other than at a meeting or part of a meeting that is closed to the public, the person must not, either orally, in writing or by any other means —</p> <ul style="list-style-type: none"> <li>i. make a statement that a local government employee is incompetent or dishonest; or</li> <li>ii. <u>use</u> offensive or objectionable expressions in reference to a local government employee.</li> </ul> <p>3.13 Rule 3.12(i) does not apply to conduct that is unlawful under <i>The Criminal Code</i> Chapter XXXV.</p>	<p><b>Rule 3.10(ii)</b></p> <ul style="list-style-type: none"> <li>(a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Panel makes its determination;</li> <li>(b) a council member or candidate tried or made an effort to affect, sway or produce an effect on;</li> <li>(c) the conduct of another person, who is an employee of the relevant local government, in that person's capacity as a local government employee; and</li> <li>(d) the council member or candidate's effort to affect, sway or produce an effect was carried out by means of — <ul style="list-style-type: none"> <li>(i) a threat by the person (for example, the council member's declaration of an intention to inflict punishment, pain or loss on, or to take any action detrimental or unpleasant to, the employee — or on someone, or to something, that the employee cares about — in retaliation for, or conditionally upon, some action or course), or</li> <li>(ii) a promise or undertaking by the person to give the employee something having a value, or to do or not do something where the act or omission concerned has some value or advantage for or to the employee.</li> </ul> </li> </ul> <p><b>Rule 3.10(iii)</b></p> <ul style="list-style-type: none"> <li>(a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Panel makes its determination;</li> <li>(b) the person behaved in a manner which was: <ul style="list-style-type: none"> <li>(i) abusive (for example, the council member uses insulting, disparaging belittling or derogatory language about or to the employee); or</li> </ul> </li> </ul>
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	<p>(ii) threatening (for example, the council member's declaration of an intention to inflict punishment, pain or loss on, or to take any action detrimental or unpleasant to, the employee — or on someone, or to something, that the employee cares about — in retaliation for, or conditionally upon, some action or course);</p> <p>(c) <u>the</u> behaviour is directed towards a local government employee.</p> <p><b>Rule 3.12(i)</b></p> <p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p> <p>(b) the council member attended a council meeting, committee meeting or other organised event in their capacity as a council member;</p> <p>(c) the council member either verbally, in writing or by some other means, made a statement (for example, a communication or declaration in speech or writing setting forth facts, particulars; etc.); and</p> <p>(d) <u>viewed</u> objectively, the council member's statement (or a sufficiently clear inference from the words used) was that an employee of the council member's local government was incompetent or dishonest.</p> <p>(e) Chapter XXXV of <i>The Criminal Code</i> does not apply.</p> <p><b>Rule 3.12(ii)</b></p> <p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p>
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	<p>(b) the council member attended a council meeting, committee meeting or other organised event in their capacity as a council member;</p> <p>(b) the council member either verbally, in writing or by some other means, used an expression (for example, any word, phrase or form of speech) which it is more likely than not that a member or members of the public present heard or otherwise became aware of;</p> <p>(c) the expression was an offensive or objectionable expression (for example, an expression that is likely to cause offence or displeasure and is insulting); and</p> <p>(d) the expression was an offensive or objectionable expression in reference to an identified employee of the council member's local government.</p>
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## Accountability

Unauthorised disclosure of information	Elements of Rule of Conduct
<p>3.14 In this rule —</p> <p><b>closed meeting</b> means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;</p> <p><b>confidential document</b> means a document, or that part of a document, marked by the CEO or a nominated delegate to clearly show that the information is not to be disclosed;</p>	<p><b>Rule 3.15(i)</b></p> <p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p> <p>(b) the council member disclosed information to someone who at the time was not also a council member of the same local government; and</p> <p>(c) the disclosed information was information the disclosing council member derived from a document that was marked by the relevant local government's CEO, or at the CEO's direction, to clearly show that the information in the document was not to be disclosed; and</p>

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<p><u>non-confidential document</u> means a document that is not a confidential document or is not marked confidential.</p> <p>3.15 A person who is a council member must not disclose —</p> <ul style="list-style-type: none"> <li>i. information that the council member derived from a confidential document; or</li> <li>ii. information that the council member acquired at a closed meeting other than information derived from a non-confidential document; or</li> <li>iii. <u>personal</u> information as defined in the <i>Freedom of Information Act 1992</i>.</li> </ul> <p>3.16 Sub-rule (3.15) does not prevent a person who is a council member from disclosing information —</p> <ul style="list-style-type: none"> <li>i. at a closed meeting; or</li> <li>ii. to the extent specified by the council and subject to such other conditions as the council determines; or</li> <li>iii. that is already in the public domain; or</li> <li>iv. to an officer of the Department; or</li> <li>v. to the Minister; or</li> <li>vi. to a legal practitioner for the purpose of obtaining legal advice; or</li> <li>vii. <u>if</u> the disclosure is required or permitted by law.</li> </ul>	<p>(d) <u>the</u> disclosed information was not information already in the public domain (for example, it was not generally available to all persons) at the time of the disclosure by the disclosing council member, and the disclosure did not occur in any of the ways identified in rule 3.16.</p> <p><b>Rule 3.15(ii)</b></p> <ul style="list-style-type: none"> <li>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</li> <li>(b) a council member disclosed information to someone who at the time was not also a council member of the same local government; and</li> <li>(c) the disclosed information was information the disclosing council member acquired at a council or committee meeting, or a part of a council or committee meeting, that was closed to members of the public under section 5.23(2) of the Act; and</li> <li>(d) the disclosing council member did not derive the disclosed information from a non-confidential document (that is, a document that was <i>not</i> marked by the local government's CEO, or at the CEO's direction, to clearly show that the information in it was not to be disclosed); and</li> <li>(e) <u>the</u> disclosed information was not information already in the public domain (for example, it was not generally available to all persons) at the time of the disclosure by the disclosing council member, and the disclosure did not occur in any of the ways identified in rule 3.16.</li> </ul>
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	<p><b>Rule 3.15(iii)</b></p> <ul style="list-style-type: none"><li>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</li><li>(b) the council member disclosed information to someone who at the time was not also a council member of the same local government; and</li><li>(c) the disclosed information was personal information as defined in the <i>Freedom of Information Act 1992</i> (for example, name, date of birth, address, or a reference to an identification number or other identifying particular such as a fingerprint or body sample).</li><li>(d) <del>the</del> disclosed information was not information already in the public domain (for example, it was not generally available to all persons) at the time of the disclosure by the disclosing council member, and the disclosure did not occur in any of the ways identified in rule 3.16.</li></ul> <p><i>Freedom of Information Act 1992</i> defines personal information as:</p> <p>information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead —</p> <ul style="list-style-type: none"><li>(a) whose identity is apparent or can reasonably be ascertained from the information or opinion; or</li><li>(b) <del>who</del> can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample.</li></ul>
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Disclosure of interest	Elements of Rule of Conduct
<p>3.17 In this rule —  <i>interest</i> means a material interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest.</p> <p>3.18 A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest —</p> <ol style="list-style-type: none"> <li>in a written notice given to the CEO before the meeting; or</li> <li>at the meeting immediately before the matter is discussed.</li> </ol> <p>3.19 Rule 3.18 does not apply to an interest referred to in section 5.60 of the Act.</p> <p>3.20 Rule 3.18 does not apply if —</p> <ol style="list-style-type: none"> <li>a person who is a council member fails to disclose an interest because the person did not know he or she had an interest in the matter; or</li> <li>a person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.</li> </ol> <p>3.21 If, under sub-rule (3.18)(i), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then —</p>	<ol style="list-style-type: none"> <li>the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</li> <li>subject to rule 3.19, the person had a private or personal interest in a matter that is more likely than not a conflict of interest or a bias (apparent or real) that does adversely affect, or might adversely affect the council member's impartiality in considering the matter, and includes an interest arising from kinship, friendship, membership of an association, or another circumstance;</li> <li>the member attended the council or committee meeting concerned and was present when the matter under consideration came before the meeting and was discussed;</li> <li>the member did not disclose the nature of the relevant interest in the matter in either of the two ways required by Rule 3.18(i) or 3.18(ii);</li> <li>Rule 3.20 does not apply.</li> </ol>

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<p>i. before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and</p> <p>ii. <del>at</del> the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.</p> <p>3.22 If —</p> <p>i. under sub-rule (3.18)(ii) or (3.20)(ii) a person's interest in a matter is disclosed at a meeting; or</p> <p>ii. under sub-rule (3.21)(ii) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,</p> <p><del>the</del> the nature of the interest is to be recorded in the minutes of the meeting.</p>	
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## **Code of Conduct survey**

As part of the McGowan Government's commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* introduces a mandatory code of conduct (Code) for all council members, committee members and candidates in local government elections.

These reforms are intended to ensure that standards of behaviour are consistent between local governments and address community expectations.

The proposed Code will inform the drafting of regulations. This will be accompanied by guidelines that provides clarification and guidance in relation to compliance and enforcement with the Code.

This survey is intended to provide the Government with feedback regarding the proposed the content of the Code.

Thank you for taking the time to complete this survey.

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1. Who are you completing this survey on behalf of?
  - a. Yourself
  - b. An organisation, including a local government, peak body, community organisation or a business
2. What is the name of that organisation?
3. What is your name?
4. What best describes your relationship to local government?
  - a. Resident or ratepayer
  - b. Staff member
  - c. Council member (includes Mayor or President)
  - d. Survey responses are provided on behalf of a local government (council endorsed)
  - e. Peak body
  - f. State Government agency
  - g. Community body
  - h. Other (please specify)
5. What best describes your gender?
  - a. Male
  - b. Female
  - c. Other
  - d. Not applicable/the survey responses are provided on behalf of an organisation
6. What is your age?
  - a. Under 18
  - b. 18-24
  - c. 25-34
  - d. 35-44
  - e. 45-54
  - f. 55-64
  - g. 65+
  - h. Not applicable/the survey responses are provided on behalf of an organisation
7. Which local government do you interact with most?

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8. Do you wish for your response to this survey to be confidential?
- Yes
  - No
9. What is your email address?
10. Have you previously completed a survey or provided a submission regarding the review of the *Local Government Act 1995*?
- Yes
  - No
  - Unsure
11. If no, what were your reasons for not previously providing your views to inform the Local Government Act review?
- I was not aware of the Local Government Act review
  - I was not interested in providing my views
  - I did not have time to provide my views
  - Other (please specify)

## Part A - Principles

Council members, committee members and candidates are expected to adhere to and promote and support the following principles by example.

Adhering to these principles will ensure that council members and candidates can comply with the behaviours outlined in Part B or conduct as outlined in Part C. all behaviour should be considered against these principles, whether or not it is covered specifically in Part B or Part C.

12. Please indicate your support of the following *Personal Integrity Principles*

- 1.1 Act with care and diligence and participate in decision making in an honest, fair, impartial and timely manner, considering all relevant information.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.2 Act with honesty, integrity and uphold the concept of natural justice.

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Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.3 Identify, declare and appropriately manage any conflicts of interest in the public interest and interests of the Council including not accepting gifts that may give the appearance of a conflict of interest or an attempt to corruptly influence behaviour.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.4 Uphold the law, and, on all occasions, act in accordance with the trust placed in council members.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.5 Avoid damage to the reputation of the local government.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.6 Not be impaired by mind effecting substances while performing official duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these principles?

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13. Please indicate your support of the following *Relationships With Others Principles*

1.7 Treat others with respect, courtesy and fairness.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.8 Maintain and contribute to a harmonious, safe and productive work environment for all.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.9 Respect and value diversity in the workplace and in the community.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these principles?

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14. Please indicate your support of the following *Accountability Principles*

1.10 Base decisions on relevant and factually correct information and make decisions on merit and in accordance with statutory obligations and good governance.

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Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.11 Be open and accountable to the public, represent all constituents and make decisions in the public.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these principles?

--

15. Should any additional principles be incorporated in Part A?

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### Part B – Behaviour

Part B sets out the standards of behaviour which enable and empower council members to meet the principles outlined in Part A. Behaviour is expected to be managed at the local level by the local government, so Part B also deals with how complaints are to be managed.

Failure to comply with this Part may give rise to a complaint against a council member's conduct, followed by a subsequent investigation and possible corrective action by the local government. The emphasis should be on an educative role to establish sound working relationships and avoid repeated breaches, rather than punishment.

16. Please indicate your support for the following *Personal Integrity Behaviours*.

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## 2.1 Act in line with the principles outlined in this Code when performing official duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

## 2.2 Attend and participate constructively in council meetings, briefings, relevant workshops and training opportunities.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

## 2.3 Respect and comply with all council policies, procedures and resolutions.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

## 2.4 Ensure professional behaviour is not compromised by the use of alcohol or drugs.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

## 2.5 Use all forms of media, including social media, in a way that complies with this Code.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these behaviours?

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17. Please indicate your support for the following *Relationships with Others Behaviours*.

2.6 Treat other council members, council employees and members of the public with courtesy, respect, honesty and fairness.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.7 Do not bully or harass council staff, other council members or members of the public in any form, including social media.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.8 Deal with the media in a positive, informative and appropriate manner in accordance with the Local Government Act 1995 and relevant local government policies.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.9 While acting as a council member, do not:

- (i) Use offensive or pejorative language in reference to another council member, council employee or member of the public; or
- (ii) Disparage the character of any council member or council employee or impute dishonest or unethical motives to them in the performance of their duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.10 When attending a council or committee meeting, do not:

- (i) Behave in an abusive or threatening manner towards another council member or other person attending the meeting;

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(ii) Make statements that the person knows, or could be reasonably expected to know, that are false or misleading;

Or

(iii) Repeatedly disrupt the meeting

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.11 When attending a council or committee meeting:

(i) Comply with the local law that relates to conduct of people at council or committee meetings;

(ii) Promptly comply with any direction given by the presiding member at that meeting; and

(iii) Immediately cease any conduct that has been ruled out of order by the presiding member in accordance with the local government's local law.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.12 Direct all requests for work or actions by council staff to the CEO or the CEO's nominated delegate.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these behaviours?

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18. Please indicate your support for the following **Accountability Behaviours**.

2.13 Make decisions honestly and impartially, considering all available information, legislation, policies and procedures.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.14 Take responsibility for decisions and actions.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.15 Abide by the decisions of council and publicly support the decisions even if of an alternative view.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.16 Adhere to the principles in the:

- (i) *Occupational Safety and Health Act 1984(WA)*;
- (ii) *Equal Opportunity Act 1984(WA)*;
- (iii) *Racial Discrimination Act 1975(Cth)*; and
- (iv) *Sex Discrimination Act 1984 (Cth)*.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these behaviours?

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19. Should any additional behaviours be incorporated in Part B?

20. Part B of the Code includes a complaint management process. Should this part include a time period in which complaints must be lodged after the alleged breach occurred?

- ☐ No time period
- ☐ 1 month
- ☐ 3 months
- ☐ 6 months
- ☐ Other (please specify)

21. Who is the best person for Part B complaints to be directed to?

- ☐ Mayor or President
- ☐ Deputy Mayor or President
- ☐ Presiding member
- ☐ Chief Executive Officer
- ☐ Nominated local government employee

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- o Other (please specify)

22. What actions are appropriate for councils to impose if a Part B breach is found?

- o Apology
- o Training
- o Mediation
- o Counselling
- o Other (please specify)

23. Do you have any suggestions for specific actions that could be incorporated into the guidelines?

24. Should recurrent breaches of behaviour be referred to the Local Government Standards Panel?

- o Yes
- o No

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Please provide a reason(s) for your answer

25. Should Council be required to develop an action plan and give the council member an opportunity to resolve their behaviour before a third complaint is referred to the Standards Panel under Part C?

- ☐ Yes
- ☐ No
- ☐ Other (please specify)

26. How beneficial would it be for local governments to engage an independent person to assist with the review of complaints?

- ☐ Extremely useful
- ☐ Very useful
- ☐ Somewhat useful
- ☐ Not so useful
- ☐ Not at all useful
- ☐ Other (please specify)

27. What should happen if a council cannot agree on an investigation or course of action following an alleged breach of Part B?

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## MINUTES OF THE ORDINARY COUNCIL MEETING

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- An independent person should be engaged to conduct a review
- The complaint should be dismissed
- The Mayor or President makes the decision
- The CEO makes the decision
- Other (please specify)

### Part C – Rules of Conduct

**Rules of conduct breaches are matters that:**

- **Negatively affect the honest or impartial performance of a council member;**
- **Involve a breach of trust placed in the council member; or**
- **Involve the misuse of information or material.**

**Alleged breaches of this part can be referred to the Local Government Standards Panel (Standards Panel) in accordance with the *Local Government Act 1995* (the Act). A breach of this Part is a “minor breach”.**

36. Do you have any comments or feedback on Part C?

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## Guidelines

Guidelines have been prepared to accompany the Code the Conduct. The guidelines are intended to provide clarification and guidance in relation to complain and enforcement.

37. Are the guidelines a useful tool to accompany the Code?

- ☐ Extremely useful
- ☐ Very useful
- ☐ Somewhat useful
- ☐ Not so useful
- ☐ Not at all useful

Please specify why

38. Do you have any suggestions for additional inclusions in the guidelines?



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# Draft Submission

## Mandatory Code of Conduct for Council Members, Committee Members and Candidates

October 2019

30 OCTOBER 2019



## About WALGA

The WA Local Government Association (WALGA) is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 138 Western Australian Local Governments. As the united voice of Local Government in Western Australia, WALGA is an independent, membership-based organisation representing and supporting the work and interests of Local Governments in Western Australia. WALGA provides an essential voice for 1,222 Elected Members, approximately 22,000 Local Government employees (16,500 Full Time Equivalent's) as well as over 2.5 million constituents of Local Governments in Western Australia.

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## Background

The *Local Government Legislation Amendment Act 2019* will introduce new requirements in relation to Mandatory Codes of Conduct for Council Members, Committee Members and Candidates for Local Government Elections (Part 5, Division 9 as amended by the *Local Government Legislation Amendment Act 2019*).

The Department of Local Government, Sport and Cultural Industries have released a draft document – *Mandatory Code of Conduct for Council Members, Committee Members and Candidates* – for consultation.

While WALGA and other invited parties participated in a working group to develop the document, the draft was released without WALGA's endorsement and there are a number of concerns with the draft that will be expanded upon in this submission. WALGA appreciates the opportunity afforded to participate in the working group process and to make a submission on the draft document.

The Department of Local Government, Sport and Cultural Industries is seeking feedback on the draft document by 6 December 2019. It is important that Local Governments also make submissions to the Department on this draft document to ensure the sector's views are received.

WALGA is seeking feedback on this draft submission by 25 October 2019. WALGA's submission, which will be updated following sector feedback, will then be included in the December State Council Agenda for consideration at November Zone meetings, before being considered at the 4 December meeting of State Council.





## General Comments - Councillor Conduct

WALGA has long led its Member Local Government's advocacy for high standards of behaviour by those who are democratically elected to represent the people within their district, and personal responsibility for the consequences when there is a lack of it.

WALGA commenced lobbying for official conduct legislation in 2002, to enable action to be taken against individuals rather than an entire Council. The Sector held the view that Council dismissals, such as occurred at the City of Cockburn (2000), City of South Perth (2002) and City of Joondalup (2005) could possibly have been averted if powers were available to deal with individual Elected Member's behaviour.

The Sector's advocacy for official conduct legislation correlated with a shared frustration that Codes of Conduct, a compulsory requirement of Section 5.103(3) of the *Local Government Act 1995* ('the Act') were unenforceable when behaviours departed from expressed standards. This was due to the absence at that time of a disciplinary framework in the Act to deal with misbehaviour and misconduct by individual council members.

WALGA conducted extensive consultation with the Sector over a number of years, leading to promulgation of the *Local Government (Official Conduct) Amendment Act 2007*, amending the Act to introduce minor, serious and recurrent breach allegation complaint processes, and the commencement in October 2007 of the *Local Government (Rules of Conduct) Regulations* ('the Regulations').

More recently, the Act was amended to introduce powers enabling the Minister for Local Government to suspend or dismiss individual council members failing in their duties or behaving in an egregious manner if "...seriousness or duration of that failure or conduct make it inappropriate for the council member to remain a member of the council."<sup>1</sup> The amendments contained in the *Local Government (Suspension and Dismissal) Act 2018* commenced in November 2018.

The Rules of Conduct Regulations were reviewed in 2010 and 2016. WALGA acknowledges past amendments improving operational efficiency e.g. Standards Panel may refuse to deal with frivolous, trivial, vexatious etc. allegations,<sup>2</sup> and recent amendments that extend confidentiality provisions<sup>3</sup> and providing the Standards Panel with discretion to refer parties to participate in mediation.<sup>4</sup>

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<sup>1</sup> *Local Government Amendment (Suspension and Dismissal) Bill 2018* Explanatory Memorandum at Page 1.

<sup>2</sup> Section 3.110(3A) of 2016

<sup>3</sup> Section 3.123 of 2019

<sup>4</sup> Section 3.110(3B) of 2019



## Bringing Codes and Rules Together; Uncoupling Codes of Conduct for Council Members and Employees

The Mandatory Code of Conduct will be a departure from the present legislative form that separates Codes of Conduct and the Rules of Conduct Regulations.

It will also depart from the present requirement to adopt one Code of Conduct that is to be observed by council members, committee members and employees.

The new section 5.51A, to commence at another time, will require the CEO to prepare and implement a Code of Conduct to be observed only by employees, aligning with the Sector's view that all matters relating to employees be separated from Council involvement and be contemplated within the CEO's functions under Section 5.41(g) of the Act.<sup>5</sup>

An additional significance is that the Mandatory Code of Conduct will apply to Local Government election candidates in the same way it applies to council members, and an alleged breach of the Code of Conduct by a candidate can only be referred to the Local Government Standards Panel if elected.<sup>6</sup>

This aligns with the Sector's advocacy that a Code of Conduct should apply to candidates<sup>7</sup> and the proposal that any inappropriate behaviour during the election cycle should result in the successful candidate being held accountable under the Rules of Conduct Regulations.<sup>8</sup>

The Department's Draft for Consultation provides further guidance<sup>9</sup> on the new Code:

- *The Act requires that local governments adopt the Code within three months of the amendments taking effect. Until the Code is adopted, the model Code applies.*
- *While local governments are not able to amend Part A or Part C, additional behaviours can be included in Part B that are not inconsistent with the Code.*
- *In considering additional behaviours, the council may give consideration to behaviours that are not currently represented in the Code that it considers are important. This may include introducing a dress standard for members or use of technology, for example.*
- *To adopt the Code, a resolution passed by an absolute majority is required. Once the Code is adopted, it must be published on the local government's official website.*

<sup>5</sup> 'be responsible for the employment, management supervision, direction and dismissal of other employees'

<sup>6</sup> Local Government Legislation Amendment Bill 2019 Explanatory Memorandum at Page 2.

<sup>7</sup> WALGA State Council Minutes Review of 2011 Local Government Elections' Ref. Resolution 24.2/2012

<sup>8</sup> WALGA State Council Minutes 'Review of 2013 Local Government Elections' Ref. Resolution 44.2/2014

<sup>9</sup> See 'Guidelines' at Page 3





## Specific Feedback

The following pages provide a commentary on the Draft for Consultation document ('the Draft') released by the Department of Local Government, Sport and Cultural Industries. The Draft refers to a 'Mandatory' Code of Conduct whereas amendments to the Local Government Act refer to a 'Model' Code of Conduct. This paper will use the term 'Model' throughout the following commentary.

### Construction of the Model Code

Codes and Rules will be brought together under Section 5.103(2) as amended by the Local Government Legislation Amendment Act 2019:

- (2) *The model code of conduct must include -*
- (a) general principles to guide behaviour;*
  - (b) requirements relating to behaviour; and*
  - (c) the rules of conduct.*

The Draft informs that the Model Code of Conduct is to be constructed in three Parts:

- Part A – Principles [Section 5.103(2)(a)]
- Part B – Behaviours [Section 5.103(2)(b)]
- Part C – Rules of Conduct [Section 5.103(2)(c)]

Local Governments will not be able to amend Parts A and C, but additional behavioural content may be included in Part B that is not inconsistent with the Model Code.

### Part A - Principles

The Preamble to the Model states that 'the purpose of this Code is to guide the decisions, actions and behaviours of council members, committee members and candidates.'

Part A sets out the Principles to be contained in the new Model Code under the headings 'Personal Integrity', 'Relationships with others' and 'Accountability'. This expands upon the 'General principles that guide the behaviour of council members' currently found under Regulation 3 of the *Local Government (Rules of Conduct) Regulations* and are intended to support Part B – Behaviours, and Part C – Rules of Conduct.



## Part B - Behaviours

### I. Application

It is noted that neither Part B nor Part C of the Model apply to the behaviours of committee members or candidates. No information is provided to clarify why only council members are subject to Parts B and C nor any rationale for the exclusion of committee members and candidates from behavioural standards and Rules of Conduct, particularly noting Section 5.103(3)(b), as amended, states:

*(3) The model code of conduct may include provisions about how the following are to be dealt with –*

*(b) alleged breaches of the rules of conduct by committee members*

The Minister for Local Government, Hon. David Templeman, when introducing the *Local Government Legislation Amendment Bill 2019* to Parliament in the Second Reading Speech, specified the application of the Code to candidates, in an effort to improve behaviour during an election period, stating:

*"Alleged breaches of the rules of conduct during the election campaign will be progressed when the candidate is elected."*<sup>10</sup>

WALGA recommends seeking comment from the Department of Local Government, Sport and Cultural Industries on the intended application of Part B – behavioural standards, and Part C – Rules of Conduct to committee members and candidates.

### II. New Complaints Provision

Section 5.103(3)(a) will introduce the discretion for the Model Code of Conduct to deal with alleged breaches of requirements relating to behaviour. This is a significant amendment as the *Local Government Act 1995* has not previously mandated a complaints process relating to behavioural content of a Code of Conduct, but nor has it imposed any restriction.

Under the Model Code, an alleged breach of a Rule of Conduct will continue to be referred to the Local Government Standards Panel. Part B, Rule 2.17 of the Model sets out that Local Governments will be required to deal with allegations made by 'any person' of a behavioural breach.

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<sup>10</sup> Extract from Hansard, Legislative Assembly, March 2019 at p1310d to 1312a





Some Local Governments have incorporated in their current Code of Conduct a process for dealing with a behavioural breach that permits 'any person' to make a complaint; the majority of Local Governments have not.

The City of Joondalup<sup>11</sup> and City of South Perth<sup>12</sup> are examples of Local Governments that exercised discretion under general competence powers to incorporate a complaints process in their adopted Code of Conduct. No information is currently available on the frequency or management of complaints of a behavioural breach under current Codes of Conduct.

WALGA seeks comment from Members experienced in dealing with breach allegations relating to their current Code of Conduct to assist with building perspective on processes and consequences associated with managing behavioural breach allegations.

### III. Complaint Management

Rules 2.17 to 2.22 set out the Complaint Management standards, with Rule 2.21 requiring development of a Council-endorsed policy to guide the process. The associated Guidelines provide additional information on tools and resources to assist with policy development, complaints management and resolution. Attachment 1 provides a matrix of possible actions where there is finding of a behavioural breach.

WALGA seeks comment on the proposed Complaint Management process.

### IV. 'Rules'

Throughout Part B, the numbered provisions are referred to as 'Rules'. This has the potential to create confusion with the already-established terminology familiar to the Sector of 'Rules of Conduct', which form Part C.

WALGA recommends a separate nomenclature for numbered provisions in Part B (i.e. 'Item' or 'Clause') to avoid any potential for confusion between Part B and Part C, particularly when breach allegations arise.

<sup>11</sup> 'City of Joondalup Code of Conduct for Employees, Elected Members and Committee Members' at Page 21

<sup>12</sup> 'City of South Perth Code of Conduct' at Page 9



### Part C – Rules of Conduct

As previously discussed, Part C of the Model Code only references council members.

It is noted there are numerous, self-evident typographical errors throughout Part C (i.e. inconsistent referencing and numbering) and it is presumed the Department is aware and will remedy where necessary.

The Rules of Conduct replicate for the most part, the existing provisions from the current Rules of Conduct Regulations. The Model Code adds commentary by including 'Elements of Rule of Conduct'. It is not known whether these Elements will have any influence on the deliberations of the Local Government Standards Panel in the event of a breach allegation under Part C.

WALGA seeks comment on whether the 'Elements of Rule of Conduct' content adds value or assists council members to understand their responsibility to observe Rules of Conduct.

### Misuse of Local Government Resources - Regulation 8 of the current Local Government (Rules of Conduct) Regulations

The Model Code creates a definition of the term 'resource' which does not appear in the current Rules of Conduct:

*'resource is defined to mean tangible and intangible assets, services or other means of supporting the functions of local government, which are owned or paid for by the local government from public money'*

It is not stated why there is a need to define 'resource' specifically, the potential impact this definition may have upon determining a breach allegation<sup>13</sup> or whether the common dictionary definition is known to be ineffective - 'a stock or supply of money, materials, staff, and other assets that can be drawn on by a person or organization in order to function effectively.'<sup>14</sup>

### Securing Personal Advantage of Disadvantaging Others – Regulation 7 of the current Local Government (Rules of Conduct) Regulations

The Model Code is consistent with the current Regulations.

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<sup>13</sup> Section 6 of the Interpretation Act 1984 (WA) applies – 'Definitions in a written law, application of'

<sup>14</sup> Oxford English Dictionary





### Repeated Breaches of Part B – Not currently Regulated

This new provision will provide an accountability measure where a council member continually breaches the behavioural requirements of Part B of the Model Code and appears to have no value to have merit.

Item (iii) of this Rule will require thoughtful consideration, as it requires the Council to make a determination by resolution before a council member, who is found to have committed three or more breaches under Part B, can be referred to the Local Government Standards Panel:

*'(and) iii. the Council to which the member is elected, decides, via resolution, to make an allegation of a rule of conduct breach under this Part.'*

WALGA notes that this new provision did not appear in early drafts of the Model Code and therefore was not considered at the Working Group convened by the Department of Local Government, Sport and Cultural Industries.

### Prohibition against Involvement in Administration – Regulation 9 of the current Local Government (Rules of Conduct) Regulations

The Model Code is consistent with the current Regulations.

### Relations with Local Government Employees - Regulation 10 of the current Local Government (Rules of Conduct) Regulations

The Model Code creates a definition of the term 'employee' which does not appear in the current Rules of Conduct. This definition references Section 5.36 of the Act, whereas the Act defines 'employee' under Section 1.4.

The Model Code proposes to add a further prohibition under Item (iii) that does not currently appear in the Rules of Conduct:

*'behave in an abusive or threatening manner towards any local government employee'*

### Unauthorised Disclosure of Information - Regulation 6 of the current Local Government (Rules of Conduct) Regulations

The Model Code proposes to add a further prohibition under Item (iii) that does not currently appear in the Rules of Conduct:

*'personal information as defined in the Freedom of Information Act 1992'*

The remainder of the Model Code is consistent with the current Regulations.



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### Disclosure of Interest - Regulation 11 of the current Local Government (Rules of Conduct) Regulations

The Model Code amends the definition of the term 'interest'. It currently reads:

*'interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association'*

It is amended to read:

*'interest means a material interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest'*

It is unclear why it is proposed to amend this definition, given that the terms 'kinship, friendship or membership of an association' provide useful reference points that presently help council members to understand their responsibility to declare this type of interest.

### Contravention of certain Local Laws - Regulation 4 of the current Local Government (Rules of Conduct) Regulations

This provision is now included in Part B of the Model Code at 2.10 and 2.11.

WALGA seeks comment on the proposed Part C Model Code provisions.



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- 11.5 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION DRAFT CLIMATE CHANGE IN WESTERN AUSTRALIA ISSUES PAPER  
EM00014

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Nil

Moved            Cr Fenny  
Seconded       Cr Cowell

**Council Resolution**

**That Council:**

**Note and endorse the Draft submission by the Western Australian Local Government Association in response to the State Governments Climate Change Issues Paper.**

**5/2 CARRIED**

BACKGROUND

The State Government has released its Climate Change Issues Paper and is seeking public comment to inform the development of Western Australia's new State Climate Change Policy, due for release in 2020.

In response, Western Australian Local Government Association has released a [draft submission](#) on the Issues Paper and is calling for sector feedback by **Close of Business Wednesday, 30 October**. Following feedback, the draft submission will be finalised for consideration by Western Australian Local Government Association State Council at its December meeting.

The submission is in accordance with the Western Australian Local Government Association [Climate Change Policy Statement](#) and draws on Western Australian Local Government Association's previous climate change related submissions.

Western Australian Local Government Association is seeking sector feedback on the draft submission by Wednesday, **30 October at 5:00pm**. Please provide your comments to [environment@walga.asn.au](mailto:environment@walga.asn.au).

The Issues Paper is available on the Department of Water and Environmental Regulation [website](#) (attached) and is open for comment until Friday, **29 November**. Western Australian Local Government Association also encourages Local Governments to submit their own submissions directly to the Department.

COMMENT

The council can consider the response by Western Australian Local Government Association on behalf of Local Government and endorse the draft submission and/or consider its own amendments to the submission.

The issue the council and the industry needs to be cognisant of is any possible cost shifting or increase in costs to achieve any future objectives or legislative controls the

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State or federal Governments may introduce. In the event any increase in costs are not funded by the government the council would need to meet these targets through a review of services or increased rate revenues.

The Shire of Shark Bay has undertaken the following initiatives to reduce its impact within its own operations and as part of its advocacy in regard to this issue.

Any new plant purchases include the assessment for reduced carbon emissions with two fleet vehicles currently being hybrid (petrol/electric).

The installation of solar power systems on the majority of its larger buildings in 2012 which included the following, World Discovery centre, Shire Depot, Recreation Centre, Child Care Centre, 4 council houses, The Town hall and the Community Resource Centre.

Advocating for a new power station which has the capacity to enable more residents to install solar power systems. A new power station is now planned to be commenced in 2021, and is proposed to include a significant solar array and the technology to enable individuals to install solar power systems.

The installation of the Recyclable Bring program which is reducing the impact of waste to landfill. This program would be enhanced by funding/subsidies for the transportation of recyclable products to processing centres.

The Infrastructure construction programmes utilising recyclable materials such as the reuse of jetty timbers for the foreshore works and adventure park.

In recognition that increasing sea levels will intensify coastal hazards such as coastal inundation (temporary coastal flooding) storm erosions and long term shoreline recession the undertaking of the Denham Townsite Coastal Hazard Risk Management and Adaptation Plan in 2019/2020.

There has also been a substantial body of work undertaken by scientific organisations in regard to the impact of climate change is and is projected to have on the World Heritage assets and status in Shark Bay.

The council can advocate in regard to any actions that are agreed to be undertaken in regard to these matters.

LEGAL IMPLICATIONS

There are no known policy implications relative to this report

POLICY IMPLICATIONS

There are no known policy implications relative to this report

FINANCIAL IMPLICATIONS

There are no known financial implications relative to this report

STRATEGIC IMPLICATIONS

There are no known Strategic implications relative to this report

RISK MANAGEMENT

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

MINUTES OF THE ORDINARY COUNCIL MEETING

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VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

*P Anderson*

Date of Report

10 October 2019

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# Climate Change in WA Issues Paper

## Draft Submission



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## 1.0 About us

The Western Australian Local Government Association (WALGA) is the peak industry body for Local Government in Western Australia. WALGA is an independent, membership-based organisation representing and supporting the work and interests of 138 Local Governments in Western Australia.

WALGA provides an essential voice for approximately 1,222 Elected Members and approximately 22,000 Local Government employees as well as over 2.5 million constituents of Local Governments in Western Australia. WALGA also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

## 2.0 WALGA's comments

WALGA thanks the Department of Water and Environmental Regulation for the opportunity to provide input in response to the *Climate Change in Western Australia Issues Paper* (the Issues Paper) as part of the Government's development of the State Climate Change Policy.

This submission is made in accordance with the [WALGA Climate Change Policy Statement](#) (2018). It also draws upon and should be read alongside WALGA's previous climate change related submissions, including the [WALGA Climate Health WA Inquiry submission](#) (Interim), the Inquiry on the Current and Future Impacts of Climate Change on Housing, Buildings and Infrastructure submission [\[hyperlink\]](#), the [Environmental Protection Authority's proposed greenhouse gas emission guidance submission](#) and the [Climate Change Authority's advice on meeting Australia's Paris Agreement Commitment submission](#).

[This submission has been subject to extensive consultation with the Local Government Sector and has been endorsed by WALGA State Council.]

## 3.0 Climate change and Local Government

Climate change is a key issue for Local Governments that has implications across almost all aspects of their operations and responsibilities. In Western Australia, Local Governments have been the most proactive level of government on climate change, actively pursuing a range of emissions reduction and adaptation actions, including ambitious corporate and community-wide energy efficiency, renewable energy and emissions reductions strategies, along with programs and policies to encourage residents to reduce their carbon footprint.

The importance with which the Local Government Sector regards the threat posed by climate change and need for strong action is recognised in the [WALGA Climate Change Policy Statement](#) (the Climate Change Statement), endorsed by State Council in July 2018. The Climate Change Statement was the result of extensive consultation across the Local Government Sector, and represents the consolidated position of Western Australian Local Governments:



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**Local Government acknowledges:**

- I. The science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause.
- II. Climate change threatens human societies and the Earth's ecosystems.
- III. Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.
- IV. A failure to adequately address this climate change emergency places an unacceptable burden on future generations.

**Local Government is committed to addressing climate change.**

**Local Government is calling for:**

- I. Strong climate change action, leadership and coordination at all levels of government.
- II. Effective and adequately funded Commonwealth and State Government climate change policies and programs.

*WALGA Climate Change Policy Statement (2018), p3.*

Along with the above headline statements the Climate Change Policy Statement specifies the mitigation, adaptation, emergency management and resilience actions the sector views as priorities. Key areas outlined in the Statement in relation to the State Government and the Environmental Protection Authority are:

1. **Accelerated action and fast tracked reform to remove regulatory barriers and facilitate the transition to a low carbon, energy efficient economy**  
Local Governments are already active in renewable energy and energy efficiency projects, but State level regulations continue to hamper Local Governments from undertaking or supporting a range of high impact cost-effective energy efficiency and renewable energy projects, including LED street lighting retrofits, large scale renewable energy projects and community energy projects.
2. **A State level emissions reduction target and/or renewable energy target**  
WALGA acknowledges that the Western Australian Government has recently joined other States in setting a science-based emissions reduction target of net zero emissions by 2050. This announcement is welcomed ([WALGA media release](#) refers). It is essential that the development of a State-wide climate change policy charts an achievable and credible emissions reduction pathway for the State to meet the target.
3. **Planning for climate proof communities (including funding for innovative climate change projects)**  
WALGA considers it is essential that all levels of Government work in partnership to build healthy, resilient communities by ensuring that climate change considerations (both mitigation and adaptation) are embedded in Government programs, policies and regulations. A key aspect of this is a State planning regime that adequately incorporates climate change in planning policies, along with related environmental issues such as urban forestry, biodiversity, water security and emergency management.





#### 4. Comprehensive, effective adaptation planning

It is recognised that there planning around coastal adaptation is currently occurring, but effective planning needs to take in comprehensive identification of, and response to, the effects of climate change. It also needs to identify and incorporate other effects of climate change such as heat waves and other extreme weather events, bush fire planning and water management.

#### 5. Role of the EPA in emissions reduction

The Climate Change Statement calls for a stronger regulatory role for the EPA in assessing and recommending conditions to mitigate the greenhouse gas emissions associated with major projects within the Environment Impact Assessment process. WALGA recently made a [submission](#) to the EPA in support of its proposed greenhouse gas guidance.

### 4.0 Comments in response to 'Key Areas' in the Issues Paper

#### 4.1 Transforming energy generation

- What are the main challenges for decarbonising Western Australia's electricity supply while ensuring adequate generation capacity, security and reliability?
- What are the most effective ways to overcome these challenges by 2030?
- Should the electricity sector make a pro-rata (or greater) contribution to Australia's national greenhouse gas emission targets?
- How fast do you think the transition of the electricity sector should occur?

For Local Governments, the challenges to participating in the decarbonising of energy generation are predominantly regulatory in nature. This is acknowledged in the Climate Change Statement, with Local Governments calling on the State Government to accelerate action and remove barriers to facilitate the transition to a low carbon, energy efficient economy.

WALGA supports the objectives of the Government's *Energy Transformation Strategy* of:

- Maintaining a secure and reliable electricity supply;
- Ensuring affordable electricity for households and businesses;
- Reducing energy sector emissions;
- Transitioning affected workers in the Collie region; and
- Promoting local jobs and growth.

It is recognised that there are inherent challenges within the energy sector that make the achievement of the above objectives difficult, including:

- Network instability and higher maintenance costs caused by a rapid uptake in household PVs and reduced day-time thermal generation demand; and

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- New renewable generation projects not being able to connect to the grid due to a lack of spare capacity, with long-established generators having contractual rights to network capacity even when they do not use it.

In this context, priority actions that would assist Local Governments to help the State Government achieve its energy transformation objectives include:

- Removal of regulatory hurdles, policy barriers and aligned incentives that continue to hinder bulk LED public lighting retrofits;
- Electricity market reform to improve grid access for large scale renewable projects as well as community driven projects; and
- Amendments to the *Local Government Act (1995)* to enable Local Governments to facilitate energy efficient building retrofits and residential solar and battery installations.

Further detail on each of these areas is set out below, along with WALGA's recommended reforms to help address these changes, and to encourage the transition to renewable energy.

#### LED street lights

Local Governments pay a Government set tariff which is based on the costs of energising, maintaining and owning street lights connected to the Horizon Power and Western Power owned networks. Local Governments are looking to replace current mercury vapour, metal halide and high pressure sodium street lights with much more energy efficient technology such as LED luminaires, as a way of lessening the impact of rising electricity costs on rates, reducing greenhouse gas emissions and improving night time amenity.

LEDs offer many advantages over the older lighting technology that is still prevalent across Western Australia, including:

- a reduction in maintenance costs of around 50%;
- reduced energy consumption of 52 – 72% (with smart controls), compared with mercury vapour lights;
- lowered levels of certain types of crime<sup>1</sup>; and
- Improved lighting quality (providing greater road safety and enhanced amenity).

However, progressing these changes has been difficult, given that Western Power (and Horizon Power) owns the majority of Western Australia's street lighting infrastructure. As tariffs are established on a cost – plus basis, and capital is constrained the electricity distributors have no incentive to introduce more energy efficient technologies. However, WALGA notes that as street lighting contributes a very small proportion of total revenue to Western Power,

<sup>1</sup> Chalfin, A. Hansen, B. Lerner, J. Parker, L. 2019 Reducing Crime through Environmental Design, Evidence from a Randomised Experiment of Street Lighting in New York City.  
[https://urbanlabs.uchicago.edu/attachments/e95d751f7d91d0b0cfec209dd75adcb4296665c12/store/oc392342e666b1fb1c15be63b484e9b9687b57249d0e44ad55ea92b1ec0/lights\\_04242016.pdf](https://urbanlabs.uchicago.edu/attachments/e95d751f7d91d0b0cfec209dd75adcb4296665c12/store/oc392342e666b1fb1c15be63b484e9b9687b57249d0e44ad55ea92b1ec0/lights_04242016.pdf)



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any fear that low energy consuming, low maintenance street lights will lead to a significant financial disadvantage is unfounded.

As a result, Western Australia is well behind many other States and Territories when it comes to the replacement of inefficient and in many cases substandard street lights with LED street lights (Table 1 refers). Other Australian States have spearheaded bulk replacement of street lights, often incorporating smart lights, which offer a range of possible functions to be utilised.

Street Light Stock						
	Mercury Vapour	CFL	HPS	LED	Other	Total
Horizon Power	8,089	1,401	3,804	3,355	2,025	18,714
	43.2%	7.5%	20.3%	18.1%	10.8%	
Western Power	149,979	31,588	59,688	-	18,142	259,397
	57.8%	12.2%	23.0%	0%	7.0%	
Rest of Australia	752,789	384,612	652,620	146,890	102,906	2,039,546
	36.9%	18.8%	32.0%	7.2%	5.0%	100%
Source: IPWEA, 2016 Street Lighting & Smart Controls Roadmap						

Table 1: Street light stock in Western Australia and Rest of Australia

Western Power have introduced a range of LED luminaires that substitute for existing street lights. These are being used as replacements on failure of the luminaire (not failure of the PE cell or the globe). Around 1% of the street lighting stock is being replaced on this basis each year.

Historically some Local Governments have retained ownership and operating responsibility for street lighting in all or part of the jurisdiction. These include parts of the Cities of Perth and Joondalup as well as specific activity centres or subdivisions in other areas. These jurisdictions have completed or are undertaking LED retrofit projects as there is a strong business case to do so.

Other metropolitan Local Governments have completed detailed business cases to evaluate the economic case to replace existing street lights with LED luminaires. None of these have yet proceeded at scale as the high cost of conversions quoted does not provide a clearly viable case based on the difference in tariff between LED and existing street lights.

To accelerate the transition to LED, WALGA recommends the Government consider funding or co-funding a bulk replacement of the approximately 158,000 (150,000 Western Power, 8,000 Horizon Power) mercury vapour street lights with LED lighting.

At the very least, WALGA recommends the following changes be implemented to help remove current hurdles to Local Government funded LED street lighting projects:

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- Street lighting tariffs that are established by the Government, using advice from the Economic Regulation Authority regarding Western Power costs should be set on the basis of efficient costs of provision (rather than actual costs) which would provide the appropriate economic signals for the electricity distributors to invest (or co-invest) in energy efficient, lower maintenance cost technologies;
- The policy and regulatory framework should be amended to enable Local Governments to exercise choice in the way street lighting services are delivered. These choices should extend from the owner – operator model (currently used in parts of Cities of Perth, Joondalup and some other areas), through Local Government owned, Western Power operated street lighting, to a lighting service model under which the electricity distributor provides a lighting service to the agreed standards; and
- The electricity supply for street lighting should be contestable, to enable Local Governments to procure from electricity suppliers that meet their price and greenhouse gas emission objectives.

#### Enabling renewable energy projects

WALGA held a *Renewable Technologies* event for Local Governments in November 2018<sup>2</sup>, where a recurring theme identified was the urgent need for WA electricity market reform to enable an accelerated energy transition. A major hurdle identified was the inability for renewable energy projects to gain access to an already over-supplied grid.

As already noted, Local Governments are active in emissions reductions projects, which take in ambitious greenhouse emissions reductions pledges, keen interest in renewable energy power purchase agreements, and support for community renewable energy projects.

There are numerous examples of community energy projects outside of Western Australia (such as [Hepburn Wind](#) outside of Daylesford in Victoria). In Western Australia these projects have been stymied (for example, [Augusta Margaret River Community Clean Energy](#) has not been able to connect to the grid and is waiting regulation change to allow access). Many Local Governments have ambitious emissions reduction pledges and are keen to partner with and/or enable community projects and large scale renewable projects (including via power purchase agreements).

WALGA notes the WA Government's current development of the [Electricity Transformation Strategy](#), which takes in the existing plan to move to constrained access by 2022. WALGA supports the move to constrained access but an accelerated timeline would be better. Alternatively, any policy measures that could be implemented in the meantime, to make it

<sup>2</sup> Renewable Technologies, 29 November 2019. Presentations available [here](#).



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easier for renewable energy projects to join the grid (including small community energy projects) would strongly supported by WALGA, and consistent with the Climate Change Policy.

**WALGA recommends regulatory changes to the electricity market be fast-tracked to enable community renewable energy projects, and to allow large scale 'in front of the meter' renewable energy projects and power purchase agreements.**

**Facilitating energy efficient retrofits and residential solar and battery technologies.**

*Residential solar and battery installation*

Local Governments have expressed interest in being able to implement rooftop solar funding programs similar to those in the Eastern States (for example [in the City of Darebin](#)). These schemes allow Local Governments to fund the installation of solar panels on the roofs of residents that opt in, with the resident repaying the cost of the panels (interest free) over 10 years via a small addition to the resident's rates notice. In the City of Darebin, the scheme was first offered to low income residents, and then extended to any interested residents. The *WA Local Government Act 1995* is more prescriptive than other States; regulation amendment would be required to enable Local Governments to add this charge to the rates notice, and possibly the Act also amended, to clarify that this is a discretionary service charge (ie, residents choose to opt in to such a service).

As a result of Local Government interest, an amendment to the *Local Government Act 1995* has been proposed by WALGA as part of its State Council endorsed Position Statement in the ongoing Local Government Act review:

*Amendment Purpose:*

*It is proposed that Regulation 54 of the Local Government (Financial Management) Regulations be amended to include 'renewable energy infrastructure' as a prescribed service charge. This will permit Local Governments to offer a group scheme that will assist property owners (at the owners' discretion) to participate in the installation of environmental initiatives as an improvement to their property, with the Local Government to recoup the cost via a service charge mechanism. The regulatory amendment would simply read:*

- 54. Works etc. prescribed for service charges on land - Act's. 5.38 (1)*  
*For the purposes of section 5.38(1), the following are prescribed as works, services and facilities:*
- (a) property surveillance and security;*
  - (b) television and radio rebroadcasting;*
  - (c) underground electricity;*
  - (d) water; and*
  - (e) renewable energy infrastructure.*



Note that the language proposed seeks to be technology neutral, as Local Governments have also expressed much interest in using such a scheme to assist households to install batteries, as roof top solar becomes more affordable for residents, with a very short pay-off period.

*Building upgrade finance: energy efficient retrofits*

Building Upgrade Finance (BUF); also known as Environmental Upgrade Agreements, is an agreement between a local government, a building owner and a financier to fund projects that deliver environmental performance improvements in buildings. Victoria, New South Wales (NSW) and South Australia (SA) have all enabled BUF through relevant amendments to their states' Local Government legislation.

BUF allows building owners to access competitive fixed interest funds to upgrade buildings, with tenants and owners sharing in the costs and savings. Local Governments do not finance the work, but declare and levy a building upgrade charge against the land on which the building is situated which is repaid to the financier. Loan repayments are typically offset by the energy savings produced from the building upgrade.

The Clean Energy Finance Corporation (CEFC) currently provides finance for BUF schemes, either directly (to council-operated funds) or through its \$80 million environmental upgrade program with aggregation partners.

Based on experience in other jurisdictions, the application of BUF and its benefits would extend beyond Perth and the metropolitan area, or to just commercial buildings. Some of the highest uptake of BUF, in States with the scheme enabled, has been in rural areas. Building upgrade improvements can include small-scale renewable energy technologies like solar photovoltaics, and this has been particularly popular in light-industrial areas in regional Victoria.

The City of Perth initially proposed that WALGA advocate for amendments to the *Local Government Act 1995* to enable business upgrade finance. This was endorsed at WALGA State Council and forms part of WALGA's Position Statement for the Local Government Act Review.

**WALGA calls for these proposed Local Government Act amendments to be progressed, to enable Local Governments to facilitate energy efficiency retrofits for business, and renewable energy infrastructure for residents.**

*Emissions reduction trajectory*

The Issues Paper asks how fast the electricity sector transition needs to occur, and whether the electricity sector should make a pro-rata or greater contribution to Australia's national GHG emissions targets.

The Climate Change Statement, as outlined above, acknowledges that we are in a climate emergency. Further, it notes that the current Paris commitment is insufficient, and that Australia is not on track to achieve even this target.



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WALGA supports the State Government's recent announcement of a net zero GHG emissions by 2050 target, noting that this is consistent with the other States' targets. The State's climate change policy on the energy transformation must be consistent with a trajectory to this target. In order to do this, it will be necessary for the State Climate Change Policy to consider different sectors, and map a credible trajectory to net zero by 2050.

It is acknowledged that the transition to zero carbon electricity sector poses its own challenges (which the State's Energy Transformation Strategy is considering in detail). However, compared with other sectors where low and zero carbon options are still in development (for example in emissions intensive industries, farming and land use), the electricity sector represents 'low hanging fruit' in terms of GHG emissions.

WALGA recommends that the transition to zero carbon in the electricity sector should occur at a greater rate than its pro rata contribution to GHG reductions.

#### 4.2 Industry innovation

- What measures have been implemented by your business to lower energy use or emissions?
- What are the barriers to decoupling energy use and emissions in the resources sector?
- Have you assessed the implications of the low-carbon transition for your business or sector? How are these risks disclosed to stakeholders?
- What exemptions should apply to trade-exposed sectors in reducing our emissions?
- How can the Government of Western Australia foster clean industries and technologies?

As previously noted (above, at 3.0), the Local Government sector is very proactive on climate change and is actively pursuing a range of emissions reduction and adaptation actions. This includes, but is in no way limited to, ambitious corporate and community-wide energy efficiency, renewable energy and emissions reductions strategies, along with programs and policies to encourage residents to reduce their carbon footprint.

This includes, but is in no way limited to the following WA Local Government voluntary commitments and pledges in relation to climate change:

Pledge	Description	Number of Local Government Participants
Local Government Climate Change Declaration	Developed by WALGA. A voluntary opportunity for Local Governments to demonstrate their political commitment to	40 (representing 65% of the WA population)

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	locally appropriate climate change adaptation and mitigation action. <sup>3</sup>	
<b>Divesting from fossil fuels</b>	Commitment to shift money out of banks that fund fossil fuels. <sup>4</sup>	12 (representing 30% of the WA population)
<b>Compact of Mayors</b>	A coalition of city leaders around the world committed to addressing climate change. <sup>5</sup>	4
<b>Cities Power Partnership</b>	Launched July 2017 by the Climate Council, aims to celebrate and accelerate emission reductions and clean energy in Australian towns and cities. <sup>6</sup>	17
<b>Declaration of Climate Emergency</b>	Around the world, governments at all levels have been declaring a climate emergency as a first step in acknowledging the scale of the issue, and seeking to build impetus to accelerate action on climate change.	6 <sup>7</sup>

As previously noted, from the perspective of Local Government, one key way that the State Government can foster clean industries and technologies is by removing regulatory hurdles that currently hinder renewable projects.

This has great potential in regional areas, discussed further below at 5.4, in fostering low carbon industry such as mining materials for batteries through to production of 'green' technology, and the potential for generation of carbon credits through carbon farming activities.

<sup>3</sup> For further information see here: <http://walgasg.au/Policy-Advice-and-Advocacy/Environment/Climate-Change.aspx>.

<sup>4</sup> For a list of Australian Local Governments that have committed to divest see here: <http://gcfossilfree.org.au/fossil-free-councils/>. Not listed are City of Bayswater, City of Subiaco and the Shire of Mundaring, which have also recently committed to divest.

<sup>5</sup> Cities of Joondalup, Perth, Melville and Mandurah. Further information about the Compact of Mayors available here: <https://www.compactofmayors.org/>.

<sup>6</sup> Local Governments participating in the Cities Power Partnership are shown on the map here: <http://citiespowerpartnership.org.au/power-partners/>.

<sup>7</sup> At the time of writing, Cities of Bunbury, Fremantle, Swan and Vincent, the Town of Victoria Park and the Shire of Denmark had made the declaration. Up to date map available here: <https://www.oedamlia.org/global/>.





### 4.3 Future mobility

- ▶ What are the barriers to purchasing a low-emissions vehicle for your household or business?
- ▶ What can be done to facilitate the uptake of electric and other low-emission vehicles in Western Australia?
- ▶ How can we further encourage use of public transport and active transport, such as walking and cycling?
- ▶ How can we ensure that Western Australia isn't left behind in the transition to cleaner transportation?

#### Electric vehicles

The WALGA Climate Change Statement notes the world is already shifting away from fossil fuel technologies, and towards energy efficient and renewable technologies, including in the uptake of electric vehicles, coupled with increased grid renewables and the required infrastructure. It calls on the Western Australian Government to accelerate action and remove barriers to the transition to a low carbon, energy efficient economy.

In September 2018 WALGA State Council, in considering a submission on Vehicle Emissions resolved that WALGA:

1. Supports the consideration, where possible, of vehicle emissions during planning, designing and construction of large scale infrastructure projects.
2. Supports the consideration of vehicle emissions during the process of purchasing new fleet, in addition to fleet policies.
3. Supports the consideration of policies that facilitate the adoption of electric vehicles and electric vehicle charging infrastructure.
4. Advocates to the proposed Infrastructure Western Australia body, when it is established by the State Government, to consider vehicle emissions as part of the assessment process and cost-benefit analysis for projects.
5. Advocates to Infrastructure Australia to consider vehicle emissions such as particulate matter, other than greenhouse gas emissions, during the assessment of projects.
6. Advocates to State Government for the broader implementation of the Department of Water and Environmental Regulation 'CleanRun' roadside emissions monitoring program, as a behaviour change initiative which has the potential to reduce fuel consumption.
7. Advocate to the State Government for the preparation of planning policies or guidelines for the installation of electric vehicle charging stations within WA.

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Local Governments, including the Cities of Swan, Canning, Albany and several others have added battery electric vehicles to their fleet in order to gain firsthand experience in the operational advantages and disadvantages of these vehicles. These and other Local Governments have also invested in installing and operating public charging facilities.

Recently the first fully electric waste and recycling collection vehicle entered service in Western Australia<sup>6</sup>, and a number of other Local Governments are also investigating the performance and economics of EV for their waste collection vehicles.

Local Governments are being supported by WALGA contract arrangements for electric vehicles. WALGA is also moving towards establishing contract arrangements for Local Governments to easily access EV charging stations.

In urban areas the lack of available, appropriately priced vehicles is a major impediment to the further expansion of the use of electric vehicles in the light vehicle fleet used by Local Governments. Appropriately targeted financial incentives, possibly through the State Government fleet purchasing arrangements, could if supported by vehicle suppliers, enable a meaningful increase in the numbers of EV's to the Local Government fleet. These vehicles are likely to form the basis of a viable second hand market for EV's in three to five years, enabling the community to gain broader exposure and experience with these vehicles.

In rural and remote areas there would need to be investment in fast charging facilities and potentially higher range vehicles before EV's could be widely used for Local Government operations.

It is recommended that the State Government develop an EV purchasing model that is attractive for Local Government fleet operators to add EV's to Local Government vehicle fleets.

#### 4.4 Regional prosperity

- ▶ How will climate change affect your regional community?
- ▶ What steps can we take to further enhance the resilience of our regions and our primary industries?
- ▶ How can we support the agricultural sector to participate in the low-carbon transition?
- ▶ What opportunities do carbon offset markets present for Western Australian land managers, including Aboriginal groups?
- ▶ What matters should the State Government take into account in developing a strategy for carbon farming in Western Australia?

There is a strong reliance on fossil fuel / carbon intensive industries in some regional areas, and it is important that as Western Australia transitions to net zero emissions by 2050, opportunities for new low carbon green business and employment opportunities in regional

<sup>6</sup> <http://www.belmont.wa.gov.au/Pages/Electric-Vehicle-recycling-truck-coming-to-Belmont.aspx>



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areas are realised and support provided for regional areas disproportionately impacted.. This could include policy that supports or fosters low carbon industry such as mining materials for batteries through to production of 'green' technology, large scale regional renewable energy projects, and generation of carbon credits through carbon farming activities.

WALGA's Climate Change Policy Statement expressly recognises some of the regional equity implications of the shift to a low carbon economy:

**Local Government recognises** that both the impacts of climate change and the policy responses required to contribute to the avoidance of dangerous climate change have significant equity implications<sup>9</sup>. These equity considerations have domestic and international dimensions, for both present and future generations and for the survival of other species. Climate change disproportionately affects disadvantaged and marginalised groups<sup>10</sup> including the poor and rural and regional communities.

**Local Government supports an equitable transition to a carbon constrained world:**

- **globally**, the right of developing countries to increase their share of global wealth in ways that remain within the ecological capacities of the planet;
- **domestically**, the need to equitably share the cost of climate change adaptation and mitigation and ensure disadvantaged and marginalised groups receive adequate support. This includes provision of support and incentives for communities impacted by the transition (eg, by fostering innovation, and supporting workforce adjustment packages and new employment opportunities).

WALGA's Economic Development Framework Project (2019) made a number of recommendations for policy priorities and reform to encourage economic development, especially in regional areas. Research undertaken as part of this project identified that the best way to support and facilitate regional economic development is through a strategic, place-based and smart diversification approach – similar to the one used in New South Wales by the Centre for Economic and Regional Development. Key features of this approach include:

<sup>9</sup> Althor, G. et al. Global mismatch between greenhouse gas emissions and the burden of climate change. *Sci. Rep.* 6, 20281; doi: 10.1038/srep20281 (2016). Available at: <https://www.nature.com/articles/srep20281>.

<sup>10</sup> "People who are socially, economically, culturally, politically, institutionally or otherwise marginalised are especially vulnerable to climate change" IPCC (2014). Summary for Policymakers in *Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, at 6. Available at: <http://www.ipcc.ch/report/ar5/wg2/>. See also CSIRO (2015). *Climate Change Adaptation for Health and Social Services*, edited by Rae Walker and Wendy Mason. CSIRO Publishing, and L Rickards et al. (2016). *On the Frontline: Climate Change & Rural Communities*. Climate Commission. Available at <https://www.climatecouncil.org.au/ruralreport>.



- The use of economic boundaries that are based on local competitive advantages and economic linkages (functional economic regions), rather than Regional Development Commissions geographic areas.
- Regional planning and investment that is based on leveraging off competitive advantages and areas of specialisation of a functional economic region, rather than areas of aspiration and potential advantage.
- Empowering Local Governments to contribute to economic development in their own functional economic regions through formalised governance and investment frameworks.

In the context of the Climate Change Issues Paper, the establishment of an approach to regional economic development that incorporates the above features would help ensure that:

- as regions that rely heavily on carbon intensive industries diversify their economic base over the coming years, they do so into areas where they have a competitive advantage and investments therefore have the greatest potential to lead to sustainable economic growth; and
- regions that have the greatest opportunity and are most appropriately placed to achieve growth in low carbon, or low-carbon complementary industries, are identified and they receive an appropriate level of investment.

WALGA's recent [submission to the Environmental Protection Authority](#) on its proposed Greenhouse Gas guidelines, also noted the potential for generation of carbon credits in regional areas, and recommended that consideration be given to a strategic greenhouse gas offset fund to maximise the effectiveness, efficiency and co-benefits of greenhouse gas offsets that might be required for major projects.

A strategic greenhouse offset fund could encourage a new market for carbon offsets in Western Australia, unlocking low carbon businesses and job opportunities, particularly in regional areas, with potential for abatement projects including carbon farming, crop and livestock efficiencies and vegetation management.

WALGA recommends that the State's climate change policy includes a commitment to the development of a comprehensive, equitable plan for the transition to low carbon business, industry and job opportunities in regional areas, including support and incentives for communities impacted by the transition.

#### 4.5 Waste reduction

- ▶ What areas can we target to further reduce greenhouse gas emissions from waste?
- ▶ What can households, businesses and government do to reduce their waste and compost more?

As identified in the Issues Paper, waste management has only a limited direct impact on greenhouse gas emissions. The direct impact of waste management on greenhouse gas emissions is predominantly gases generated by the anaerobic decomposition of waste in





landfills. Large landfills are required by their licence conditions to capture the gases generated and in some instances there is sufficient gas captured to make energy recovery an option, in other cases the landfill gas is flared. Flaring of the gas is an eligible methodology to generate Australian Carbon Credit Units (ACCUs) and has been used by Local Governments in Western Australia, including the City of Armadale and Rockingham. The waste to energy facility planned for Rockingham also has specific greenhouse gas reduction outcomes, as identified in the Issues Paper. However, there are additional benefits of waste reduction and effective waste management beyond reducing direct greenhouse gas emissions from landfill.

The diversion of waste from landfill to alternative waste treatment facilities currently operating is generating ACCUs – these facilities are operated as a joint venture with a Regional Council (Mandurah Regional Council) and by the Southern Metropolitan Regional Council. These facilities generate a soil conditioner which can store carbon in the soil.

The Food Organic Garden Organic (FOGO) system, which is one of the headline strategies in the Waste Avoidance and Resource Recovery Strategy (WARR Strategy), has the potential to divert organic waste from landfill (avoiding direct landfill emissions) and to generate high quality compost which can store carbon in the soil. The community's source separation behaviour using the FOGO system can therefore have a directly impact on greenhouse gas generation – and this too has a methodology under the Emissions Reduction Fund, which can quantify the benefits.

The substitution of waste derived products for raw materials can also have significant greenhouse gas reduction benefits, for example using recycled construction and demolition waste instead of mining basic raw materials. The embodied energy savings for such substitutions are significant and were extensively documented in a report prepared for the Waste Authority on [Recycled Products In Local Road Construction and Maintenance Activities](#).

A key focus for the WARR Strategy is also waste reduction, which targets a 10% reduction in waste generation per capita (based on 2014-15 data) by 2025. Waste reduction as a target is important as it focuses on avoiding waste generation in the first instance, which has potentially a far greater impact through the supply chain than simply disposing of the material correctly at end of life. Therefore programs such as Love Food, Hate Waste – which focuses on avoiding food waste – have considerable value as they not only reduce waste to landfill but consumption and ultimately generation of waste.

Ultimately, as identified in the WARR Strategy, the State needs to move to a Circular Economy approach which would see a fundamental reengineering of our economy to focus on waste avoidance and alternative approaches to business not based on the traditional linear economic model.



#### 4.6 Safe and healthy communities

- What are the main climate risks for your household or your community? What can be done to manage these risks?
- What are your biggest concerns about Western Australia's future climate?
- What could be done to ensure your community is better prepared for possible climate impacts?

##### Climate Health

WALGA's has made a comprehensive [submission to the Climate Health Inquiry](#) (*interim until considered by WALGA State Council at its December 2019 meeting*), which acknowledges that the impacts of climate change such as extreme weather events and natural disasters (heatwaves, storms, flooding, drought, bushfires), alterations in the distribution of vector-, water- and food-borne infectious diseases, and air pollution patterns have the capacity to affect the physical and mental health of all Western Australians.

WALGA considers that the findings and recommendations of the Climate Health Inquiry should inform and be considered in the development of the State Government Climate Change Policy and the pathway to achieve the net zero greenhouse gas emissions by 2050 target.

##### Emergency Management

Emergency Management is defined in the Emergency Management Act (2005) as the management of the adverse effects of an emergency including prevention, preparedness, response and recovery. All four aspects are required to provide a comprehensive approach to managing the hazards and risks that face our communities.

##### Local emergency management responsibilities

Local Governments are assigned responsibilities across all aspects of emergency management with significant resources committed to responding to these hazards.

The local government sector carries significant responsibilities for the identification of hazards that may impact their community, supporting response efforts and recovering their communities post emergency. Climate change considerations in local emergency management is critical, given the increased frequency, severity and impacts emergencies are likely to have on Western Australian communities.

Functions prescribed under the *Emergency Management Act (2005)* require Councils to undertake Emergency Risk Management (ERM) assessments to identify hazards that may impact their community, establish and chair a local emergency management committee, develop and maintain local emergency management arrangements, appoint Local Recovery Coordinators and manage recovery following an emergency. There are 27 hazards prescribed under the *Emergency Management Act (2005)* with 7 being classified as Natural Hazards, these include; storm, cyclone, earthquake, flood, tsunami, fire, and heatwave.





Local Governments undertake the ERM process following the benchmark risk criteria detailed in the state emergency management procedure with the expectation that plans will be developed in collaboration with relevant public authorities and/or any other relevant agencies or community groups as deemed appropriate.

Limited grant funding is available to undertake this process and to treat those hazards and risks once identified. Most Local Governments absorb these costs and draw on existing resources to undertake this work, with some guidance from state and district staff from DFES.

Bushfire has had significant investment (in this term of government) in support of the Bushfire Risk Management Program (BRMP). Officers managed centrally by DFES support Local Governments to undertake the development of tenure blind plans, bringing together all landholders across tenures within the LG boundary. Local Governments act as the custodians of the plan, which once endorsed by Council and the Office of Bushfire Risk Management are eligible for funding through the State Mitigation Activity Fund. This model has incentivised Local Governments to participate and access funding to treat risks in their communities along with other agencies and organisations responsible for identified risks.

Funding for the identification, planning and treatment of all natural hazards is critical to minimise and mitigate the impacts on communities. The BRMP model, including human resources, tenure blind planning and availability to mitigation funding is a sound model for consideration in an all hazards context.

Local Governments are prescribed to manage recovery post impact from an emergency as they are the closest level of government to their communities. Recovery is part of emergency management, which includes the broader components of prevention, preparedness, and response. It includes built, environmental and economic elements, as well as social wellbeing. Recovery can provide an opportunity to improve these aspects beyond previous conditions, by enhancing social and natural environments, infrastructure and economies – contributing to a more resilient community. WA has adopted the National Recovery principles which reinforce the need for community led practices and decision making. These include:

**Community Context** - Successful recovery is responsive to the complex and dynamic nature of both emergencies and the community.

**Use community-led approaches** - Successful recovery is community-centred, responsive and flexible, engaging with community and supporting them to move forward.

**Coordinate all activities** - Successful recovery requires a planned, coordinated and adaptive approach, between community and partner agencies, based on continuing assessment of impacts and needs.

**Communicate Effectively** - Successful recovery is built on effective communication between the affected community and other partners.

**Recognise and build capacity** - Successful recovery recognises, supports, and builds on individual, community and organisational capacity and resilience.



Managing the impacts of climate change and specifically recovery, will place increasing demands on the resources of local governments. Local Governments already report that a major emergency stretches their resourcing in the medium to long term. (SEMC Preparedness Report 2018, page 126). Funding and additional resources are required to meet this demand as well as continue business as usual activities to maintain community services and functioning.

#### *Disaster Recovery Funding Arrangements*

The Disaster Recovery Funding Arrangements Western Australia (DRFAWA) provide funding assistance to Local Governments, with essential public assets that have been damaged in an eligible disaster. As it currently stands, betterment is allowed whilst undergoing repairs of a disaster if the local government funds this component. DRFAWA will only fund the cost of reinstating the asset to its original form.

WALGA is advocating for disaster recovery funding to allow for betterment of assets, that is, reinstating a damaged or destroyed asset to a more disaster resilient standard. This is to prevent a situation where, for example, valuable infrastructure is washed away and then identically replaced every few years. With increased extreme weather events due to climate change, the return period for a particular event is lessened, therefore the benefits from increasing the resilience of the infrastructure are greater. Disaster relief funding of course remains an essential part of an adequate response to climate change, but of equal importance is ensuring an adequate focus on building resilience, to ameliorate the effects of disasters.

The Local Government sector considers there should be greater emphasis placed on, and resources allocated to, prevention, preparedness and recovery. What we do before will have a significant impact on the long term recovery required post incident.

In particular, Local Governments require:

- Contemporary legislation which supports mitigation and community preparedness. The sector strongly supports the prioritisation of the drafting of the new combined Emergency Services Act;
- WALGA recommends further investment in local resources and funding to support their emergency management legislative responsibilities including:
  - Mitigation policy and funding for the sector to implement treatment options emanating from the emergency risk management process required to be undertaken by all Local Governments. Whilst the Mitigation Activity Fund was a commitment of the current State Government, it is currently only available for bushfire mitigation activities.



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- Access to community recovery funding under the Disaster Relief Funding Arrangements Western Australia (DRFAWA) and funding to support the building of resilient infrastructure.

#### State Planning Policy 3.4 Natural Hazards and Disasters

WALGA has been advocating for the Department of Planning, Lands and Heritage (the Department) to revise its climate change policy position. The Department did initiate a review of State Planning Policy 3.4 Natural Hazards and Disasters (2006) which has the opportunity to incorporate more climate change factors, however, it is unclear how far into the review process the Department is, or when a draft will be released.

WALGA recommends that a review of State Planning Policy 3.4 Natural Hazards and Disasters (2006) be undertaken as a matter of priority to ensure that it adequately incorporates climate change considerations.

#### Incorporating climate risk into Local Government governance, decision making and preparedness

Local Governments have repeatedly identified a need for assistance with undertaking extensive, comprehensive climate change adaptation and resilience planning. This priority need is also reflected in WALGA's *Climate Change Policy Statement*, endorsed by State Council in July 2018.

A key part of planning for the impacts of climate change is to ensure that these considerations are embedded in Local Governments' decision making and governance arrangements. For example, effectively responding to the more frequent and extreme natural disasters that are expected to occur as a result of climate change requires that this is adequately incorporated into emergency management plans, asset management plans etc.

WALGA, utilising Natural Disaster Resilience Program Funding and in conjunction with project partners Department of Local Government, Sport and Cultural Industries (DLGSC), Department of Fire and Emergency Services, Department of Water and Environmental Regulation, and LGIS, is undertaking a project, 'Climate Resilient Councils – preparing for the impacts of climate change' aimed at building sector capacity in this area. Similar projects have been delivered in other States, such as the Climate Resilient Councils Program in Queensland administered by the Local Government Association of Queensland (LGAQ) with support from the State Government.

Based on the experience in other States, WALGA anticipates that this project will be more of a 'jumping off point' than an end in itself, serving as a pointer to areas where Local Governments need much more assistance and capability to effectively incorporate climate risk across its governance and decision making processes and documents.



**WALGA seeks the State Government's continued support to assist Local Governments as they seek to embed climate risk, including increased risks of natural disasters, in their governance and planning documents.**

#### 4.7 Water security

- What can we do to encourage Western Australians to use water more efficiently and adapt to a drying climate?
- Are there policies adopted in other jurisdictions we should consider for Western Australia?
- What are the best management options to deal with the water security implications of climate change for our agricultural sector?

The Climate Change Statement calls for the sustainable management of water resources.

Local governments are at the forefront of implementing water efficiency practices, and understand the value of ensuring that they maximise existing groundwater water allocations, though adoption of hydrozoning non-critical active open space, undertaking groundwater license rationalisation and participation in water efficiency programs such as the Water Corporations Waterwise Council program.

##### **Irrigation for public open space – strategic water Infrastructure fund**

There is a significant opportunity to reduce the reliance on both groundwater and potable scheme supplies by taking the Water Corporation treated Wastewater for Community Use policy to the next level through the provision of a strategic community water Infrastructure fund. This would constitute the part funding of large scale public open space irrigation schemes for regionally significant active public open space. This will assist the Water Corporation in reaching its stated policy position of achieving 45% wastewater reuse by 2030. This could potentially be facilitated through Infrastructure WA, as could realising urban storm water harvesting opportunities from parts of the arterial drainage system, such as Herdsman Main Drain.

##### **Review of Water Corporation residential charging regime**

Currently there is no pricing signal or incentive for greywater reuse at the residential lot level, as the Water Corporation wastewater disposal charge is based on Gross Rental Value, rather than on a volumetric based tariff, as is the case with potable water supply. Moving to a volumetric tariff arrangement would incentivise community uptake of fit-for purpose greywater reuse, reducing inflows into the bulk sewerage system and reducing demand on both groundwater and scheme supply for domestic purposes, such as toilet flushing and garden irrigation, etc.

Other jurisdictions, such as Victoria have long had this charging regime in place. For example, South East Water in Melbourne have a sewerage disposal charge of \$1.8271 per kl.





In acknowledging there is a significant challenge in building community literacy on water efficiency, such a change in pricing methodology should not be discounted when considering market based instruments aimed at broad-scale community behaviour change.

**WALGA recommends:-**

The development of an Urban Stormwater Management Framework that can maximize the opportunities for improving water literacy, the harvesting and reuse of excess urban stormwater and improving stormwater quality to increase the protection of sensitive receiving environments.

The creation of a strategic community water infrastructure fund, to realise large scale wastewater reuse schemes for regional community active open space, to assist the Water Corporation in reaching its 45% reuse by 2030 target.

The Government examine the cost benefit, water efficiency and community literacy dividends that could be realised through a move to a volumetrically based sewerage disposal charge for Water Corporation residential customers.

#### 4.8 Liveable towns and cities

- What are the key barriers to improved energy efficiency for our built environment?
- What information or tools do you require to improve energy efficiency in your household or workplace?
- What energy efficiency standards or disclosure measures do you support for our homes and offices and the appliances we use in them?
- How do you think climate change will affect the liveability of your neighbourhood or region?
- How can we improve the retention of vegetation, particularly tree canopy, in our cities and suburbs?

The Climate Change Statement calls on the Western Australian Government to ensure that statutory planning policies are consistent with climate change mitigation priorities. This includes, for example, policies to maintain and increase urban forest to reduce heat island effect and best practice building energy efficiency.

##### Energy efficiency

Since the introduction of the new Building Act in 2012, WA buildings have been required to incorporate energy efficiency requirements ([energy efficiency of residential buildings & Industry Bulletin](#)). The design and construction of the house's roof, external walls and floors, will have an effect on the heating and cooling comfort of a house. To achieve the required Star Rating the design and build will need:



- Insulation of roofs and ceilings;
- Insulation under raised floors;
- selection of appropriate glass windows and doors;
- thought to the number and size of roof lights (skylights) and ceiling penetrations including downlights; and
- closing and filling of openings and gaps to stop draughts and fireplaces that are no longer in use.

Compliance with the BCA energy efficiency provisions are required to be documented and provided to an independent building surveyor, to ensure that there is sufficient documentation to be satisfied the building will meet the relevant provisions (as part of the Certificate of Design Compliance).

Compliance with these requirements only occurs at the start of the process, ie documentation is required as part of the application for a Building Permit. At the completion of a dwelling, there is no requirement for the Builder or Independent Building Surveyor to confirm that the premises has achieved the energy efficiency requirements that were submitted at the Building Permit stage. This is a massive failing in the current system.

The Independent Building Surveyor providing the information about energy efficiency compliance at the Building Permit stage, should provide confirmation that the star rating has been achieved. Other States around Australia require mandatory inspections and submission of Occupancy Permits for residential dwellings, to confirm that the work has been undertaken; this is not the case in WA.

**WALGA seeks the State Government's commitment to improve compliance with energy efficient requirements, through improvements to the Building Act 2011.**

#### **Urban Tree Canopy Cover**

Tree canopy cover is an important defence against the heat impacts of climate change. For example, research undertaken by Monash University suggests that for Perth, over two consecutive days with an average temperature of 44°C, heat related mortality may increase by 30%. However, this mortality rate can reduce by 20% through reducing air temperature by 1 to 2°C.

There has been a significant, continuing decline in tree canopy cover across the Perth and Peel regions, primarily due to clearing and densification associated with urban development (particularly poorly planned medium and high density development resulting in the loss of trees on verges and private land) and the impacts of climate change. As noted in the [\*Better Urban Forest Planning Guide\* \(2018\)<sup>11</sup>](#), this decline in canopy cover also reduces carbon sequestration, impacts the quality of our air and water, increases temperatures in our urban environments, creating urban heat islands, with subsequent health and well-being impacts on

<sup>11</sup> Better Urban Forest Planning – A Guide to the enhancement of urban forests in Western Australia, Western Australian Planning Commission (2018)



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our communities. Tree canopy inequity exists across suburbs with the least canopy cover often in the most socially disadvantaged areas.

To address the decline in canopy cover, many Local Governments are developing and implementing urban forest strategies and similar initiatives aimed at reducing the loss of trees and where possible increasing tree canopy cover. WALGA has also convened an Urban Forest Working Group for Local Governments to collaborate on addressing barriers to the retention of tree canopy. In addition WALGA has made urban forest data layers available on its Environment Planning Tool to assist Local Governments in their canopy management.

However Local Governments face a number of barriers to increasing canopy cover including:

- Inconsistent statutory and strategic planning documents and associated guidelines;
- Inadequate protection for existing trees (particularly on private property);
- lack of a requirement for revegetation in new developments; and
- lack of funding in support of urban forest measures.

WALGA is seeking changes to State Government planning policies to support Local Governments' efforts to maintain their urban tree canopy, particularly on private land where most loss is occurring.

WALGA recommends that the State Government develop consistent overarching statutory guidance, including:

- that SPP 7 (Design of the Built Environment), and the complimentary policies that make up Design WA, must include effective requirements for the retention of mature trees and incorporation of trees across all forms of development, including minimum specified deep soil zones, minimum verge widths and appropriate setbacks
  - of particular concern is provision for retention / incorporation trees in medium density housing, the 'missing middle', where the greatest canopy loss is occurring;
- the development of Model Scheme Provisions for tree retention and planting;
- the continued collection and provision of Urban Monitor tree canopy data at regular intervals; and
- development of a strategy similar to the 'Living Melbourne: our metropolitan urban forest' initiative that would also offer financial assistance to assist Local Governments deliver their urban forest strategies and similar initiatives.
  - options to deliver the program could include a dedicated grants program similar to the 'Five Million Trees for Greater Sydney' grants program. This program supports Local Governments to enhance their urban tree canopy by co-funding tree planting projects in public spaces such as streets, parks and reserves.



#### 4.9 Resilient infrastructure and businesses

- What are the key climate risks for the primary industry or resources sectors?
- Do you currently assess the impact of physical climate risks on your business, assets or infrastructure?
- Is there information which would assist you to do this better?
- What are the best ways to enhance the resilience of public and private infrastructure?

The Productivity Commission Inquiry into Barriers to Effective Climate Change Adaptation (2013) included a recommendation that: "Local governments' uncertainty about their legal liability is a barrier to effective climate change adaptation. State governments should clarify the legal liability of councils with respect to climate change adaptation matters and the processes required to manage that liability."

The Australian Government response<sup>12</sup> agreed in principle with this recommendation and acknowledged that local governments' current uncertainty about their legal liability is a potential barrier to effective climate change adaptation. As this is primarily a matter for state and territory governments it was referred to those governments for consideration.

Furthermore it was highlighted that consistency of approach and measures across jurisdictions would help entities operating across Local Government boundaries to: "cost-effectively maintain a coherent approach and reduce the potential for conflicting or incompatible obligations deriving from federal, state/territory and local government legislation and regulations."

WALGA is working to address coastal hazard planning issues by preparing a paper that has identified issues that Local Governments are experiencing in meeting their coastal hazard planning responsibilities. Further work will include the identification and development of options to resolve these issues. This could include seeking legal advice on specific matters. It is noted that the *WA Coastal Zone Strategy (2017)* and the *CHRMAP Guidelines 2019* have addressed some uncertainty around private and public party responsibilities and the CHRMAP guidelines do clarify the required process. But further clarification around the legal liability of councils with respect to climate change adaptation matters and the processes required to manage that liability is required.

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<sup>12</sup> Australian Government response to the Productivity Commission Inquiry into Barriers to Effective Climate Change Adaptation | [climatechange.gov.au](http://climatechange.gov.au). (2014, August, 03). [https://webarchive.nla.gov.au/awa/20140802225714/http://www.climatechange.gov.au/sites/climatechange/files/documents/03\\_2013/aq-inquiry-response.pdf](https://webarchive.nla.gov.au/awa/20140802225714/http://www.climatechange.gov.au/sites/climatechange/files/documents/03_2013/aq-inquiry-response.pdf)





The Western Australian legislature does not provide Local Government with an indemnity if it acts 'in good faith' in following State policies when considering developments in coastal areas of the State. Consequently, protection from damages where a Local Government's approvals processes give rise to an action are claimed to be liable for future climate change-related events that impact on land, property and the environment.

The New South Wales legislature has taken action to protect Local Government with Section 733 of the *Local Government Act 1993 (NSW)* 'Exemption from liability—flood liable land, land subject to risk of bush fire and land in coastal zone' limiting the liability of Local Governments in respect of damage caused by bush fire, flooding, or damage to land in coastal zones.

Section 100 of the *Emergency Management Act (WA) 2005* protects Local Government from liability in relation to fire and other hazards defined in this Act, however there is currently no protection similar to the NSW legislation that limits WA Local Government's liability in the event of flooding or damage to land in coastal zones.

Advocating that the State Government enact a legally robust 'good faith' defence for Local Government is critical to limiting the liabilities of Local Government's responsible for management of the future uncertainties of coastal management and limiting the potential liability for damages.

WALGA proposes that Part 9, Division 4 of the *Local Government Act 1995* (Protection from liability) be amended to limit the liability of Local Governments with regard to flooding, erosion, accretion and other related consequences of climate change in coastal areas.

#### *The Impact of climate change on Western Australia's coasts*

The effects of climate change are already being felt along Western Australia's coastline. [The Coastal Assessment of Coastal Erosion Hotspots in Western Australia Report](#) released earlier this year identifies 55 locations — 15 metropolitan and 40 regional — spanning 29 Local Government areas, where coastal erosion is expected to have a significant impact on public and private property or infrastructure in the next 25 years. An additional 31 locations (8 metropolitan, 23 regional) have been placed on a watch-list for future monitoring and investigation.

WALGA considers the Hotspots Report provides a basis for all levels of Government to work together to raise the community's awareness of coastal impacts and to assess, plan and invest in managing these impacts.

Local Governments are already devoting significant resources to coastal hazard mapping and adaptation planning, such as through the development and implementation of Coastal Hazard Risk Management and Adaptation Plans (CHRMAs). CHRMAs seek to put in place long term planning around risk management and adaptation, that includes adopting an 'adaptation hierarchy' of avoidance, planned or managed retreat, accommodation and protection of assets. Many coastal Local Governments have completed or are in the process of developing CHRMAs that include hazard mapping and adaptation planning. Approximately 34 Local



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Governments have completed or are undertaking hazard mapping and around 22 have completed or are developing adaptation plans.

Once a CHRMAP is produced, there is an expectation from the community that the document will be implemented. The financial costs and legal implications for implementing CHRMAP recommendations can be beyond the capability or responsibility of individual Local Governments, therefore, it is imperative that the State assists in this process, rather than devolve the responsibility to the local coastal manager, which is generally the Local Government.

There is currently not sufficient funding available to Local Governments to address coastal hazards (including erosion and inundation). The Western Australian Government's level of investment in coastal management and protection is significantly less than that of other States and is not commensurate with the risks being faced along our coastline ([WALGA media release](#) refers).

The existing Coastal Adaptation and Protection grants (Department of Transport), Coastal Management Plan Assistance Program and CoastWest grants (Western Australian Planning Commission), which had funding totalling \$1.6 million in 2019, has been oversubscribed for a number of years. To ensure adequate and ongoing resourcing and funding programs are available for Local Governments to develop and implement CHRMAP's, WALGA is advocating that the State Government implement a program similar to the Queensland Government's QCoast 2100. This program provides funding, tools and technical support to enable all Queensland coastal Local Governments to progress the preparation of plans and strategies to address climate change related coastal hazard risks over the long-term. A WA program would incorporate the existing grants programs into one, with increased funding to adequately address coastal hazards. This would also address the issues identified in the Hotspots Report that included identifying and addressing areas at risk of inundation (including estuarine areas).

Unlike other states such as New South Wales, South Australia, Victoria and Queensland there is currently no coastal management legislation in Western Australia. A Coastal Management Act would establish a strategic framework and define and establish the principles, objectives and actions, including roles and responsibilities for integrated coastal zone management. The adoption of such legislation would support a consistent and coordinated approach to the development and implementation of CHRMAPs, which has been (and continues to be) an issue in Western Australia.

Furthermore, the State Government should consider establishment of a Western Australian Coastal Council (similar to the NSW Coastal Council) to provide independent and expert advice in regard to coastal policy and practice. This group would include representatives with specialist coastal expertise and would provide independent advice to the Minister on matters related to the functions under the Act and on the development and implementation of CHRMAP's by Local Governments.

**WALGA seeks the State Government's leadership and support to assist Local Governments in managing the legal and financial implications of the implementation of**



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CHRMAs, including the establishment of a similar program to the Queensland QCoast 2100 program.

WALGA recommends that the State Government consider enacting specific coastal management legislation and the establishment of a Coastal Council for Western Australia.

#### 4.10 Protecting biodiversity

- Can existing land use and biodiversity management practices be modified to reduce vulnerability and improve resilience?
- Are there opportunities for new collaborations with landholders or communities to address climate risks and improve biodiversity outcomes?

Local Governments in Western Australia manage a variety of rich and diverse natural ecosystems, with the south west of the state being one of the world's 36 internationally recognised biodiversity hotspots. Climate change is exacerbating the existing pressures on Western Australia's unique biodiversity. The threats to Australia's biodiversity are clearly spelt out in the 2016 *Australia State of the Environment Report*<sup>13</sup>, which states that:

The main pressures facing the Australian environment today are climate change, land-use change, habitat fragmentation and degradation, and invasive species. In addition, the interactions between these and other pressures are resulting in cumulative impacts.

The biodiversity theme of the Report concludes that:

Australia's biodiversity is under increased threat and has, overall, continued to decline.

And:

Many species and communities suffer from the cumulative impacts of multiple pressures. Most jurisdictions consider the status of threatened species to be poor and the trend to be declining. Invasive species, particularly feral animals, are unequivocally increasing the pressure they exert on Australia's biodiversity, and habitat fragmentation and degradation continue in many areas. *The impacts of climate change are increasing.*

It concludes:

The outlook for Australian biodiversity is generally poor, given the current overall poor status, deteriorating trends and increasing pressures. Our current investments in biodiversity management are not keeping pace with the scale and magnitude of current pressures. Resources for managing biodiversity and for limiting the impact of key pressures mostly appear inadequate to arrest the declining status of many species.

<sup>13</sup> Australian Government Department of the Environment and Energy, Australia State of the Environment, , 2016 <https://soe.environment.gov.au/>

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Biodiversity and broader conservation management will require major reinvestments across long timeframes to reverse deteriorating trends.

WALGA considers that an ongoing understanding of the State of Western Australia's environment and in particular its globally recognised biodiversity values is essential to managing the impacts of climate change and other threats. Western Australia's last State of the Environment Report was in 2007, and Western Australia still does not have a State Biodiversity Strategy.

WALGA has been a strong advocate of the Strategic Assessment of the Perth and Peel Regions and for the State to develop a more comprehensive approach to protecting and managing native vegetation and biodiversity values in Western Australia (WALGA Submissions on cost recovery for the Department of Water and Environmental Regulation, Green Growth Plan and the Review of the Strategic Assessment of the Perth and Peel regions refer) [hyperlink]. In this context WALGA notes the comments of the Western Australian Auditor General, referencing the last Western Australian State of the Environment Report 2007:

In some parts of WA (especially the Wheatbelt and parts of the Swan Coastal Plain) native vegetation has been cleared beyond safe ecological limits. Continued clearing will result in loss of biodiversity and extinctions, with fragmented habitats becoming more susceptible to climate change, disease, and weed and introduced animal invasion.

The DWER Cost Recovery Discussion Paper, coming more than 10 years after the last State of the Environment Report and Auditor General's report acknowledges that ecological limits of clearing have been exceeded in the Wheatbelt and the Swan Coastal Plain.

The Auditor General's 2017 [Rich and Rare: Conservation of Threatened Species Follow-up Audit](#) found that DBCA has less resources for managing threatened species conservation activities than at the time of his first audit in 2009, at the same time that the scale of the task to manage Western Australia's threatened and priority species and ecological communities is growing.

WALGA welcomes the announcement of the development of a State Native Vegetation Policy by the Environment Minister earlier this year. WALGA considers that this policy should have at its core a vision and strategy to address the pressures on native vegetation in the South-West and the Wheatbelt in particular. This could include providing incentives and stewardships for Local Government and landholders to proactively protect and manage native vegetation.

Local Governments have significant responsibilities for managing their local environments, including Local Government owned land, parks, reserves and roadsides as well as through their planning and regulatory functions. Local reserves and roadsides often contain significant biodiversity values, including ecological communities that may not be represented, or are underrepresented elsewhere. They can also provide critical wildlife habitat and corridors especially when linked with other vegetation remnants in the landscape. Yet, there is very





limited State support for management of biodiversity at local levels, with no recognition of varied capacity of Local Government to adequately manage threats.

Local Governments also play a key role in partnering with community groups to actively care for natural areas, with invaluable contributions made by volunteers towards actions that achieve biodiversity conservation and management. In particular, urban bushland areas are vital to foster the learning and nature based activities that develop an appreciation and connection with nature.

Given the impacts on biodiversity outlined in the Issues Paper, WALGA considers that, the State Government should:

- reinstitute State of the Environment reporting for Western Australia;
- develop and appropriately fund a State Biodiversity Strategy, including a plan for effective ecological linkages in priority bioregions;
- continue funding for the Western Australian Biodiversity Science Institute;
- increase funding to DWER, the EPA and DBCA to ensure environmental regulation is efficient and effective and manage WA's parks, forests and reserves;
- finalise the Strategic Assessment of the Perth and Peel Regions;
- consider a program of biodiversity stewardship arrangements and other incentives to protect biodiversity values;
- provide support for building the capacity of Local Government to manage biodiversity locally (including training, funding for on-ground management, integrated and adaptive management of weeds, feral animals and diseases); and
- centralised data collection and sharing of natural resource management including fire risk management, weed, disease and feral animal distribution with access to information on best practice control of threatening processes.

#### Biosecurity

Climate Change will also exacerbate agricultural and environmental biosecurity threats. WALGA has been advocating for a review of the *Biosecurity and Agricultural Management Act (2007)* to ensure that Western Australia's management of post-border biosecurity is effective in addressing on-ground management of pest and disease incursions and established agricultural and environmental biosecurity threats. This terms of reference for this review should incorporate an analysis of the implications of climate change for Western Australia's biosecurity system.





#### 4.11 Strengthening adaptive capacity

- Are there gaps in the availability of adaptation knowledge, climate information or skills for your community, organisation or sector? How can these be addressed?
- What are the main barriers to the adoption of effective climate change adaptation?

**As a general recommendation in relation to strengthening adaptive capacity, WALGA considers it essential that planning for the impacts of climate change and the building adaptive capacity be embedded into policy development and decision making across and between all levels of government.**

Specific comments in relation to aspects of climate change adaptation are addressed elsewhere throughout this submission.

#### 5.0 Additional comments

WALGA notes the following commentary at the beginning of the Issues Paper:

*"While a nationally consistent policy framework which we can rely on to deliver the commitments of the Paris Agreement is urgently needed, Western Australia won't wait on the Australian Government" (Foreword)*

*"A clear State Government policy and roadmap for action will ensure we manage the low-carbon transition in a considered way" (Foreword)*

*"The government of WA has committed to working with all sectors of the economy to achieve net zero by 2050. The government's aspiration creates the overarching framework for the State Climate Policy" (p3)*

The Issue Paper does not expressly call for comment or input into this part of the Paper, but WALGA wishes to record its strong support for the statements above, in particular that the net zero emissions by 2050 target must be embedded in the State's Climate Policy so that it creates the overarching framework for the State's climate change policies.

WALGA strongly supports a State Climate Change Policy with resulting policy measures and changes that are consistent with a credible trajectory to net zero by 2050. The planned State Climate Change Policy must set out in workable detail the trajectory to this target, and how WA will achieve this target.

WALGA recommends the State Climate Change policy include a detailed plan for getting the State to net zero emissions by 2050.

WALGA notes that best practice energy efficiency across a range of sectors (residential, industrial, commercial etc.) offers an excellent opportunity for climate change mitigation. This submission has outlined some areas where this could be facilitated at the Local Government level, including through implementation of the Building Upgrade Finance scheme, and through

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planning policies and education to encourage best practice energy efficiency in our communities.

It is recommended the State's Climate Change Policy consider the range of opportunities for energy efficiency policies across sectors.

## 6.0 Conclusion

Local Government is committed to addressing climate change and recognises that urgent action is required to reduce greenhouse gas emissions, and adapt to the impacts from climate change that are now unavoidable. Local Government considers failing to adequately address this climate change emergency places an unacceptable burden on future generations.

Local Government has called for strong climate change action, leadership and coordination by all levels of government, including the implementation of effective and adequately funded climate change policies and programs for both mitigation of emissions and adapting to the impacts of climate change.

The sector welcomes the State Government's target to reduce net emissions to zero by 2050 – it is essential that the State Climate Change Policy, informed by this and other submissions charts a robust path to achieving that target.



MINUTES OF THE ORDINARY COUNCIL MEETING

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## MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

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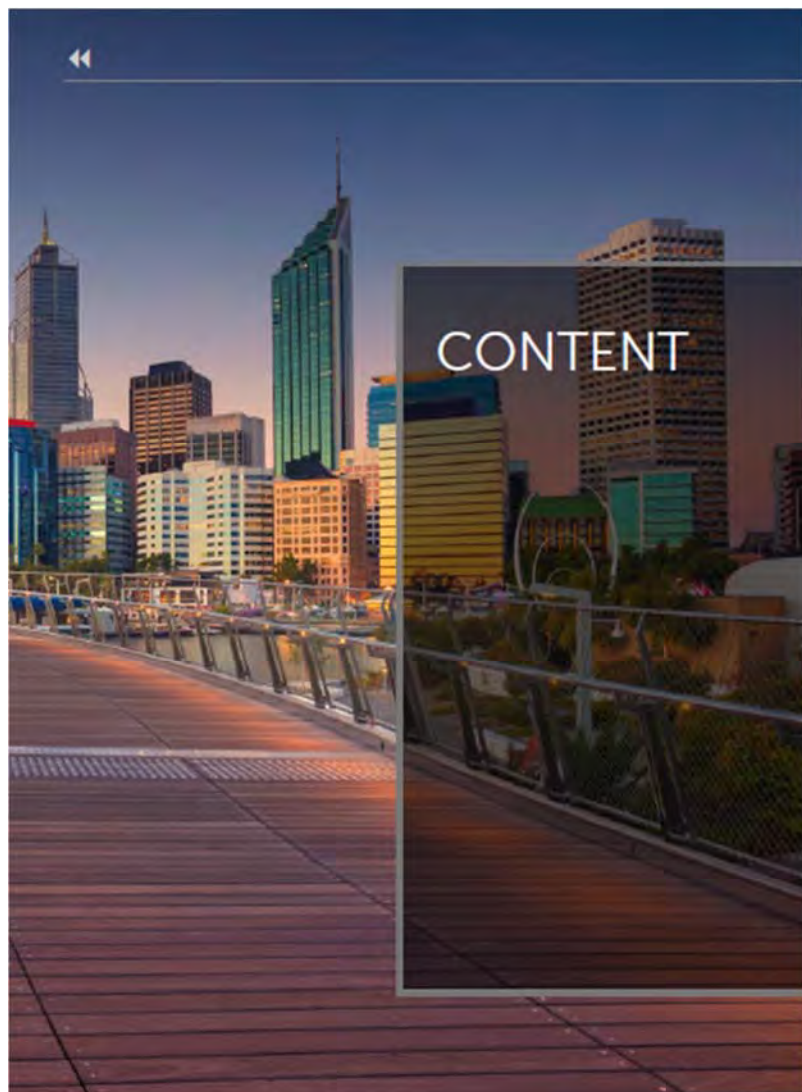
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## Minister's foreword

The McGowan Government acknowledges the challenge that climate change poses to the State and we want to have an informed discussion with the Western Australian community and determine how we move forward to address the risks and seize the opportunities that climate change poses. The proposed State Climate Policy is envisaged to be a roadmap for the long term that assists with the careful planning and investment required to ensure the continued prosperity of our State.

As a State, we can improve our strategies to invest in and support new industries and technologies like the energy sources of the future, such as hydrogen and renewables. This will help ensure that our State assets are positioned to support a growing population and our industrial needs for decades to come.

We need to ensure that our water resources are secure and can support our growing population.

We have the opportunity to invest in the conservation estate to shore

up our biodiversity values and participate in the growing carbon market to deliver homegrown solutions to emissions reduction imperatives.

In August this year, the government announced its commitment to working with all sectors of the economy to achieve net zero emissions for our State by 2050. We have also set ambitious targets to improve our waste management strategies and improve the way we use our resources.

The expansion of the State's public transport system through METRONET will enhance the efficient movement of our community and deliver direct reductions in transport emissions along with emerging technologies such as electric vehicles.

Western Australia's assets are plentiful – we have world-class renewable energy, a wealth of mineral resources, abundant land and a skilled workforce, which reinforce the exciting opportunities for developing new industries and services, and diversifying

our economy. The McGowan Government is working to take advantage of these job-creating opportunities, for example through its Future Battery Industry Strategy, Renewable Hydrogen Council, LNG Jobs Taskforce and the development of a State-based carbon supply market.

While a nationally consistent policy framework which we can rely on to deliver the commitments of the Paris Agreement is urgently needed, Western Australia won't wait on the Australian Government. A clear State Government policy and roadmap for action will ensure we manage the low-carbon transition in a considered way. It is also critical that we seize the opportunities presented by new technologies, emerging markets and changing consumer preferences. A coordinated approach to climate change will enhance the reliability of important services and the resilience of our communities, infrastructure and environment in the face of the unavoidable impacts of climate change.



We need to do more to safeguard a prosperous future for our State. This paper outlines the key issues facing Western Australia in the transition to a resilient, low-carbon economy, and sets out opportunities to build on actions already underway. Your feedback will help shape our future response under the State Climate Policy, and support development of a long-term vision for Western Australia.

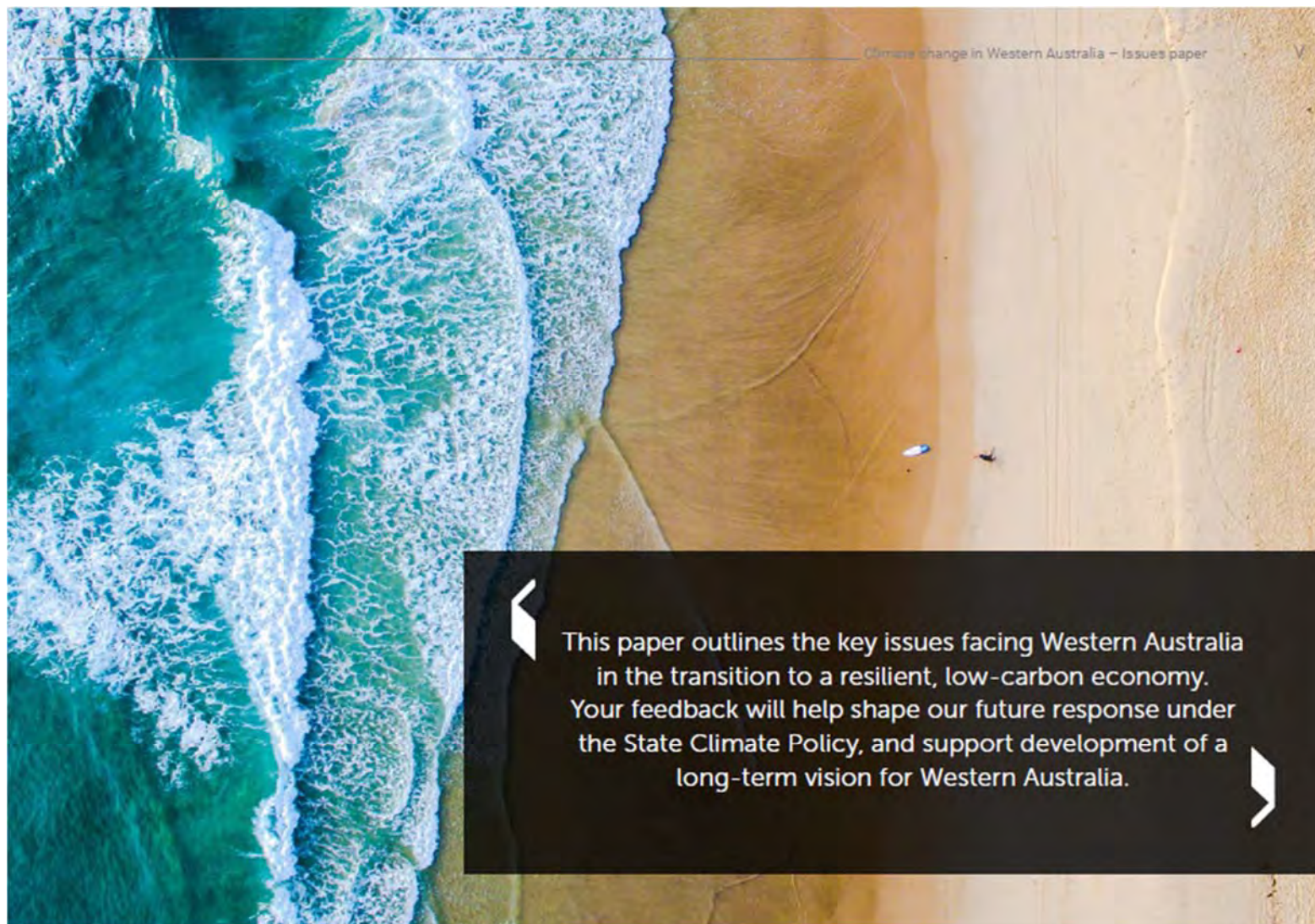
I invite all Western Australians to have their say.

**Hon Stephen Dawson MLC**  
**Minister for Environment**



## MINUTES OF THE ORDINARY COUNCIL MEETING

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This paper outlines the key issues facing Western Australia in the transition to a resilient, low-carbon economy. Your feedback will help shape our future response under the State Climate Policy, and support development of a long-term vision for Western Australia.

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Government of Western Australia



## Have your say

Western Australia's response to climate change is important and you are encouraged to have your say.

We invite you to have your say in shaping Western Australia's future.

By working together, we can ensure our State is well positioned for the low-carbon transition and resilient to the unavoidable impacts of climate change. Developing a complementary, integrated policy response in consultation with business and the community is the best way to achieve this goal.

Your feedback on the issues and questions outlined in this paper will help inform the development of Western Australia's new Climate Policy. It will also support the whole-of-government aim of sharing prosperity, and realising our State's economic, social and environmental potential.

You are invited to share your views by making a submission to the Department of Water and Environmental Regulation.

### Your legal rights and responsibilities

If you make a submission, please be aware that in doing so, you are consenting to it being treated as a part of a public document. Your name will be published; however, your contact address will be withheld for privacy. If you do not consent to your submission being treated as part of a public document, you should either mark it as confidential, or specifically identify what information you consider to be confidential, and include an explanation.

Please note that even if your submission is treated as confidential by the department, it may still be disclosed in accordance with the requirements of the *Freedom of Information Act 1992*, or any other applicable written law. The department reserves the right before publishing a submission to delete any content that could be regarded as racially vilifying, derogatory or defamatory to an individual or an organisation.




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### How to make a submission

**Submissions can be made online:**

<https://consult.dwer.wa.gov.au/climatechange/issues-paper>

**You can also send hardcopy submissions to:**

Climate Change Consultation  
Department of Water  
and Environmental Regulation  
Locked Bag 10, Joondalup DC  
WA 6919





## Introduction

Western Australia's climate has changed during the past century, with our State's South West region impacted by climate change more than almost any other place on the planet. We have seen higher average temperatures, and an increase in the annual number of days in Perth over 35 °C. There has also been a steady decline in rainfall, with a 60 per cent reduction of inflow to metropolitan dams since the 1970s.<sup>1</sup>

Already one of the most fire-prone regions in the world, Western Australia's fire risk has increased over the past four decades, and fire seasons have lengthened due to warming, drying conditions. There have also been observed changes in sea levels, with the rate of sea level rise on the west coast almost three times the global average.<sup>2</sup>

In the future, climate change will drive increased average and maximum temperatures, time spent in drought and lead to more extreme weather events.<sup>3</sup> In the south-west, the prolonged period of drying will continue, affecting primary industries, water security and natural ecosystems.

These changes will potentially have broad impacts across our communities, industries and ecosystems. Warming trends and extreme events will affect our natural assets, such as Ningaloo Reef, and our global biodiversity hotspot in the south-west, which will have implications for how these iconic regions are managed.

Climate change will see a need for greater emphasis on disaster preparedness, and increase the challenge of protecting infrastructure and vulnerable communities. Some agricultural areas in Western Australia may become marginal<sup>4</sup> and our cities and towns will be exposed to rising sea levels. Meanwhile, more severe

heatwaves and changing patterns of disease have the potential to affect the health and wellbeing of Western Australians, particularly the vulnerable.

As a resource-based economy, Western Australia is significantly exposed to carbon transition risks as the world moves to cleaner production processes and low-carbon products and services. The State's emissions-intensive extractive industries contribute 30 per cent of our gross state product, with more than 90 per cent of Western Australia's merchandise exports coming from minerals and petroleum.

Western Australia contributes around 17 per cent of Australia's total greenhouse gas emissions.<sup>5</sup> While the emissions intensity of our economy has declined by 30 per cent from 2005, our State's emissions have increased by almost one quarter. The growth in emissions is primarily a result of the resources boom, which has led to a doubling of the size of our economy between 2000 and 2016.

Responding to climate change in Western Australia presents complex and challenging issues for government, business and the community. How we respond to those challenges – and how we manage the unprecedented rate of change in technology and global

## MINUTES OF THE ORDINARY COUNCIL MEETING

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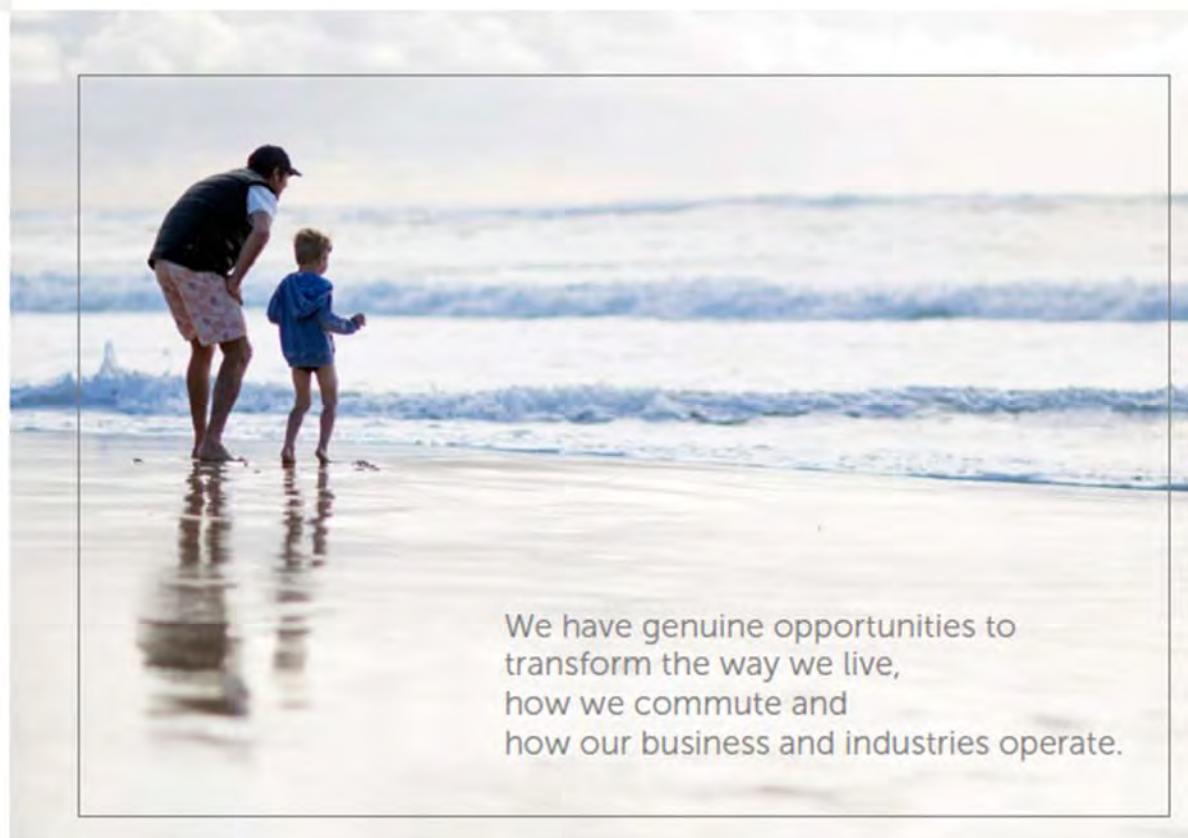
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markets – will determine the scale of those impacts and our future prosperity.

However, we don't need to choose between reducing emissions and protecting our State's economy and industries. Right now, we have genuine opportunities to transform the way we live, how we commute and how our business and industries operate. By embracing those opportunities, we can shift to a cleaner, more sustainable economy while continuing to enjoy all the things that make Western Australia a great place to live.



We have genuine opportunities to transform the way we live, how we commute and how our business and industries operate.

## International and national context

Australia ratified the United Nations Framework Convention on Climate Change Paris Agreement on 10 November 2016 and has committed to reducing greenhouse gas emissions by 26 to 28 per cent below 2005 levels by 2030. Parties to the Paris Agreement aim to limit warming to well below 2 °C above pre-industrial levels, acknowledging that emissions will need to reach net zero in the second half of this century.

The Paris Agreement also commits Australia to actions to enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change, acknowledging that all levels of government, business and the community have a role to play.

**A stable national policy framework for climate change and energy has, however, proved difficult to achieve over the last decade.**

It is broadly accepted that nationally consistent, economy-wide market mechanisms are better able to reduce our greenhouse gas emissions at least cost to the economy. A stable national policy framework for climate change and energy has, however, proved difficult to achieve over the last decade.

The key Australian Government climate change policies are currently the Emissions Reduction Fund (ERF) – recently renamed the Climate Solutions Fund – which provides for crediting and purchasing of abatement by the Clean Energy Regulator, and the ERF ‘safeguard mechanism’, which requires relevant facilities to keep greenhouse gas emissions at or below business as usual levels. In recent years, Australia’s greenhouse gas emissions have been rising, and almost one third of safeguard mechanism facilities have applied to increase their baselines.

The Government of Western Australia has committed to working with all sectors of the economy to achieve net zero emissions by 2050. The government’s aspiration creates the overarching framework for the State Climate Policy, ensuring that Western Australia captures the emerging opportunities of the low-carbon transition and secures a competitive economy into the future.



## Issues and opportunities for Western Australia

With the development of a new State Climate Policy, we have the opportunity to minimise physical impacts and safeguard Western Australia's economy in the face of global mega-trends and the low carbon transition. Our State can benefit from emerging opportunities and, in the process, diversify our economy and ensure our energy-intensive industries remain competitive into the future.

The State Government has a pivotal role in supporting resilience through its responsibility for land use and transport planning, and provision of public infrastructure, emergency management and relevant information on impacts and vulnerability.

A clear State Climate Policy will provide much-needed clarity for private and public sector investment, ensuring planners and businesses in Western Australia are able to make timely and efficient investment decisions. This is particularly important for future investment in resource and energy projects, energy networks, low-carbon technologies and the built environment. We are seeking input from business, industry, local government and the community on the issues and opportunities in a number of key areas.

	1. Transforming energy generation		2. Industry innovation
	3. Future mobility		4. Regional prosperity
	5. Waste reduction		6. Safe and healthy communities
	7. Water security		8. Liveable towns and cities
	9. Resilient infrastructure and business		10. Protecting biodiversity
	11. Strengthening adaptive capacity		

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 1 | Transforming energy generation



While transformation in the power system promises lower-cost and lower-emissions energy for Western Australian households and businesses, there are technical and regulatory issues to be managed.

Western Australia's energy transformation is already underway. In the State's main electricity grid – the South West Interconnected System (SWIS) – renewable energy supplied by large-scale renewable generators has doubled since 2007. More than a quarter of Western Australian households have now installed a solar photovoltaic (PV) system. Collectively, large- and small-scale renewable generation is supplying 16 per cent of our annual energy needs in the State's south-west.<sup>6</sup>

While transformation in the power system promises lower-cost and lower-emissions energy for Western Australian households and businesses, there are technical and regulatory issues to be managed.



#### Your thoughts?

- ▶ What are the main challenges for decarbonising Western Australia's electricity supply while ensuring adequate generation capacity, security and reliability?
- ▶ What are the most effective ways to overcome these challenges by 2030?
- ▶ Should the electricity sector make a pro-rata (or greater) contribution to Australia's national greenhouse gas emission targets?
- ▶ How fast do you think the transition of the electricity sector should occur?





### Issues for energy transformation

- ▶ Emissions in the SWIS have increased by around 16 per cent since 2005. A 26 per cent 'pro-rata' reduction for the SWIS, consistent with Australia's Paris Agreement commitments, would require us to cut emissions by 36 per cent from current levels. This is a significantly larger task for Western Australia compared to emissions reductions in the National Electricity Market (NEM), Australia's main electricity grid, where emissions have declined by around one fifth since 2005 due to reduced economic activity.
- ▶ Greater levels of large-scale renewables generation and distributed energy sources will create challenges for security and reliability, and for how electricity grids are operated. As renewables, including solar PV, increasingly displace traditional thermal generation, the critical security services these forms of generation supply to the network are also displaced.
- ▶ If Western Australia is to make a contribution to national emissions reduction, it is estimated that over \$10 billion of investment is required in infrastructure, storage and large-scale generation.<sup>7</sup> The Australian Government has made substantial funding commitments to enhance energy storage and support integration of renewable electricity in the NEM. These initiatives include Snowy Hydro 2.0 and a second interconnector between Victoria and Tasmania. Western Australia needs to receive its share of Commonwealth funding to support the low-carbon transition.

### Opportunities for the energy transformation

- ▶ The State Government is installing innovative solutions for fringe-of-grid and remote off-grid locations, including integrated solar-battery microgrids and micropower systems. Making better use of these distributed options for electricity supply can make energy both cleaner and more affordable, but needs to be carefully managed.
- ▶ Declining technology costs may soon put battery storage combined with renewable sources such as wind and solar PV on a par with conventional energy sources. Decarbonising our electricity sector at reasonable cost will soon be within reach. Devices which use, generate or store electricity (including electric vehicles) will increasingly form part of our power system.
- ▶ Reducing emissions from electricity supply has the potential to catalyse emissions reductions in other sectors, for example through electrification of transport.



#### Did you know...

##### Energy Transformation Strategy

On 6 March 2019, the McGowan Government launched the Energy Transformation Strategy, including a whole-of-system plan for the south-west, and a Distributed Energy Resource Roadmap to guide the integration of distributed energy sources. These initiatives will support the transition to a lower-emissions power system by guiding the efficient integration of renewable generation and identifying opportunities for energy storage.





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## 2 | Industry innovation

Western Australia's energy, mining and manufacturing industries are key drivers of the State's economy, with the resources sector contributing almost one third of our gross state product.<sup>8</sup> These industries are also significant sources of energy demand and greenhouse gases, contributing around half of Western Australia's total emissions.

New resource sector proposals are likely to drive increases to Western Australia's emissions in the short term. Western Australia's liquefied natural gas (LNG) export capacity will reach almost 50 million tonnes per year in 2019, with emissions from State-based operations increasing as a result. The government's *Greenhouse Gas Emissions Policy for Major Projects* sets out the broad approach that will be taken in consideration of new proposals and project expansions with significant greenhouse gas emissions. The policy aims to ensure that new proposals make an appropriate contribution to the State's aspiration of net zero emissions by 2050.

Western Australia's energy, mining and manufacturing industries are key drivers of the State's economy, with the resources sector contributing almost one third of our gross state product.



### Your thoughts?

- ▶ What measures have been implemented by your business to lower energy use or emissions?
- ▶ What are the barriers to decoupling energy use and emissions in the resources sector?
- ▶ Have you assessed the implications of the low-carbon transition for your business or sector? How are these risks disclosed to stakeholders?
- ▶ What exemptions should apply to trade-exposed sectors in reducing our emissions?
- ▶ How can the Government of Western Australia foster clean industries and technologies?



### Did you know...

#### Renewable Hydrogen Strategy

The McGowan Government launched its Renewable Hydrogen Strategy in July 2019 to position Western Australia as a frontrunner in the burgeoning global renewable hydrogen industry and has committed \$10 million to a Renewable Hydrogen Fund.





### Issues for energy industry innovation

- ▶ Emissions from electricity generation outside the State's main grid have almost doubled since 2005 due to the rapid growth in the resources sector, including off-grid sites and LNG facilities.
- ▶ Western Australia's fugitive emissions have increased significantly in recent years, and now contribute 14 per cent to the State's total greenhouse gas emissions.
- ▶ Deployment of renewable energy solutions may be limited in some areas by existing network infrastructure. Matching energy supply with load can also be challenging, and land requirements for renewable energy generation – typically greater than those for conventional energy sources – can present barriers to greater adoption.

### Opportunities for industry innovation

- ▶ Harnessing our world-class renewable resources to break the link between energy and emissions can put Western Australia's energy intensive businesses at the forefront of cleaner production trends and provide a competitive advantage in a low-carbon world.
- ▶ Many mining and energy projects are located in areas with abundant, high-quality renewable energy resources such as solar. Integrating renewables into a project's energy mix can offset fuel costs, enhance energy security and help manage the risks of fuel price volatility and future carbon pricing.
- ▶ LNG can displace higher emissions fuels in shipping, reducing greenhouse gas emissions from the export of fuels and minerals.



### Did you know...

#### Future Battery Industry Strategy and Future Battery Industries Cooperative Research Centre

The McGowan Government's Future Battery Industry Strategy was launched in January 2019 to grow Western Australia's future battery industry and transform it into a significant source of economic development, diversification, jobs and skills. The government has also committed \$6 million in funding to the new Future Battery Industries Cooperative Research Centre to be headquartered in Perth.



- ▶ Opportunities to lower the carbon footprint of LNG production and minimise emissions across the energy value chain include improved leak detection and remediation, changes to venting and flaring practices, and greater adoption of industrial-scale renewables.
- ▶ The global trend to decarbonisation will increase demand for low-carbon energy carriers such as hydrogen produced from renewable fuels. Western Australia is well positioned as a future producer of renewable hydrogen, which would facilitate export of the State's renewable energy resources to Asian markets.
- ▶ Global demand for lithium-ion batteries and the shift to electrification of transport present exciting opportunities to develop a sustainable, value-adding battery industry. Investment and leadership is required to ensure we move beyond the processing of precursor materials into the manufacture of battery components and battery cells, and development of service technologies and expertise.



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### 3 | Future mobility

Transport emissions contribute 17 per cent of Western Australia's total greenhouse gas emissions, and have increased steadily in recent years – rising 53 per cent between 2005 and 2017. Most of Western Australia's transport emissions come from passenger vehicles with emissions linked to population growth and increasing vehicle kilometres travelled.

The transport sector is likely to undergo a significant transformation in the coming years, as the cost of electric vehicles (EVs) approaches price parity with petrol and diesel vehicles, and other technological advances and potential disruptions (such as automation and ride-sharing) emerge further. These developments are likely to transform the nature of transport and may significantly improve its environmental impact.



#### Your thoughts?

- ▶ What are the barriers to purchasing a low-emissions vehicle for your household or business?
- ▶ What can be done to facilitate the uptake of electric and other low-emission vehicles in Western Australia?
- ▶ How can we further encourage use of public transport and active transport, such as walking and cycling?
- ▶ How can we ensure that Western Australia isn't left behind in the transition to cleaner transportation?



#### Did you know...

##### Electric Vehicle Strategy for Western Australia

The Western Australian government is investigating options to accelerate the uptake of electric vehicles in the State and deliver a strategy that will support a transition to cleaner electrified transportation.







### Issues for future mobility

- ▶ Western Australia has one of the highest rates of car use per person in the world and our vehicles emit relatively high levels of greenhouse gas emissions per kilometre travelled by international standards.<sup>9</sup>
- ▶ Reducing transport emissions in Western Australia can be challenging given our commodities-based economy, the large distances between regional communities and current patterns of low-density development on the urban fringes.
- ▶ Freight demand continues to grow in Western Australia, with implications for future emissions depending in part on the choice of transport mode (e.g. road vs rail).
- ▶ Australia is one of the few countries within the Organisation for Economic Co-operation and Development (OECD) without mandatory fuel efficiency standards. Without national carbon emission standards there is a risk that our region could become a destination for high-polluting vehicles while other nations progress towards cleaner transportation.
- ▶ EVs are becoming increasingly popular around the world, driven by rapid technological advances and declining battery costs. However, Western Australia is well behind the global average uptake of EVs.<sup>10</sup>

### Opportunities for future mobility

- ▶ We can lower our emissions through multiple opportunities, including integrated land use and transport planning, mode shift (encouraging people to use more public transport and replacing car trips with 'active transport' options such as walking and cycling), improving freight management and using more fuel-efficient or low-and zero-emission vehicles.
- ▶ The electrification of transport, combined with decarbonisation of our electricity grid, will significantly reduce greenhouse gas emissions as well as provide air quality and fuel security benefits.
- ▶ Hydrogen fuel cell vehicles are continuing to develop and may present opportunities to decarbonise particular applications such as long-haul heavy transport.



### Did you know...

#### METRONET

METRONET is Perth's most ambitious public transport program. It brings together transport and land use planning to create a framework for sustainable growth of the city that will reduce car-dependency and create train station precincts that limit urban sprawl and connect communities.

#### Blueprint for future Perth and Peel cycling network

The McGowan Government is investing \$146 million in cycling over four years and has commenced development of a blueprint for future cycling infrastructure across the Perth and Peel regions.



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#### 4 | Regional prosperity

Western Australia's agriculture and food sector is the cornerstone of our rural and regional communities. Our State is the nation's largest grain-producing region, and a significant producer of meat and livestock, dairy, wool and horticulture products. Climate change presents our regional communities with both impacts to be managed and new economic opportunities.



#### Your thoughts?

- ▶ How will climate change affect your regional community?
- ▶ What steps can we take to further enhance the resilience of our regions and our primary industries?
- ▶ How can we support the agricultural sector to participate in the low-carbon transition?
- ▶ What opportunities do carbon offset markets present for Western Australian land managers, including Aboriginal groups?
- ▶ What matters should the State Government take into account in developing a strategy for carbon farming in Western Australia?



#### Did you know...

##### Collie Futures Fund

The McGowan Government has provided \$20 million over five years to drive economic diversity and create jobs in the Collie region. The funding is delivered through a small grants program and industry development fund to support long-term economic growth and stimulate jobs for Collie.





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### Issues for regional prosperity

- ▶ Ongoing drying across the south-west may significantly reduce wheat yields in some areas, while increased temperatures and changes to rainfall and fire risk will have implications for livestock and pasture management across the State. Extreme weather events may exacerbate land degradation, cause plant and animal deaths, and increase infrastructure and insurance costs.
- ▶ The State's lower west coast is a global hotspot for increasing sea temperature which is having a major impact on fish stocks.<sup>11</sup>
- ▶ Agriculture is the fourth most energy-intensive industry in Australia, and the only industry to experience an increase in energy intensity since 2008-09.<sup>12</sup>
- ▶ Regional communities where the energy sector is a major employer (particularly coal mining and coal-fired power generation) are vulnerable to changes to the way electricity is supplied. Falling demand for coal-fired generation is likely to result in the retirement of some of the State's coal-fired power stations over time, with significant flow-on effects for workers and regions.
- ▶ While carbon farming presents opportunities for land holders, there are complex legal and policy issues to be considered and competing interests to be balanced. Native title has been determined to exist or is claimed over a large portion of Western Australia's rangelands, and areas of interest for carbon farming – including the Mid West, Gascoyne and Goldfields regions – are also prospective for future gold, nickel, base metals, iron ore and petroleum operations.

### Opportunities for regional prosperity

- ▶ Western Australia's primary producers are at the forefront of technological innovation, driven by the need to adapt to drying conditions. Advances in technology, supported by investment in crop breeding, agronomy, stock breeding and husbandry will create opportunities to maintain, develop and diversify new business models and services.
- ▶ Improved seasonal forecasting and regional climate projections will enhance the resilience of our agriculture, fisheries and aquaculture sectors.
- ▶ New industries such as carbon farming and bioenergy production are emerging, unlocking new income streams in regional and remote areas, supporting regional prosperity and delivering environmental co-benefits.
- ▶ Investments in renewable energy and energy efficiency can reduce emissions, lower operating costs and improve the profitability of the agricultural sector.
- ▶ Aboriginal people, as traditional owners, landholders and land managers, are playing an active role in developing Western Australia's carbon farming industry and improving methods of land management and burning practices. Continued development of this work and other land-based initiatives has the potential to generate significant long-term environmental, economic and cultural benefits for regional and remote Aboriginal communities.
- ▶ A research and agronomy focus on the development of soil carbon to restore water retention capability in our farming and pastoral soils is critical to protecting the productivity of Western Australian agriculture.
- ▶ The development of carbon credit rules under Article 6 of the Paris Agreement is likely to increase demand for carbon offsets, and revenue for carbon farming activities. Additional funding for the Australian Government's Emissions Reduction Fund will also present opportunities for carbon farming in Western Australia.



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## 5 | Waste reduction

Waste accounts for a relatively minor proportion of Western Australia's greenhouse gas emissions. However, waste generation and disposal has a significant impact on the environment and public health through pollution, biodiversity loss and resource depletion.

In February 2019, the Premier and Minister for Environment launched the Waste Avoidance and Resource Recovery Strategy 2030 to improve our State's waste management. The Waste Strategy's vision is for Western Australia to become a sustainable, low-waste circular economy in which human health and the environment are protected from the impacts of waste.

The government is reducing the generation of waste through its ban on lightweight, single-use plastic bags and the introduction of a container deposit scheme. Government targets for a more sustainable, cleaner environment require at least 75 per cent of waste generated in Western Australia to be reused or recycled by 2030. Additional measures to avoid and reduce single-use plastics are being investigated.



### Your thoughts?

- ▶ What areas can we target to further reduce greenhouse gas emissions from waste?
- ▶ What can households, businesses and government do to reduce their waste and compost more?



### Did you know...



#### Three-bin FOGO system for Perth and Peel households

The three-bin kerbside collection system includes the separation of food organics and garden organics (FOGO) from other waste categories. The State Government has set a target to ensure the three-bin system is provided by all local governments in the Perth and Peel regions by 2025.



#### A liveable environment

The State Government's priority for a liveable environment includes ambitious targets for waste reduction with the goal that 75 per cent of waste generated in Western Australia is reused or recycled by 2030.



### Issues for waste reduction

- ▶ Waste accounts for 2 per cent of our State's greenhouse gas emissions. While this is a small contribution to our State's total, these emissions have increased 20 per cent between 2005 and 2016.
- ▶ Western Australia produces almost 20 per cent more waste annually than the national average. A typical Western Australian household creates about 28 kilograms of waste each week, of which only around one third is recycled and the rest sent to landfill.<sup>13</sup>
- ▶ Greenhouse gas emissions are generated from waste when organic matter (such as kitchen and garden waste, agricultural and forestry residue, manure, and solids from treated sewage) breaks down in the absence of oxygen and produces methane – a greenhouse gas which is 26 times more potent than carbon dioxide.



### Opportunities for waste reduction

- ▶ A circular economy presents opportunities for increased local recycling activity and local solutions, which, in turn, create local jobs, and minimise the costs and environmental impacts of unnecessary transport.
- ▶ Several landfill sites in Western Australia capture methane generated from waste to produce energy. Methane emissions from the decomposition of organic matter can also be reduced by composting waste instead of stockpiling it or sending it to landfill.
- ▶ Carbon farming methods are available for avoiding methane production and composting organic waste under the Australian Government's Emissions Reduction Fund (now Climate Solutions Fund). This has the potential to provide income opportunities for land managers and alternative waste treatment providers.
- ▶ Western Australia has a hierarchy that ranks waste management options in terms of their general environmental desirability, with waste avoidance being the preferred option. After opportunities for avoidance, reuse, reprocessing and recycling have been exhausted, energy recovery from waste is preferred to landfill disposal. Australia's first large-scale, waste-to-energy plant is being constructed in Western Australia and will have the potential to save up to 400 000 tonnes of carbon dioxide equivalent emissions per year.

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## 6 | Safe and healthy communities

Impacts of climate change such as heatwaves and extreme weather events, an increase in pollutants and allergens, and changing patterns of disease have the capacity to affect the health of all West Australians, particularly the vulnerable. Western Australia's 2017 *Sustainable Health Review* noted that 'heatwaves are responsible for more deaths in Australia than any other natural disaster and will likely worsen with climate change'.<sup>14</sup>

Climate change also has significant implications for emergency management and other social services delivery with the potential for climate-related hazards such as fire to place a strain on disaster response services.

Photo: Department of Fire and Emergency Services



### Your thoughts?

- ▶ What are the main climate risks for your household or your community? What can be done to manage these risks?
- ▶ What are your biggest concerns about Western Australia's future climate?
- ▶ What could be done to ensure your community is better prepared for possible climate impacts?



### Did you know...

#### State Risk Project

Since 2013, the State Emergency Management Committee (SEMC) has run the State Risk Project to gain a comprehensive understanding of the risks faced at the state, district and local levels. Risk assessments completed to date take into account seven priority hazards including bushfires, heatwaves and floods.

#### Inquiry into the impact of climate change on health in WA

In March 2019, the McGowan Government announced a Chief Health Officer's inquiry into the impact of climate change on health services and how health services can reduce their environmental footprint.





**Issues for healthy communities**

- Climate change will exacerbate existing health burdens by increasing injury, physical and mental illness, and the frequency of extreme weather events (floods, droughts, heatwaves and storms). Climate change will also lead to alterations in the distribution of vector-, water- and food-borne infectious diseases, and air pollution patterns.<sup>15</sup>
- The fire season in Western Australia's south-west is expected to lengthen, placing more demands on personnel and equipment.<sup>16</sup> A longer fire season will also narrow the seasonal window for prescribed burning and hazard reduction measures, and exacerbate the risk of severe fire.
- Our current infrastructure, along with our health, social and emergency services, have been planned on the basis of historic climate patterns and needs. The future volatility of our climate and the increasing prevalence of extreme weather events may strain or exceed the capacity of our existing health system and emergency management frameworks, and disrupt essential services and programs.

- Emergency services are on the frontline of our changing climate, and improved national firefighting assets are likely to be required to manage the escalating threat of bushfire from a warming and drying climate.<sup>17</sup> Recent Western Australian bushfires, including the 2011 Roleystone-Kelmscott fire and the 2014 Perth Hills fire, have caused significant damage to property and hardship in communities, foreshadowing the need for a new approach to bushfire prevention.
- While initiatives to enhance preparedness are considered more efficient than rebuilding after a natural disaster, only 3 per cent of national disaster funding is spent on disaster mitigation and preparedness.<sup>18</sup>



Photo: Department of Fire and Emergency Services

**Opportunities for healthy communities**

- We can enhance the resilience of our communities by preparing for the increased demand on services, while building longer-term resilience into infrastructure design and investment. We can also ensure land use planning reduces exposure to climate-related hazards, particularly fire, flood, storms (including cyclones) and coastal erosion and inundation.
- Embedding climate considerations into long-term investment and management decisions through enhanced coordination across government and communities can improve resilience to natural disasters.

- Research into changing patterns of disease and other health consequences of climate change can lessen the impacts of these changes. Communication targeted to medical practitioners and the community (in particular vulnerable groups) regarding prevention and treatment of health impacts, such as reducing exposure to vector-borne diseases or managing heat-related illness, can significantly improve public health outcomes.



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## 7 | Water security

One of the State Government's priorities is creating a more sustainable and liveable environment. Our economic, social and environmental future is dependent on securing our water resources in the context of climate change.

Adapting to climate change requires the Western Australian community, including individuals and industry, to use water more efficiently. Improved water literacy and enhanced community engagement are critical to creating a sustainable, productive and resilient community for the long term.

Improved water literacy and enhanced community engagement are critical to creating a sustainable, productive and resilient community for the long term.



### Your thoughts?

- ▶ What can we do to encourage Western Australians to use water more efficiently and adapt to a drying climate?
- ▶ Are there policies adopted in other jurisdictions we should consider for Western Australia?
- ▶ What are the best management options to deal with the water security implications of climate change for our agricultural sector?



### Did you know...



#### Water Corporation – groundwater replenishment

Australia's first full-scale Groundwater Replenishment Scheme is located at Craigie, in Perth's northern suburbs. It started recharging recycled water to Perth's deep aquifers in 2017. The Water Corporation's Advanced Water Recycling Plant will have the capacity to recycle up to 28 billion litres a year, with half of this water recharging the Leederville and Yarragadee aquifers onsite and the remaining volume of water being transferred to recharge bores drilled in Wanneroo and Neerabup.

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### Issues for water security

- ▶ Perth is located on one of Australia's best groundwater resources – the Gnangara groundwater system – which supplies about 40 per cent of the drinking water used in the metropolitan region each year. With ongoing warming and drying of our climate, our groundwater system has shifted out of balance. Rainfall has reduced faster than changes to groundwater use, and our once-healthy system is under strain.
- ▶ Further reductions in groundwater use across the region will be required within a decade, along with significant investments in water infrastructure to manage bottlenecks in water supply.
- ▶ The drying trend, in particular reduced winter and spring rainfall, has impacted towns and farms in the Wheatbelt region, challenging productivity, driving innovation and prompting investigation of measures to enhance rainfall harvesting catchments and provide off-scheme farm potable supplies.
- ▶ In addition, ongoing investment is required to deliver reliable and safe water supplies to remote communities, supporting health and wellbeing in Aboriginal communities across the State.

### Opportunities for water security

- ▶ The State Government and the Water Corporation, along with the community and local governments, have been collectively managing the effects of our drying climate since around 2001. Key management strategies include using groundwater more sustainably through increased recharge and reduced abstraction, improving water efficiency through better technologies and urban design, and developing alternative water sources.
- ▶ At present, desalination supplies almost half of Perth's drinking water supply, and the Water Corporation is exploring the feasibility of new desalination plants north and south of the Swan River, as well as increased groundwater replenishment.
- ▶ Enhancing water efficiency will avoid or defer the need for new water sources, and reduce the total energy use (and greenhouse gas emissions) associated with desalination. Between 2001 and 2018, water efficiency initiatives have supported reductions in water use by consumers in Perth from 191 000 litres to 123 000 litres. Demand management initiatives for Perth have saved 109 billion litres of scheme water since 2001, which is more than the entire annual capacity of the Southern Seawater Desalination Plant.
- ▶ Securing a sustainable water future will require a mix of innovative water projects, adopting water sensitive urban design, building capacity in water efficiency, sharing research and exploring new water supply options.



#### Did you know...



#### Gnangara groundwater allocation plan

Work has begun on the next Gnangara groundwater allocation plan, including consultation with the Water Corporation and water users, to find practical pathways to bring the system back into balance by 2030. The plan will involve new limits on groundwater availability, and changes to how we license groundwater.



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## 8 | Liveable towns and cities

The design and construction of our cities and towns has long-term implications for both sustainability and quality of life. Our built environment, particularly our homes and offices, and fixed equipment such as heating and cooling systems, are long-lived assets. Decisions made today can lock in energy savings – or, conversely, lock in higher energy use and emissions – for many years to come.



## Your thoughts?

- ▶ What are the key barriers to improved energy efficiency for our built environment?
- ▶ What information or tools do you require to improve energy efficiency in your household or workplace?
- ▶ What energy efficiency standards or disclosure measures do you support for our homes and offices and the appliances we use in them?
- ▶ How do you think climate change will affect the liveability of your neighbourhood or region?
- ▶ How can we improve the retention of vegetation, particularly tree canopy, in our cities and suburbs?



## Did you know...

**Trajectory for Low Energy Buildings**

A trajectory for low-energy buildings has been developed cooperatively between Commonwealth, state and territory governments to identify cost effective opportunities for energy efficiency improvements throughout the building system from thermal performance to appliance energy usage and renewable energy generation.

**Better urban forest planning**

The Department of Planning, Lands and Heritage (DPLH) in partnership with the Western Australian Local Government Association (WALGA) has released a planning guide for urban forest to improve the consistency of local government urban forest strategies.





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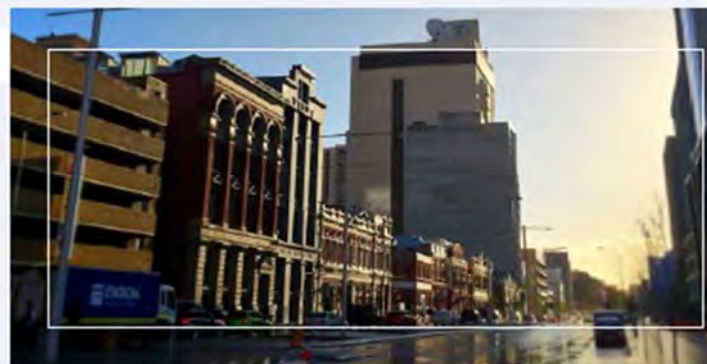
### Issues for liveable towns and cities

- Buildings currently account for almost one fifth of Australia's greenhouse gas emissions<sup>19</sup> and, by international standards, our existing housing stock is relatively inefficient.<sup>20</sup>
- Despite the cost savings from energy efficiency improvements, there are recognised barriers to their adoption. These include information gaps (around costs and benefits, for example); lack of skills to implement energy efficiency opportunities; high initial costs (understanding investment payback to make informed decisions can be difficult and time consuming); and split incentives (where those paying for measures are not the beneficiaries of the measures).

- Our built environment is not just a contributor to global climate change, but also susceptible to the effects of a warming climate. Some urban areas are experiencing temperature increases at twice the rate of the planet as a whole<sup>21</sup> due to loss of natural vegetation and its replacement with paved surfaces, buildings and infrastructure.
- Perth is expected to be up to 2.7 °C hotter by 2030. In eastern suburbs, where vegetation and tree canopy is lower, warming will be even greater. The heat island effect has significant implications for human health, local ecosystems, and the water cycle, and can increase energy demands for heating and cooling.

### Opportunities for liveable towns and cities

- Intelligent urban planning, higher construction standards and energy-efficient equipment (coupled with renewable energy) can significantly reduce emissions from our built environment, while reducing utility costs and enhancing health and comfort for building occupants. The Government of Western Australia collaborates with other states and territories as well as the Australian Government to design and deliver a range of cost-effective housing, appliance and equipment energy efficiency measures across the country. The sooner cost-effective energy efficiency measures can be adopted, the earlier energy and cost savings will be locked-in.
- Linking transport corridors with places of employment, housing and recreation can reduce the need for private vehicle travel. A new initiative, Design WA, outlines key considerations for energy efficiency and climate resilience and aims to ensure good design is the centre of all development in Western Australia.



- Urban development has contributed to a decline in established vegetation, particularly tree canopy, across the Perth and Peel regions since 2009. While vegetation can minimise the urban heat island effect, maintaining and reinvigorating our urban forests is challenging alongside targets for higher-density development and declining rainfall.

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## 9 | Resilient infrastructure and businesses

Resilient infrastructure is critical for Western Australia's productivity and economic prosperity, and the interconnection of our communities with the essential services on which they rely. Infrastructure is generally capital-intensive and has a long life span. It is therefore important that infrastructure is designed, built and maintained to be resilient in the face of climate change.

Coastal development and ports, inland road networks, as well as energy, water and communications infrastructure face risks from rising sea levels, increasing temperatures and more frequent storms and bushfires. These changes will impact Western Australia's resources and primary industry sectors, as well as communities.



### Your thoughts?

- ▶ What are the key climate risks for the primary industry or resources sectors?
- ▶ Do you currently assess the impact of physical climate risks on your business, assets or infrastructure?
- ▶ Is there information which would assist you to do this better?
- ▶ What are the best ways to enhance the resilience of public and private infrastructure?



### Did you know...

#### State planning policy 2.6 – coastal planning

The State coastal planning policy provides a planning framework for the long-term sustainability of the Western Australian coast. It also provides guidance for the incorporation of coastal hazards including sea-level rise in the determination of land use and development in the coastal zone.

#### Coastal planning and management grants

On 21 February 2019, the State Government announced \$1.6 million in funding for projects to manage Western Australia's coastline through the Department of Transport's Coastal Adaptation and Protection grants, and the Western Australian Planning Commission's Coastwest and Coastal Management Plan Assistance Program grants.





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### Issues for resilient infrastructure and businesses

- ▶ Ongoing warming and changes to rainfall across the State have the capacity to reduce the productivity of our primary industries, increasing infrastructure and insurance costs. The sector also faces business risks associated with volatile fuel costs and emissions policy.
- ▶ Projected sea level rise will lead to significant areas of flooding in vulnerable cities and towns, with coastal erosion and damage to low-lying coastal infrastructure. Infrastructure and settlements along Western Australia's coasts, in particular Mandurah, Bunbury, Busselton and Rockingham, are vulnerable to climate change.<sup>22</sup> Up to 28 900 residential buildings, 2100 commercial buildings and 9100 km of Western Australia's roads will be at risk towards the end of this century.<sup>23</sup>
- ▶ Most local coastal managers are local government authorities. In recent years, the Productivity Commission has noted the lack of clarity around the roles and responsibilities of local government in adaptation,<sup>24</sup> including where risks and potential adaptation measures span multiple institutional land owners.
- ▶ While future coastal developments will incorporate a coastal foreshore reserve, providing a buffer against coastal hazards, in some cases active management of coastal areas will also be needed. Examples include where infrastructure requires a coastal location (e.g. ports and harbours), where existing coastal protection structures are deteriorating or in the case of extreme weather events.
- ▶ Businesses are typically best placed to manage risks to their own private assets, operations and infrastructure. However business relies on accurate and regionally relevant science and information to support risk assessment and decision making.

### Opportunities for resilient infrastructure and businesses

- ▶ Government is well placed to support resilient business and infrastructure through levers such as planning policies that support effective adaptation, appropriate regulatory and fiscal structures, and provision of high-quality information and tools to support proper planning.
- ▶ Embedding consideration of climate change into agricultural practices and land sector development can enhance resilience, while integration of large-scale renewable energy projects into agricultural enterprises can minimise exposure to future carbon pricing. Targeted investment in resilience measures is estimated to reduce government expenditure on disaster relief and recovery.
- ▶ Support in relation to coastal hazard management, particularly in areas where science and engineering expertise is required, can assist local coastal managers to manage hazards and improve resilience. There is no specific statute for coastal hazard management in Western Australia; however, the State Government provides statutory guidance on sustainable coastal development through the Western Australian Planning Commission's *State planning policy 2.6 – coastal planning*.



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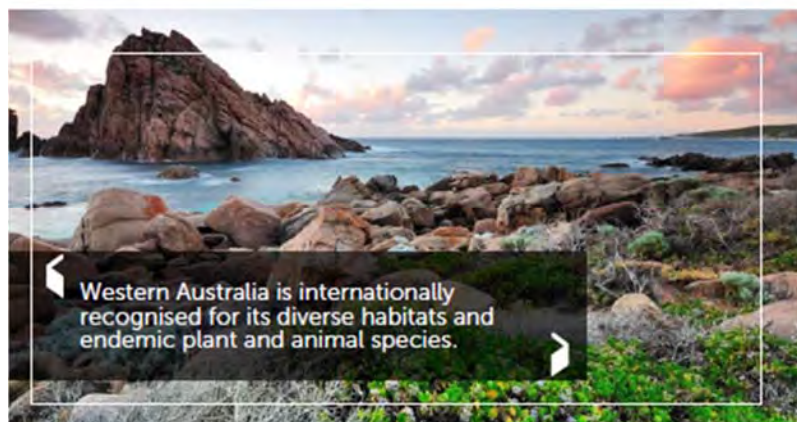
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## 10 | Protecting biodiversity

Western Australia is internationally recognised for its diverse habitats and endemic plant and animal species. The State's south-west is one of only 34 global biodiversity hotspots. Our biodiversity is under threat from a range of processes, including land clearing, reduced rainfall, changed fire regimes, invasive species, disease, grazing and salinity.

Climate change has already impacted our biodiversity and is predicted to cause widespread changes to the health of marine and terrestrial ecosystems. The *Global Assessment Report on Biodiversity*<sup>25</sup> identified climate change as one of the significant drivers of change in nature and declines in biodiversity values.



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## Your thoughts?

- ▶ Can existing land use and biodiversity management practices be modified to reduce vulnerability and improve resilience?
- ▶ Are there opportunities for new collaborations with landholders or communities to address climate risks and improve biodiversity outcomes?



## Did you know...

**Increasing conservation for future generations**

The McGowan Government has set a target for increasing Western Australia's conservation estate by 5 million hectares, or 20 per cent, by 2023–24. Expanding conservation in areas of high biodiversity will help protect our unique wildlife, and support jobs and economic diversification in regional and remote areas.



## MINUTES OF THE ORDINARY COUNCIL MEETING

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### Issues for protecting biodiversity

- ▶ Climate change is anticipated to reduce biodiversity, including causing potential extinctions of species unable to cope with the rate of change or impacted by habitat loss. Warming temperatures will increase the risks of algal blooms, anoxia and fish kills in Western Australia's aquatic ecosystems.
- ▶ Sea level rise and coastal hazards will affect coastal and estuarine environments, with changes in the salinity of coastal wetlands and groundwater. Reduced water flows in rivers, combined with increased tidal influence, have significant implications for estuaries, including those of the Swan and Peel.
- ▶ Climate change will alter the seasonal lifecycle response and distribution of aquatic species. Increased tidal height in estuaries is also problematic for migratory shorebirds as it increases water levels in nearshore areas and can make areas that were previously important foraging habitat unavailable.
- ▶ Ocean warming and acidification has the potential to impact Western Australia's coral reefs – the most diverse of all marine systems. Ningaloo Reef is a significant aggregation site for the endangered whale shark, and the world's only extensive coral reef that fringes the west coast of a continent.
- ▶ Integrating landscape restoration and biodiversity protection into an active agricultural landscape is challenging. In addition, the complexity and diversity of some ecosystems, along with altered soil properties and hydrology, present additional hurdles to effective restoration.<sup>26</sup> Some local governments in Western Australia's south-west retain less than 5 per cent of their original vegetation due to land clearing from agriculture, along with urban and industrial development.

### Opportunities for protecting biodiversity

- ▶ Steps can be taken to improve the resilience of our precious biodiversity. Actions include identifying and prioritising systems for conservation, restoring remnant ecological communities and urban forest, and maintaining ecological connectivity between habitats.
- ▶ Other measures to improve resilience involve addressing existing stressors, such as groundwater depletion, pests and salinity.
- ▶ There has been significant government investment in ecosystem restoration across agricultural lands. Expanding the conservation estate by declaring national and marine parks in areas of high biodiversity will help to protect Western Australia's biodiversity.





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## 11 | Strengthening adaptive capacity

Adaptive capacity is the ability of a sector, community or system to adapt or adjust to climate change in order to minimise harm or manage the consequences. Government can support adaptive capacity by providing tools, guidance and accurate information about the impacts of climate change and adaptation options for stakeholders.

The government publishes a diverse range of information on climate-related impacts, from guidance on livestock production, broadacre cropping and horticulture, to information about managing risks of bushfire, heatwaves, sea level rise and coastal hazards (such as erosion and inundation).



State and local governments have closely aligned responsibilities in the areas of land use planning, health, emergency management and infrastructure. Building strong State and local government partnerships and supporting the adaptive capacity of local governments will be key to Western Australia's future resilience.



### Your thoughts?

- ▶ Are there gaps in the availability of adaptation knowledge, climate information or skills for your community, organisation or sector? How can these be addressed?
- ▶ What are the main barriers to the adoption of effective climate change adaptation?



### Did you know...

#### Funding to secure future of Western Australia's agriculture

The Government of Western Australia has announced increased funding for the Department of Primary Industries and Regional Development (DPIRD) to support primary producers and rebuild scientific capability. Additional expenditure of \$131.5 million will ensure Western Australia's agricultural sector remains at the forefront of international competition.





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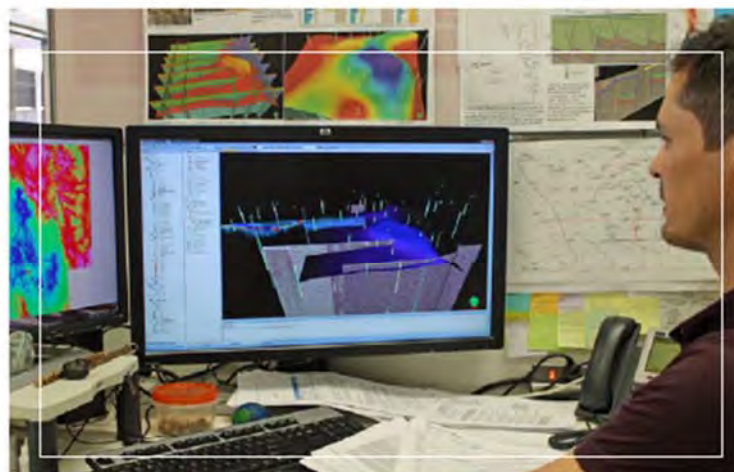


### Issues for strengthening adaptive capacity

- ▶ While individuals and communities may be highly motivated to manage their own risks, they rely on up-to-date and relevant information in order to do so. Climate science is constantly evolving, so it needs to be regularly updated to inform our adaptation responses. The government invests in significant research programs, such as the Western Australian Marine Science Initiative, and regularly collaborates with research institutions and the Commonwealth Scientific and Industrial Research Organisation (CSIRO).
- ▶ Climate risks are generally not spread evenly across the community, but are greater for vulnerable groups including Aboriginal communities, the elderly and the homeless.
- ▶ Local governments are on the frontline of climate change adaptation. They are actively engaged in managing climate risks, assessing coastal hazards and coastal erosion, managing the implications of climate change for emergency services and considering how adaptation costs may be equitably shared. Local governments are best placed to identify the adaptation needs of local communities, and will typically be the first to respond to local impacts.

### Opportunities for strengthening adaptive capacity

- ▶ Greater integration of climate considerations into core policy and sectoral areas will lead to more climate-resilient and reliable government services and assets, and stronger economic performance for the State.
- ▶ Best practice community engagement can support a greater awareness of the link between climate change and equity, support understanding of how climate change will impact on vulnerable groups and empower our service organisations to respond.
- ▶ Provision of up-to-date, accessible climate science and climate-related information can build adaptive capacity across the community. Ensuring climate science is highly relevant and translated to local, regional or sectoral impacts will support the adaptive capacity of key sectors.



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Climate change in Western Australia – Issues paper

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## MINUTES OF THE ORDINARY COUNCIL MEETING

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### Make a submission

**Written submissions**

Access the submissions portal at:

<https://consult.dwer.wa.gov.au/climatechange/issues-paper>

**Hard copies can be mailed to:**

Climate change

Department of Water and Environmental Regulation

Locked Bag 10 Joondalup DC WA 6919

**Closing date**

29 November 2019, 5pm (AWST)

**For further information**

Email: [climate@dwer.wa.gov.au](mailto:climate@dwer.wa.gov.au)





30 OCTOBER 2019

11.6 APPLICATION FOR USE OF THE TOWN COMMON  
RES49809

Author

Chief Executive Officer

Disclosure of Any Interest

Disclosure of Interest:

Nature of Interest:

Officers Recommendation

That a license to occupy an area by Mrs MacLean, as depicted on the attached map not be considered further, until Mrs MacLean resides permanently in Denham.

OR

That a licence to occupy an area by Mrs A MacLean of the Reserve 49809 - Common as depicted on the attached map be granted for a period of five (5) years expiring on 30 October 2024 on the following conditions:

1. Ongoing compliance with the guidelines of the Shire's Management Statement for Reserve 49809 - Common.
2. The allocated area being suitably fenced and maintained to ensure stock is contained within the approved area.
3. The approval of the Minister of Lands is granted.

Moved Cr Bellottie

Seconded Cr Burton

Council Resolution

**That a license to occupy an area by Mrs MacLean, as depicted on the attached map not be considered further, until Mrs MacLean resides permanently in Denham.**

**7/0 CARRIED**

Background

The Shire of Shark Bay has a Management Order on Reserve 49809 which has a current purpose classified as Common. The area of the reserve is 1,139.223 hectares.

The license allows for an applicant to apply for a term of up to five years.

Given the area is Reserve vested in the Council the Council Property Local Laws can be applied to this area.

There are currently 4 licenses issued to utilise an area of the common, they are:

Mrs Margaret Hargreaves

License Issued 1 April 2016 expires 30 March 2021

Area 1,500m<sup>2</sup>

Mr Henk Van Eek

License issued 1 July 2015 expires 30 June 2020

Area 5 Hectare

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Mr Gary Desmond and Mr Harold Hoult  
License Issued 1 July 2015 expires 30 June 2020  
Area 15 Hectares

Denham Dirt Kart Association Inc  
License approved by Minister for Lands – August 2019 to July 2024  
Area 2.9 Hectare

There are conditions on the issued licenses relating to the tenure and stock control devices relevant to the license approval which will be further investigated to ensure compliance with the original approvals issued.

#### Comment

A request for an area of the common has been submitted by Mrs Alison MacLean (attached at end of the item along with email correspondence).

Mrs MacLean was previously granted a license to occupy an area of the Common. This license expired in 2018.

As indicated in Mrs MacLean's email correspondence, she is currently not residing in Denham, but is planning to return to her private residence in the future.

Mrs MacLean has identified the area that she would like to occupy and has indicated that the area will be fenced to contain her animals. A new plan has been added as part of the area requested by Mrs MacLean has at the September 2019 Ordinary Council meeting been allocated to the Denham Dirt Kart Association Inc, and now has the approval from the Minister for Lands.

#### Legal Implications

The Council has a policy in place in regard to use of the common which should be adhered to by all users

The Council property local law also has clauses that refer to the behaviour of individuals who utilise Council property.

#### Policy Implications

The Council policy does not clearly indicate that an area approved under licence is required to be fenced.

The policy has the wording that an area stock control device will be required to access the town common. Occupiers are required to control stock in the licensed area and to maintain the area, which would be difficult to do if the lease is not living within the Shire.

#### Financial Implications

There is an Annual Fee of \$165.00 for non-commercial users and \$500.00 for commercial users, for the use of Reserve 49809.

#### Strategic Implications

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There are no strategic implications relative to this report.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

*P Anderson*

Date of Report

9 October 2019



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### Policy for the Occupation and use of the Town Common

- a) The shire is to maintain a register of all occupiers of the town common along with the following base data;
  - 1. The area and location of land being utilised along with the specific infrastructure thereon.
  - 2. The number of stock being grazed.
  - 3. Other activities that are being undertaken. E.g., sand extraction, trail bike riding etc.
- b) Occupiers of the town common
  - 1. All occupiers of the town common will require a license to be granted for the designated purpose of occupation of the town common for a term not exceeding (5) years and be subject to the approval in writing from the minister for lands.  
  
The approved licence will specify all current activities undertaken pursuant to the licence and detail any conditions of approval relative to that occupation.
- c) Reporting Requirements
  - 1. A report will be provided to council on an annual basis detailing current occupiers of the town common that includes their infrastructure, stock details, cubic metres of sand removed and other details of change that may have occurred.
- d) General Policy Statement for Occupiers
  - 1. All occupiers of the town common will observe basic requirements for its occupation.
  - 2. Activities are to be controlled and maintained to ensure long term environmental sustainability and ultimate re-instatement of its land use.
  - 3. Due respect is to be observed to other occupiers of the town common with regard to mutual required services and infrastructure.
  - 4. Activity infrastructure will be required to be set back a specified distance from the access road as determined by the shire.
  - 5. An area stock control device will be required to access the town common.
  - 6. Speed limits will be specified on the access road within the town common.
  - 7. Occupiers of the town common are required to address issues of concern directly to the shire and not to other occupiers.
- B) That "General Policy Statement for occupiers" includes licensed occupiers of the common are to ensure that all activities conform to any relevant legislation/statutory requirements.
- C) That current occupiers/users of the Town Common be advised that they will be required to apply for a license to occupy and or utilise the Town Common for whatever purpose by 31 March 2009.

# MINUTES OF THE ORDINARY COUNCIL MEETING

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WESTERN



AUSTRALIA

REGISTER NUMBER <b>3005/DP54344</b>	
Duplicate Status <b>N/A</b>	DATE DUPLICATE MADE <b>N/A</b>

## RECORD OF QUALIFIED CERTIFICATE OF CROWN LAND TITLE

UNDER THE TRANSFER OF LAND ACT 1893  
AND THE LAND ADMINISTRATION ACT 1997

VOLUME  
LR3147

PAGE  
378

### NO DUPLICATE CREATED

The undemonstrated land is Crown land in the name of the STATE of WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

*B. Roberts*  
REGISTRAR OF TITLES



### LAND DESCRIPTION:

LOT 3005 ON DEPOSITED PLAN 54344

### STATUS ORDER AND PRIMARY INTEREST HOLDER: (FIRST SCHEDULE)

STATUS ORDER/INTEREST: RESERVE UNDER MANAGEMENT ORDER

PRIMARY INTEREST HOLDER: SHIRE OF SHARK BAY OF PO BOX 126, DENHAM  
(XE K668081) REGISTERED 28 JULY 2008

### LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS: (SECOND SCHEDULE)

1. K668080 RESERVE 49809 FOR THE PURPOSE OF COMMON REGISTERED 28.7.2008.  
K668081 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED.  
REGISTERED 28.7.2008.

- Warning: (1) A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
(2) Lot as described in the land description may be a lot or location.  
(3) The land and interests etc. shown herein may be affected by interests etc. that can be, but are not, shown on the register.  
(3) The interests etc. shown herein may have a different priority than shown.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

### STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP54344 [SHEET 1,2].  
PREVIOUS TITLE: LR3122-797.  
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.  
LOCAL GOVERNMENT AREA: SHIRE OF SHARK BAY.

NOTE 1: K668080 CORRESPONDENCE FILE 11819-1908-03R0

# MINUTES OF THE ORDINARY COUNCIL MEETING

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**DUPLICATE**

FORM LAA-1023

SECTION 46

WESTERN AUSTRALIA  
LAND ADMINISTRATION ACT 1997  
TRANSFER OF LAND ACT 1893 AS AMENDED

## MANAGEMENT ORDER (XE)

### RESERVE DESCRIPTION (NOTE 1)

49809

### EXTENT

Whole

### VOLUME

3147

### FOLIO

378

### MANAGEMENT BODY (NOTE 2)

Shire of Shark Bay of PO Box 126, Denham WA 6537

### CONDITIONS (NOTE 3)

(i) To be used for its designated purpose of "Common" only.  
(ii) Power to licence for the designated purpose is granted for the whole or any portion thereof for any term not exceeding five (5) years from the date of licence subject to the approval in writing of the Minister for Lands being first obtained to each and every licence pursuant also to the provisions of Section 19 of the Land Administration Act 1997.

THE MINISTER FOR LANDS (IN THE NAME OF AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA) ORDERS THAT THE CARE, CONTROL AND MANAGEMENT OF THE ABOVE RESERVE BE PLACED WITH THE ABOVE DESCRIBED MANAGEMENT BODY FOR THE PURPOSE FOR WHICH THE LAND IS RESERVED UNDER SECTION 41 OF THE LAND ADMINISTRATION ACT 1997, AND FOR PURPOSES ANCILLARY OR BENEFICIAL TO THAT PURPOSE SUBJECT TO THE CONDITIONS STATED ABOVE

Dated this

28<sup>th</sup>

day of

July

in the year 2008

ATTESTATION

*[Signature]*  
A/ SENIOR STATE LAND OFFICER  
STATE LANDS - MID WEST  
STATE LAND SERVICES



30 OCTOBER 2019

**SHIRE OF SHARK BAY**

65 Knight Terrace  
Denham WA 6537  
PO Box 126 Denham WA 6537

RES49809



Telephone (08) 9948 1218  
Facsimile (08) 9948 1237  
Email [admin@sharkbay.wa.gov.au](mailto:admin@sharkbay.wa.gov.au)

All correspondence to the  
Chief Executive Officer

## APPLICATION FOR USE OF PORTION OF RESERVE 49809 - COMMON

*As a condition of the licence approval for the use of a portion of Reserve 49809 - Common, the Applicant acknowledges and agrees that:*

- Occupation of the common will require that all activities conform with any relevant legislation or other statutory requirements, including the Reserve 49809 - Common Policy;
- Licence approval will be granted with the acknowledgment and agreement that the Shire of Shark Bay, its officials, employees and agents shall not be held responsible for personal injuries or damages sustained or property or stock lost or stolen on the Reserve;
- The Shire of Shark Bay reserves the right to refuse the issue of a licence for an activity that is not considered appropriate to Reserve 49809 - Common.

SIGNATURE: \_\_\_\_\_

DATE: 18-8-2019PLEASE PRINT FULL NAME: Alison Maclean TELEPHONE NUMBER: 0474562980ADDRESS: 63 Warren rd. Bullsbrook WA 6084 +  
2 Mead St. Denham WA.

\* The person signing this application on behalf of an organization must have the authority to sign on behalf of said group or organization, and by signing this certifying that he/she has such authority.

**CONTACT DETAILS**

FIRST NAME:	<u>ALISON</u>
LAST NAME:	<u>MACLEAN</u>
BUINESS/ORGANISATION NAME:	<u>n/a.</u>
POSTAL ADDRESS:	<u>63 Warren Rd. Bullsbrook WA 6084</u>
HOME PHONE NUMBER:	<u>-</u>
WORK PHONE NUMBER:	<u>0474562980</u>

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Shire of Shark Bay  
Application for Use of portion of Reserve 49809 - Common

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FAX NUMBER: —

Reserve 49809-Common, Use

Please provide a short description of the activities that you wish to undertake at Reserve 49809 - Common. Eg: Stock tenure.

Stock tenure - housing / containment of horses.

List the vehicles which will be used to access to Common?

Ford Ranger SB 041

What infrastructure or stock control devices will be utilised?

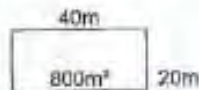
Please tick appropriate box.

Shed ☐ Caravan ☐ Shade structure ☒ Internal fences ☒ Gates ☒

Location and Area in m<sup>2</sup> to be fenced

Map attached with co-ordinates

Example:

Or None of the above ☐

Length of time you wish to utilize the Common within a period of 5 years?

once I have fixed fences up - the full 5 yrs.  
There may be periods of time that it is empty.

Shire of Shark Bay  
Application for Use of portion of Reserve 49809 - Common

30 OCTOBER 2019

**Stock Application**

I hereby apply for permission to occupy a portion of the Shire of Shark Bay Reserve 49809 Common for the following stock:-

- ( 4 - 6 ) horse/s
- ( — ) cattle
- ( — ) sheep
- ( — ) camels
- ( — ) chickens

Other considerations that may be applicable? Eg: Special Circumstances.

*None*

On receipt of your application it will be placed in the Agenda for the upcoming Council meeting for approval of your licence. Once approved by the Shire of Shark Bay Council the licence will then be referred to the Minister of Land pursuant to the provisions of Section 20 of the *Land Administration Act 1997*. I accept that Annual fees will apply to this licence in accordance with Council's Fees and Charges.

*Yes*

I have read and understood all parts of the application for use of porting of Reserve 49809 - Common and am fully aware of all that is required of me as a lessee. I agree to abide by the Licence to Occupy once approved by the Minister of Lands. I have attached a copy of my Public Liability insurance certificate.

Signed By Lessee:

Print full name: ALISON JACQUELINE MACLENN

Signed: *[Signature]* Date: 19-8-19

➤ **How to lodge this application**

**BY POST;**

Address the application to: The Chief Executive Officer  
Shire of Shark Bay  
PO Box 126  
Denham WA 6537

Courier or personal Delivery: Shire Offices  
65 Knight Terrace  
Denham WA 6537

Electronically: [admin@sharkbay.wa.gov.au](mailto:admin@sharkbay.wa.gov.au)

**Contact the Shire offices on:**

Phone: 08) 9948 1218  
Fax: 08) 9948 1237  
E-mail: [admin@sharkbay.wa.gov.au](mailto:admin@sharkbay.wa.gov.au)  
Web: [www.sharkbay.wa.gov.au](http://www.sharkbay.wa.gov.au)

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Shire of Shark Bay  
Application for Use of portion of Reserve 49809 - Common



30 OCTOBER 2019



# MINUTES OF THE ORDINARY COUNCIL MEETING

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## Schedule of insurance

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Class of Policy:	Equine Protection	Policy No:	EP3004472
The Insured:	Allison Maclean	Invoice No:	74769
		Our Ref:	MACLEAN/AL

Insured:	Allison Maclean
Insurer:	CGU Insurance Limited
Policy Number:	EP3004472
Period of Insurance:	1 October 2018 to 3 October 2019 at 4:00pm local standard time

Name of Insured Horse:	Yaranga Silver Daffar	Foaled: 2014	Sex: Gelding
Use/Purpose of Insured Horse:	Pleasure Riding, Endurance, Clay Horse		

### Section 1 - Mortality

Sum Insured:	\$5,000 or Fair Market Value whichever is the lower
Excess:	Nil
Optional Extras:	

1. Post-mortem autopsy expenses (limited) up to \$200	Not Insured
2. Advertising costs following theft or straying of insured horse up to \$200	Not Insured
3. Cost of removing the remains of insured horse following death up to \$200	Not Insured
Excess	Nil

### Section 4 - Public Liability

Limit of Liability	
Sum Insured:	\$10,000,000
Excess:	\$500 each and every claim

### Section 6 - Veterinary fees

Standard Sum Insured:	\$7,500
Excess:	\$700 each and every claim

### Sections Insured

Section 1 - Mortality	Insured
Section 2 - Mortality & Loss of Use	Not Insured
Section 3 - Personal Accidents	Not Insured
Section 4 - Public Liability	Insured
Section 5 - Horse Flots	Not Insured
Section 6 - Veterinary Fees	Insured

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

**Rhonda Mettam**

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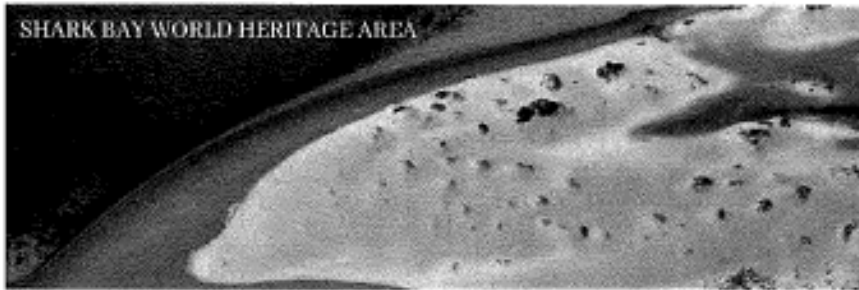
**Subject:** FW: RE: RE: RE: Town common - extend lease/permission on land


**From:** Paul Anderson  
**Sent:** Friday, 11 October 2019 3:58 PM  
**To:** Rhonda Mettam <Rhonda@sharkbay.wa.gov.au>  
**Subject:** FW: RE: RE: RE: Town common - extend lease/permission on land

Regards,

**Paul Anderson**  
Chief Executive Officer

Mobile: 0427 948 925  
Shire Office: 08 9948 1218  
Address : 65 Knight Tce, Denham, WA 6537  
Shire Depot: 08 9948 1013  
Shark Bay World Heritage Discovery & Visitor Centre: 08 9948 1590  
Visitors Centre Website: <http://www.sharkbayvisit.com.au/>  
Shire Website: <http://www.sharkbay.wa.gov.au/>



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**From:** Alison MacLean <amaclean@harboursat.com.au>  
**Sent:** Monday, 12 August 2019 8:06 AM  
**To:** Paul Anderson <paul@sharkbay.wa.gov.au>  
**Subject:** Re: RE: RE: RE: Town common - extend lease/permission on land

Hi Paul,

Thankyou again for your time on this.

Yes we are hoping to move back to our home in the Bay as soon as we can, and so would be residing there permanently. However, I am not one hundred percent when this will be.



## MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

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I am more than happy to make sure we maintain the fencing should we be granted permission to use that land again, and would re fence the portion that had to be removed, we would put plain wire in this time as the electric wire/tape obviously didnt withstand the elements of Shark Bay. I would come up from Perth to do this prior to moving horses back in of course.

Thankyou again,

Kind regards,

Alison Maclean

On 8/9/19 10:38 AM, Paul Anderson wrote:

Dear Alison

The application form will be forwarded to apply for a section of the reserve.

your application will then be presented to council who make the decision as to who and how much land is granted to a licensee.

In regards to your fencing, as I previously advised the majority of the wire has been removed as has a number of pickets.

Would you be permanently residing in Denham if approval was granted for a section of the reserve as maintenance of the area and fencing is part of the licensee conditions?

The other applicant is now also considering other areas of the reserve for the kart club

Regards,

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

*Paul Anderson*

Chief Executive Officer

Mobile: 0427 948 925

Shire Office: 08 9948 1218

Address : 65 Knight Tce, Denham, WA 6537

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**From:** Alison MacLean <[amaclean@harboursat.com.au](mailto:amaclean@harboursat.com.au)>

**Sent:** Friday, 9 August 2019 8:09 AM

**To:** Paul Anderson <[paul@sharkbay.wa.gov.au](mailto:paul@sharkbay.wa.gov.au)>

**Subject:** Re: RE: RE: Town common - extend lease/permission on land

Hi Paul,

## MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

---

I wish to renew the lease on the portion of land that I was granted permission to use for the housing of horses.

As you have mentioned, someone else has showed an interest in this portion of land. Without me knowing which part if all of the land they are wanting to utilise, I can't say exactly which part I would like to be considered for to renew my 'lease'. And so, I would like to resubmit my application to renew my lease for the same part of the town common which I had held the lease on for five years previously.

If this can not be entertained I would ask that the front portion of the land closest to the road, with horses shelter on it and all the way along to my existing boundary be kept and perhaps we can change the boundaries somewhat to suit both my part that was already granted, and also the use for the cart club? In effect moving my boundaries and coordinates, and utilizing the most part of the existing fencing. Or alternatively finding some way of altering the boundaries without loss of the extensive amount of fencing we originally put in.

Please let me know what you would like me to do next, or provide as an official request to renew my permission to use part of the town common.

Kind regards,

Alison Maclean

On 7/25/19 6:01 PM, Paul Anderson wrote:

Hi Alison

The lease the council granted expired in May 2018, copy attached.

A new application would have to be submitted and then presented to council.

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MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

I can advise that a large portion of the fencing wire and posts have been removed as the wire became unattached and was posing a danger to native wildlife.

For your information an application has been received to utilise the area from the Denham Dirt Karts association , which will be considered by the council when a report has been finalised.

Regards,

*Paul Anderson*

**Chief Executive Officer**

Mobile: 0427 948 925

Shire Office: 08 9948 1218

Address : 65 Knight Tce, Denham, WA 6537

Shire Depot: 08 9948 1013

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MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

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**From:** Alison MacLean <[amaclean@harboursat.com.au](mailto:amaclean@harboursat.com.au)>  
**Sent:** Tuesday, 23 July 2019 4:10 PM  
**To:** Paul Anderson <[paul@sharkbay.wa.gov.au](mailto:paul@sharkbay.wa.gov.au)>  
**Subject:** Re: RE: Town common - extend lease/permission on land

Hi Paul,

Thank you :-)

Alison Maclean

On 7/23/19 12:43 PM, Paul Anderson wrote:

Hi Alison

Good to hear your thinking of coming back.

We will look into the status of your old lease and get back to you

Regards,

*Paul Anderson*

**Chief Executive Officer**

**Mobile: 0427 948 925**

**Shire Office: 08 9948 1218**

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

Address : 65 Knight Tce, Denham, WA 6537

Shire Depot: 08 9948 1013

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**From:** Alison MacLean <[amaclean@harboursat.com.au](mailto:amaclean@harboursat.com.au)>  
**Sent:** Tuesday, 23 July 2019 9:54 AM  
**To:** Paul Anderson <[paul@sharkbay.wa.gov.au](mailto:paul@sharkbay.wa.gov.au)>  
**Subject:** Fwd: Town common - extend lease/permission on land

Hi Paul,

Just resending this as it bounced back to me - please see email body below!

Thanks,

Kind wishes,

Alison Maclean



MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

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----- Forwarded message -----

Date: 7/23/19 11:52 AM

To: CEO@sharkbay, wa@harboursat.com.au, gov@harboursat.com.au, au@harboursat.com.au, admin@sharkbay.wa.gov.au

CC:

From: "Alison MacLean" [amaclean@harboursat.com.au]

Subject: Town common - extend lease/permission on land

Hi Paul, hi all!

Not sure who to address this to sorry, but have sent to admin and can you please forward to the appropriate person please?

I am just touching base to enquire as to the status of our 'lease' on the portion of the common for the horses. As you know we had to leave Shark Bay due to Peter having cancer, and surgery and chemo - he is doing Ok at the moment. And then we ended up having to stay as my mum needing nursing at home and passed away recently. And so now that lifes settling down a bit, we are considering moving back to the bay as our daughter Lily is starting high school next year and so we would ideally love to come 'home' for her high school years.

I wanted to know if we can please renew the term of our lease on that portion of land? I am of course happy to continue providing a copy of my proof of public liability cover and pay any fees associated!

Please let me know what I need to do, and thanks again!

Alison Maclean

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**MAPPED AREA FOR MRS MCLEAN – 11.6 ha**

30 OCTOBER 2019



30 OCTOBER 2019

**12.0 FINANCE REPORT**

**12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED**  
**CM00017**

Author

Finance Officer / Accounts Payable

Disclosure of any Interest

Nil

Moved

Cr Ridgley

Seconded

Cr Fenny

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$615,449.65 be accepted.**

**7/0 CARRIED**

Comment

The schedules of accounts for payment covering -

Municipal fund credit card direct debits for the month of September 2019 totalling \$3,143.33

Municipal fund account cheque number 26909 totalling \$65.84

Municipal fund direct debits to Council for the month of September 2019 totalling \$29,722.64

Municipal fund account electronic payment numbers MUNI 2557, 25616 to 25658, 25664 to 25688 and 25691 to 25725 totalling \$407,024.27

Municipal fund account for September 2019 payroll totalling \$110,914.00

No Trust fund account cheque numbers were issued for September 2019

Trust fund Police Licensing for September 2019 transaction number 192003 totalling \$18,335.10 and

Trust fund account electronic payment numbers 25659 to 25663, 25689 to 25690 and 25733 to 25763 totalling \$46,244.47

The schedule of accounts submitted to each member of Council on 25 October 2019 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.



30 OCTOBER 2019

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The payments listed have been disbursed throughout the month.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

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

Voting Requirements

Simple Majority Required

Signature

Author *A Pears*

Chief Executive Officer *P Anderson*

Date of Report 7 October 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

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

**CREDIT CARD TOTAL    \$3,143.33**

**CEO**

<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
14/08/2019	QF FRANCHISE MNGT	ACCOMMODATION A.WRIGHT BOOKEASY CONFERENCE	525.13
14/08/2019	PAYPAL *TOURISMCOUNCIL	ATTENDANCE E.CRAIG – REGIONAL TOURISM CONFERENCE	445.00
15/08/2019	REGIONAL EXPRESS DIRECT	RETURN FLIGHT A.WRIGHT – BOOKEASY CONFERENCE	633.95
15/08/2019	REGIONAL EXPRESS DIRECT	FLIGHT E.CRAIG – TOURISM CONFERENCE	110.18
15/08/2019	VIRGIN AUSTRALIA	FLIGHT E.CRAIG – TOURISM CONFERENCE	332.28
10/09/2019	REGIONAL EXPRESS DIRECT	RETURN FLIGHT FOR OHS CONSULTANT – L.SOUNNESS	454.09
			<b>\$2,500.63</b>

**EMFA**

<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
20/08/2019	PAYPAL *COMPUCOAST	YEALINK PHONE SYSTEM FOR SHARK BAY RECREATIONAL CENTRE	206.91
21/08/2019	SHIRE OF SHARK BAY	CHANGE OF PLATES – EMFA VEHICLE 47SB	16.75
26/08/2019	OFFICEWORKS ONLINE	SAFETY SIGNAGE FOR OFFICE	87.39
27/08/2019	PAYPAL *BELONG MOBILE	MONTHLY 1GB DATA – TELEVISION TOWER COMMUNICATION WITH N-COM	10.00
29/08/2019	SHIRE OF SHARK BAY	REGISTRATION FOR NEW EMFA VEHICLE – 47SB	321.65
			<b>\$642.70</b>

**SHIRE OF SHARK BAY – MUNI CHQ**

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

**SEPTEMBER 2019  
CHEQUE # 26909**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
26909	19/09/2019	WATER CORPORATION - OSBORNE PARK	SERVICE CHARGES AT TOILETS KNIGHT TERRACE	-65.84
			<b>TOTAL</b>	<b>\$65.84</b>

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

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD15093.1	01/09/2019	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-3120.31
DD15093.2	01/09/2019	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-213.76
DD15093.3	01/09/2019	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-434.17
DD15093.4	01/09/2019	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-255.58
DD15093.5	01/09/2019	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.86
DD15093.6	01/09/2019	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-424.86
DD15093.7	01/09/2019	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-491.36
DD15093.8	01/09/2019	GUILD SUPER	SUPERANNUATION CONTRIBUTIONS	-418.39
DD15093.9	01/09/2019	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-416.21
DD15107.1	21/09/2019	VIVA ENERGY AUSTRALIA	VIVA FUEL ACCOUNT FOR AUGUST 2019	-155.87
DD15120.1	15/09/2019	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-3145.51
DD15120.2	15/09/2019	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-213.76
DD15120.3	15/09/2019	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-434.17
DD15120.4	15/09/2019	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-255.58
DD15120.5	15/09/2019	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.86
DD15120.6	15/09/2019	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-434.78
DD15120.7	15/09/2019	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-468.80



MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD15120.8	15/09/2019	GUILD SUPER	SUPERANNUATION CONTRIBUTIONS	-429.32
DD15120.9	15/09/2019	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-416.21
DD15127.1	30/09/2019	EXETEL PTY LTD	SEPTEMBER SHIRE INTERNET CHARGES	-374.97
DD15140.1	27/09/2019	BANKWEST CORPORATE MASTERCARD	WA TOURISM CONFERENCE ATTENDANCE FEE E.CRAIG	-1143.33
DD15146.1	29/09/2019	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-3313.95
DD15146.2	29/09/2019	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-434.17
DD15146.3	29/09/2019	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-313.82
DD15146.4	29/09/2019	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-255.58
DD15146.5	29/09/2019	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.86
DD15146.6	29/09/2019	AUSTRALIAN ETHICAL SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-8.58
DD15146.7	29/09/2019	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-439.73
DD15146.8	29/09/2019	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-522.33
DD15146.9	29/09/2019	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-419.39
DD15093.10	01/09/2019	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-601.06
DD15093.11	01/09/2019	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1443.68
DD15093.12	01/09/2019	REST	SUPERANNUATION CONTRIBUTIONS	-542.66
DD15093.13	01/09/2019	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-420.88
DD15093.14	01/09/2019	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-191.62
DD15120.10	15/09/2019	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-608.91
DD15120.11	15/09/2019	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1407.63
DD15120.12	15/09/2019	REST	SUPERANNUATION CONTRIBUTIONS	-415.69
DD15120.13	15/09/2019	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-373.95
DD15120.14	15/09/2019	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-191.62
DD15146.10	29/09/2019	GUILD SUPER	SUPERANNUATION CONTRIBUTIONS	-415.65
DD15146.11	29/09/2019	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1608.60
DD15146.12	29/09/2019	REST	SUPERANNUATION CONTRIBUTIONS	-410.51
DD15146.13	29/09/2019	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-428.73
DD15146.14	29/09/2019	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-191.62
DD15146.15	29/09/2019	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-213.76

**TOTAL \$29,722.64**

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

**SHIRE OF SHARK BAY – MUNI EFT**

**SEPTEMBER 2019**

**EFT 25577, 25616-25658, 25664-25688, 25691-25725**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25577	03/09/2019	LGISWA	WORKCOVER HEARING TESTS (TO BE REIMBURSED)	-1206.98
EFT25616	10/09/2019	M & B SALES	RECREATION CENTRE FIRE EXIT DOORS REPAIRS	-1339.41
EFT25617	10/09/2019	ASM ECLIPSE PTY LTD	SBDC MERCHANDISE	-2376.47
EFT25618	10/09/2019	ASHDOWN INGRAM	LIGHTS FOR P156, MULTIMETER AND INSULATION TAPE WORKSHOP CONSUMABLES	-394.35
EFT25619	10/09/2019	AUSTRALIA POST	AUGUST 2019 SHIRE POSTAGE COSTS	-513.68
EFT25620	10/09/2019	AUSCOINSWEST	SBDC MERCHANDISE	-292.60
EFT25621	10/09/2019	BOC LIMITED	BOC – SHIRE CONTAINER RENTAL AUGUST 2019	-47.26
EFT25622	10/09/2019	BOCCHETTA PLUSH TOYS	SBDC MERCHANDISE	-17.60
EFT25623	10/09/2019	CAROLINE BALDWIN	REIMBURSEMENT FOR CAR HIRE - DOT TRAINING (TO BE REIMBURSED)	-463.70
EFT25624	10/09/2019	DEPARTMENT OF TRANSPORT	MONTHLY SHIRE VEHICLE SEARCH FEES FOR INFRINGEMENTS	-3.40
EFT25625	10/09/2019	DENHAM IGA X-PRESS	MONTHLY SUPERMARKET ACCOUNT - AUGUST 2019	-900.11
EFT25626	10/09/2019	FIRE & EMERGENCY SERVICES AUTHORITY OF WA	2019/20 EMERGENCY SERVICES LEVY	-61690.36
EFT25627	10/09/2019	SHARK BAY SUPERMARKET	MONTHLY SUPERMARKET ACCOUNT - AUGUST 2019	-435.32
EFT25628	10/09/2019	FAR WEST ELECTRICAL	REPAIRING OF FAULTY LIGHTS AT TOWN HALL IDENTIFIED THROUGH LIGHT AUDIT	-913.99
EFT25629	10/09/2019	GYM CARE	REPLACEMENT CONSOLE FOR E520 ROWER IN COMMUNITY GYM	-328.79
EFT25630	10/09/2019	REFUEL AUSTRALIA (formerly GERALDTON FUEL COMPANY)	BULK FUEL, GREASE AND SERVICE CHARGES AUGUST 2019	-10647.76

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25631	10/09/2019	GERALDTON MOWER & REPAIRS SPECIALISTS	PURCHASE NEW BLOWER VAC FOR DEPOT, AIR FILTER AND PRIMER BULB PP076	-546.15
EFT25632	10/09/2019	HARDINGHAM PTY LTD	GASCOYNE SPORTS MODELLING AND ACTIVATION PLANNING - FLIGHTS AND ACCOMMODATION	-888.32
EFT25633	10/09/2019	HOSE MANIA	SILICONE HEATER FOR P146	-239.36
EFT25634	10/09/2019	HORIZON POWER	AUGUST 2019 STREET LIGHTING COSTS	-3821.76
EFT25635	10/09/2019	TOLL IPEC PTY LTD	TOLL IPEC FREIGHT ACCOUNT	-323.93
EFT25636	10/09/2019	INDEPENDENCE STUDIOS PTY LTD	SBDC MERCHANDISE	-1189.98
EFT25637	10/09/2019	MCLEODS BARRISTERS AND SOLICITORS	MATTER 33906 AQUACULTURE LEASE LEGAL FEES	-267.06
EFT25638	10/09/2019	MIDWEST CONTRACTING	MAINTENANCE GRADE - EASTERN COUNTRY ROADS – TALISKER, GILROYD AND YALARDY ROADS	-21780.00
EFT25639	10/09/2019	MIDWEST FIRE PROTECTION SERVICE	SEPTEMBER QUARTERLY SERVICE ALARM SYSTEM DISCOVERY CENTRE	-1809.28
EFT25640	10/09/2019	TRUE VALUE HARDWARE	MONTHLY HARDWARE ACCOUNT - AUGUST 2019	-1169.76
EFT25641	10/09/2019	MURRAY VIEWS	SBDC MERCHANDISE	-1373.32
EFT25642	10/09/2019	MONKEYMIA WILDSIGHTS	ACCOMMODATION L.SOUNNESS OHS CONSULTANT VISIT OCTOBER 2019	-417.00
EFT25643	10/09/2019	PROFESSIONAL PC SUPPORT	REMOTE PC ASSISTANCE FOR FRONT OFFICE COMPUTER	-192.50
EFT25644	10/09/2019	QUEENSBERRY INFORMATION TECHNOLOGY	ANNUAL SECURE PAY FEE - BOOKEASY	-544.50
EFT25645	10/09/2019	LYONS ENTERPRISES-SHARK BAY CAR HIRE	AUGUST CAR HIRE FOR VISITING MEDICAL STAFF	-742.50
EFT25646	10/09/2019	ROYAL WA HISTORICAL SOCIETY	SBDC MERCHANDISE	-230.00
EFT25647	10/09/2019	SHARK BAY CLEANING SERVICE	MONTHLY CLEANING SHIRE PROPERTIES, FORESHORE, LITTLE LAGOON, PUBLIC TOILETS AUGUST 2019	-20587.05
EFT25648	10/09/2019	SHARK BAY SKIPS	SKIP BINS SUPPLY AND LIFT, DOT, MAIN ROADS, USELESS LOOP TURN OFF, AUGUST ACCOUNT	-3250.50
EFT25649	10/09/2019	MCKELL FAMILY TRUST	AUGUST RUBBISH COLLECTION AND STREET SWEEPING FOR DENHAM	-11367.28
EFT25650	10/09/2019	ST JOHN AMBULANCE ASSOC. - SHARK BAY SUB CENTRE	FIRST AID TRAINING R.STANLEY SBDC	-128.00



MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25651	10/09/2019	SAFE MASTER SAFETY PRODUCTS	RECERTIFICATION OF HEIGHT SAFETY SYSTEMS FOR SBDC	-2488.20
EFT25652	10/09/2019	TELSTRA CORPORATION LTD	REFUSE SITE MOBILE PHONE CHARGES	-25.00
EFT25653	10/09/2019	TOWN PLANNING INNOVATIONS	AUGUST 2019 GENERAL PLANNING SERVICES CONSULTATION FEE	-5527.50
EFT25654	10/09/2019	URL NETWORKS PTY LTD	AUGUST 2019 SHIRE PHONE CALL COSTS, DEPOT, SBDC, RECREATIONAL CENTRE AND OFFICE	-234.36
EFT25655	10/09/2019	VISIT MERCHANDISE	SBDC MERCHANDISE	-1448.37
EFT25656	10/09/2019	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	WALGA CONFERENCE FEE – DELEGATES L BELLOTTIE AND K LAUNDRY INCLUSIVE OF BREAKFAST WITH R.EADE	-3126.00
EFT25657	10/09/2019	WATER TECHNOLOGY	PROFESSIONAL SERVICES FROM 18 JUNE 2019 TO 31 AUGUST 2019 – COASTAL HAZARDS IDENTIFICATION	-2244.00
EFT25658	12/09/2019	AUSTRALIAN TAXATION OFFICE	BAS FOR AUGUST 2019	-13170.00
EFT25664	19/09/2019	BOOEASY AUSTRALIA PTY LTD	COMMISSION FOR BOOEASY BOOKINGS - AUGUST 2019	-1170.62
EFT25665	19/09/2019	BAILEYS FERTILISERS	BULK FERTILISER FOR SHIRE OVALS, PARKS AND GARDENS	-2233.33
EFT25666	19/09/2019	BURTON TILING MAINTENANCE & RENOVATIONS	INSTALL HAND AND GRAB RAILS TO PENSIONER UNITS 12 & 13	-315.13
EFT25667	19/09/2019	CAROLINE BALDWIN	REIMBURSEMENT FOR MEALS AND PARKING - DOT TRAINING (TO BE REIMBURSED)	-235.30
EFT25668	19/09/2019	CANDICE USZKO	REIMBURSEMENT OF INTERNET CHARGES	-79.00
EFT25669	19/09/2019	DRILLING CONTRACTORS OF AUSTRALIA	MOBILISE RIG TO SITE AND SET UP - CONTRACT TE 2018/19-02 DECOMMISSIONING AND CONSTRUCTION OF WATER BORE SUPPLY – PROGRESS PAYMENT	-151405.63
EFT25670	19/09/2019	GERALDTON DULUX TRADE CENTRE	PAINT FOR REC CENTRE DOOR MAINTENANCE	-216.03
EFT25671	19/09/2019	EMMA ELAINE CRAIG	REIMBURSEMENT FOR WATER AND ELECTRICITY	-526.74
EFT25672	19/09/2019	ELGAS LIMITED	GAS BOTTLES FOR REFUSE SITE MACHINERY	-342.00
EFT25673	19/09/2019	FIRE & EMERGENCY SERVICES AUTHORITY OF WA	2019/20 FORM 'A' ADJUSTMENT – EMERGENCY SERVICES LEVY - LOCAL GOVERNMENT OPT B – BALANCE OF PAYMENT	-212.19
EFT25674	19/09/2019	FLEET HYDRAULICS	2.5 HP WATER PUMP FOR DEPOT	-814.00
EFT25675	19/09/2019	HERITAGE RESORT	GOVERNORS FUNCTION REFRESHMENTS	-859.73

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25676	19/09/2019	LASER CORPS WA	MOBILE LASER COMBAT ADVENTURE PAYMENT	-900.00
EFT25677	19/09/2019	MCLEODS BARRISTERS AND SOLICITORS	ANNUAL AUDIT FEE FOR SOLICITORS REPRESENTATION LETTER	-176.00
EFT25678	19/09/2019	MIDWEST FIRE PROTECTION SERVICE	SHIRE 6 MONTHLY FIRE EXTINGUISHER SERVICING, VEHICLES AND BUILDINGS	-3149.75
EFT25679	19/09/2019	PURCHER INTERNATIONAL PTY LTD	COMBI SWITCH FOR P146	-607.77
EFT25680	19/09/2019	PROFESSIONAL PC SUPPORT	SEPTEMBER PPS AGREEMENT - AGENT AND ANTIVIRUS	-825.00
EFT25681	19/09/2019	PAPER PLUS OFFICE NATIONAL	SHIRE STATIONERY, DEPOT, SBDC AND OFFICE	-1333.96
EFT25682	19/09/2019	R & L COURIERS	R & L COURIERS FREIGHT ACCOUNT JULY 2019	-375.10
EFT25683	19/09/2019	REECE PTY LTD	PVC PARTS FOR WATER TANKERS P151 & P155	-567.24
EFT25684	19/09/2019	WINC AUSTRALIA PTY LIMITED	AUGUST MONTHLY SHIRE ACCOUNT (INCLUDING CREDITS)	-235.26
EFT25685	19/09/2019	SHARK BAY COMMUNITY RESOURCE CENTRE	RECREATIONAL CENTRE MANAGEMENT AUGUST 2019	-4480.00
EFT25686	19/09/2019	TELSTRA CORPORATION LTD	SIGN TRAILER PHONE MONTHLY ACCOUNT	-5.61
EFT25687	19/09/2019	TRUCKLINE PARTS CENTRE	DEPOT TOOLS - GREASE COUPLERS & FITTINGS	-299.99
EFT25688	19/09/2019	HOLIDAY GUIDE PTY LTD (FORMERLY WEST-OZ WEB SERVICES)	MARKETING FEE - BOOKEASY AUGUST 2019	-173.15
EFT25691	27/09/2019	ASHDOWN INGRAM	ALTERNATOR FOR GENERATOR PP060	-173.80
EFT25692	27/09/2019	ABROLHOS STEEL PTY LTD	BACKINGS FOR LITTLE LAGOON SIGNS	-455.01
EFT25693	27/09/2019	GRIFFIN VALUATION ADVISORY	PROFESSIONAL FAIR VALUE VALUATION ADVISORY OF PLANT AND EQUIPMENT ASSETS 2019	-13106.50
EFT25694	27/09/2019	BYRON FRANCIS	GRATUITY PAYMENT TO THE ESTATE OF GLENDA FRANCIS	-400.00
EFT25695	27/09/2019	BAY LODGE MIDWEST OASIS	CROSSOVER FOR 113 KNIGHT TERRACE DENHAM	-950.00
EFT25696	27/09/2019	BOLTS R US	BOLTS & WASHERS FOR P146	-532.24
EFT25697	27/09/2019	BLACKWOODS ATKINS	CHARGER, SAFETY GLASSES AND 2 WAY RADIOS - DEPOT TOOLS AND SAFETY EQUIPMENT	-1642.57
EFT25698	27/09/2019	CROSS COUNTRY CIVIL	DELIVERY OF COLD MIX EX HOPE VALLEY TO DENHAM	-5699.73
EFT25699	27/09/2019	CAMERON LANGRIDGE	SBDC MERCHANDISE	-734.60

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25700	27/09/2019	EMMA ELAINE CRAIG	REIMBURSEMENT FOR MEALS AND ACCOMMODATION - TOURISM CONFERENCE AND REIMBURSEMENT FOR SAFETY SPIKE SBDC STATIONERY	-490.38
EFT25701	27/09/2019	DOWNER EDI WORKS PTY LTD	BULK COLD MIX FOR SHARK BAY ROAD EDGINGS	-8780.96
EFT25702	27/09/2019	FRANCESCA HOULT	REIMBURSEMENT FOR BUNNINGS VOUCHER FOR LEAVING GIFT - M. ANDERSON	-100.00
EFT25703	27/09/2019	FAR WEST ELECTRICAL	GENERATOR REPAIRS PP060	-830.50
EFT25704	27/09/2019	GERALDTON HYDRAULICS	PARTS FOR WATER TANKERS P151 & P155	-74.80
EFT25705	27/09/2019	GERALDTON MOWER & REPAIRS SPECIALISTS	ERGOSTART CLEARING SAW - DEPOT TOOLS	-989.10
EFT25706	27/09/2019	HORIZON POWER	SHIRE PROPERTIES ELECTRICITY - AUGUST 2019	-6346.33
EFT25707	27/09/2019	TOLL IPEC PTY LTD	TOLL IPEC FREIGHT ACCOUNT	-114.28
EFT25708	27/09/2019	JASON SIGNMAKERS	LITTLE LAGOON SIGNAGE – DESIGN AND PRODUCE	-1018.60
EFT25709	27/09/2019	JOMAC SANDALWOOD	SBDC MERCHANDISE	-349.30
EFT25710	27/09/2019	LYN PRICE	SBDC MERCHANDISE	-75.25
EFT25711	27/09/2019	OUTBACK COAST AUTOMOTIVES AND RADIATORS	TYRE SEALANT – WORKSHOP CONSUMABLES	-35.00
EFT25712	27/09/2019	PAUL GREGORY ANDERSON	SALARY SACRIFICE ALLOWANCES JUNE-SEPT 2019	-3197.76
EFT25713	27/09/2019	PURCHER INTERNATIONAL PTY LTD	ENGINE SILENT BLOCK - P146	-1100.18
EFT25714	27/09/2019	PRINTLOGIC	AUSTRALIA'S CORAL COAST HOLIDAY PLANNER 2020 ADVERTISING	-905.00
EFT25715	27/09/2019	PASCAL PRESS	SBDC MERCHANDISE	-903.10
EFT25716	27/09/2019	PROFESSIONAL PC SUPPORT	REPAIRS TO HARD DRIVE ON OFFICE RECEPTION COMPUTER AND HARDWARE ISSUES TO DEPOT LAPTOP	-423.50
EFT25717	27/09/2019	PATHTECH PTY LTD	CALIBRATION OF INTOXIMETER AT DEPOT	-132.00
EFT25718	27/09/2019	R & L COURIERS	AUGUST 2019 FREIGHT ACCOUNT	-556.60
EFT25719	27/09/2019	SHARK BAY TOURISM ASSOCIATION	SHARK BAY BUSINESS AND TOURISM ASSOCIATION 2019/20 MEMBERSHIP	-275.00
EFT25720	27/09/2019	SHARK BAY SUB BRANCH RSL	HOSTING OF ANZAC DAY COMMEMORATIONS 2020 AND REMEMBRANCE DAY COMMEMORATIONS 2019	-1500.00
EFT25721	27/09/2019	SUMMER GYPSEA	SBDC MERCHANDISE	-75.00
EFT25722	27/09/2019	SUNPRINTS CLOTHING COMPANY	SBDC MERCHANDISE	-1386.61



MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25723	27/09/2019	TELSTRA CORPORATION LTD	SHIRE TELSTRA MOBILE ACCOUNT AND SIGN TRAILER	-355.61
EFT25724	27/09/2019	TOLL EXPRESS	FREIGHT FOR BULK FERTILISER FOR TOWN GARDENS	-537.27
EFT25725	27/09/2019	WILD REPUBLIC AUSTRALASIA PTY LTD	SBDC MERCHANDISE	-535.70
			<b>TOTAL</b>	<b>\$407,024.27</b>

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

DATE	NAME	DESCRIPTION	AMOUNT
1/09/2019	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 1 SEPTEMBER 2019	-55,939.00
15/09/2019	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 15 SEPTEMBER 2019	-54,975.00
		<b>TOTAL</b>	<b>\$110,914.00</b>

**SHIRE OF SHARK BAY – TRUST TRANSACTION  
SEPTEMBER 2019  
TRUST POLICE LICENSING TRANSACTION # 192003**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
192003	30/09/2019	COMMISSIONER OF POLICE	POLICE LICENSING SEPTEMBER 2019	-18335.10
			<b>TOTAL</b>	<b>\$18,335.10</b>

**SHIRE OF SHARK BAY – TRUST EFT**

**SEPTEMBER 2019  
EFT 25659-25663, 25689-25690, 25733- 25763**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25659	17/09/2019	ANGUS YOUNG	GYM CARD DEPOSIT REFUND	-20.00
EFT25660	17/09/2019	DAVID HORSLEY	GYM CARD DEPOSIT REFUND	-20.00

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25661	17/09/2019	ERNEST STORER	LIBRARY BOND REFUND	-50.00
EFT25662	17/09/2019	ROBERT SMITH	LIBRARY BOND REFUND	-50.00
EFT25663	18/09/2019	TERESA ESPINOSA	CORRECTING INCORRECT TRANSACTION	-300.00
EFT25689	19/09/2019	SHIRE OF SHARK BAY	FORFEIT OF HALL BOND	-275.00
EFT25690	20/09/2019	GEOFF REYNOLDS	CASUAL LIBRARY BOND REFUND	-50.00
EFT25733	30/09/2019	DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY	BSL PERMIT 3314 SEPTEMBER 2019	-510.32
EFT25734	30/09/2019	SHIRE OF SHARK BAY	BSL COLLECTION FEE SEPTEMBER 2019 3314	-20.00
EFT25735	30/09/2019	JAMES SNR POLAND	BOOKEASY SEPTEMBER 2019	-240.00
EFT25736	30/09/2019	MAC ATTACK FISHING CHARTERS	BOOKEASY SEPTEMBER 2019	-1020.00
EFT25737	30/09/2019	SHARK BAY AVIATION	BOOKEASY SEPTEMBER 2019	-4173.40
EFT25738	30/09/2019	BLUE DOLPHIN CARAVAN PARK	BOOKEASY SEPTEMBER 2019	-1820.50
EFT25739	30/09/2019	BAY LODGE MIDWEST OASIS	BOOKEASY SEPTEMBER 2019	-255.20
EFT25740	30/09/2019	CORAL COAST HELICOPTER SERVICES	BOOKEASY SEPTEMBER 2019	-1298.37
EFT25741	30/09/2019	HOWARD COCK	BOOKEASY SEPTEMBER 2019	-195.72
EFT25742	30/09/2019	SHARK BAY COASTAL TOURS	BOOKEASY SEPTEMBER 2019	-3361.60
EFT25743	30/09/2019	DENHAM SEASIDE CARAVAN PARK	BOOKEASY SEPTEMBER 2019	-815.38
EFT25744	30/09/2019	HARTOG COTTAGES	BOOKEASY SEPTEMBER 2019	-1016.80
EFT25745	30/09/2019	HAMELIN POOL CARAVAN PARK AND TOURIST CENTRE	BOOKEASY SEPTEMBER 2019	-250.75
EFT25746	30/09/2019	HERITAGE RESORT	BOOKEASY SEPTEMBER 2019	-158.40
EFT25747	30/09/2019	INTEGRITY COACH LINES (AUST) PTY LTD	BOOKEASY SEPTEMBER 2019	-638.35
EFT25748	30/09/2019	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	BOOKEASY SEPTEMBER 2019	-5370.64
EFT25749	30/09/2019	MONKEYMIA WILDSIGHTS	WILDSIGHTS SEPTEMBER 2019	-4023.36
EFT25750	30/09/2019	NANGA BAY RESORT	BOOKEASY SEPTEMBER 2019	-182.75
EFT25751	30/09/2019	DENHAM NATURETIME - 4WD TOURS/PHOTOGRAPHY TOURS	BOOKEASY SEPTEMBER 2019	-1557.60
EFT25752	30/09/2019	OCEANSIDE VILLAGE	BOOKEASY SEPTEMBER 2019	-1056.00
EFT25753	30/09/2019	PATRICIA ANDREW	BOOKEASY SEPTEMBER 2019	-96.00
EFT25754	30/09/2019	SHARK BAY SCENIC QUAD BIKE TOURS	BOOKEASY SEPTEMBER 2019	-1734.00

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25755	30/09/2019	RAC TOURISM ASSETS P/L T/A MONKEY MIA DOLPHIN RESORT	BOOKEASY SEPTEMBER 2019	-1047.84
EFT25756	30/09/2019	REEL FORCE CHARTERS	BOOKEASY SEPTEMBER 2019	-858.50
EFT25757	30/09/2019	SHARK BAY DIVE AND MARINE SAFARIS	BOOKEASY SEPTEMBER 2019	-5302.00
EFT25758	30/09/2019	SHARK BAY HOTEL MOTEL	BOOKEASY SEPTEMBER 2019	-72.25
EFT25759	30/09/2019	SHARK BAY 4WD TOURS	BOOKEASY SEPTEMBER 2019	-1337.60
EFT25760	30/09/2019	SHARK BAY HOLIDAY COTTAGES	BOOKEASY SEPTEMBER 2019	-501.60
EFT25761	30/09/2019	SHIRE OF SHARK BAY	SBDC BOOKING COMMISSION SEPTEMBER 2019	-5769.02
EFT25762	30/09/2019	SHARK BAY SEAFRONT APARTMENTS	BOOKEASY SEPTEMBER 2019	-434.72
EFT25763	30/09/2019	WULA GURA NYINDA ECO ADVENTURES	BOOKEASY SEPTEMBER 2019	-360.80
			<b>TOTAL</b>	<b>\$46,244.47</b>



30 OCTOBER 2019

12.2 FINANCIAL REPORTS TO 30 SEPTEMBER 2019  
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Burton

Seconded Cr Fenny

**Council Resolution**

**That the monthly financial report to 30 September 2019 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 **30 September 2019** are attached.

VARIANCE ANALYSIS

Operating Revenue has exceeded the year to date budget by \$107,305. This result was generated via Rent received in Advance from Staff and Pensioners accommodation, Increases in fees received from the Refuse Site, Development and Structure Plans, Shark Bay World Heritage Discovery and Visitor Centre Merchandise Sales and Entrance Fees, Camping and Caravan Park Leases. In addition the Gascoyne Sports and Modelling Grant and Monkey Mia Dolphin Resort Borrow Pit Fees (Fill and gravel utilised by Monkey Mia in the upgrade of their facility) were not incorporated within the original budget as these items were approved/granted after the adoption of the budget by council.

Operating Expenditure is under the year to date budget by \$793,054. Until the 2019 Financial Audit is complete depreciation cannot be run within the Synergy system and is the major contributor to this significant variance.

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

Capital Expenditure is under the year to date budget by \$742,185. The major contributor to this variance is the Town Oval Bore with a variance of \$662,359. This is due to the year to date budget being brought in for the full value of \$800,000 at commencement in September whilst the actual work will take three months to complete reflected in corresponding progress payments to the contractor. In addition the purchase of Dual Cabs for the Town Gardener and Ranger (\$45,000 each) scheduled for September have been deferred to later in the year due to prioritisation of capital works.

## MINUTES OF THE ORDINARY COUNCIL MEETING

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30 OCTOBER 2019

### LEGAL IMPLICATIONS

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

### POLICY IMPLICATIONS

There are no policy implications associated with this item.

### FINANCIAL IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

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

### RISK MANAGEMENT

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

### Voting Requirements

Simple Majority Required

### Signature

Author

*A Pears*

Chief Executive Officer

*P Anderson*

Date of Report

24 October 2019

30 OCTOBER 2019

**SHIRE OF SHARK BAY****MONTHLY FINANCIAL REPORT****For the Period Ended 30 September 2019****LOCAL GOVERNMENT ACT 1995****LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996****TABLE OF CONTENTS**

Compilation Report

Monthly Summary Information

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Note 3 Net Current Funding Position

Note 4 Cash and Investments

Note 6 Receivables

Note 7 Cash Backed Reserves

Note 8 Capital Disposals

Note 9 Rating Information

Note 10 Information on Borrowings

Note 11 Grants and Contributions

Note 12 Bond Liability

Note 13 Capital Acquisitions



# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 30 September 2019							
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
<b>Operating Revenues</b>		\$	\$	\$	\$	%	
Governance		4,300	3,324	4,364	1,040	31.29%	▲
General Purpose Funding - Rates	9	1,391,961	1,391,961	1,393,085	1,124	0.08%	▲
General Purpose Funding - Other		998,735	247,022	240,420	(6,602)	(2.7%)	▼
Law, Order and Public Safety		108,123	27,166	20,444	(6,722)	(25%)	▼
Health		2,250	1,560	960	(600)	(38.46%)	▼
Housing		130,105	32,583	39,907	7,324	22.5%	▲
Community Amenities		341,446	261,369	275,650	14,281	5.46%	▲
Recreation and Culture		287,273	76,215	133,113	56,898	74.7%	▲
Transport		514,558	256,357	264,569	8,212	3.2%	▲
Economic Services		894,082	182,535	207,406	24,871	13.6%	▲
Other Property and Services		38,000	9,501	16,981	7,480	78.7%	▲
<b>Total Operating Revenue</b>		<b>4,710,833</b>	<b>2,489,593</b>	<b>2,596,898</b>	<b>107,305</b>	<b>4.31%</b>	
<b>Operating Expense</b>							
Governance		(282,124)	(166,342)	(61,364)	104,977	(63.1%)	▲
General Purpose Funding		(115,631)	(28,908)	(26,510)	2,398	(8.3%)	▲
Law, Order and Public Safety		(316,668)	(98,519)	(55,598)	42,921	(43.6%)	▲
Health		(80,865)	(12,669)	(12,940)	(271)	2.1%	▼
Housing		(231,263)	(61,046)	(44,580)	16,466	(27.0%)	▲
Community Amenities		(738,587)	(196,037)	(145,730)	50,307	(25.7%)	▲
Recreation and Culture		(2,230,779)	(585,322)	(369,239)	216,083	(36.9%)	▲
Transport		(1,761,594)	(425,525)	(270,778)	154,747	(36.4%)	▲
Economic Services		(1,096,522)	(289,449)	(127,979)	161,470	(55.8%)	▲
Other Property and Services		(37,500)	(31,022)	12,933	43,955	(141.7%)	▲
<b>Total Operating Expenditure</b>		<b>(6,891,533)</b>	<b>(1,894,839)</b>	<b>(1,101,785)</b>	<b>793,054</b>	<b>(41.9%)</b>	
<b>Funding Balance Adjustments</b>							
Add back Depreciation		2,015,110	507,911	0	(507,911)		
Adjust (Profit)/Loss on Asset Disposal	8	66,878	(3,000)	(4,364)	(1,364)		
Adjust in Pensioner Rates Non Current		0	0	0			
Adjust Provisions and Accruals		0	0	0			
<b>Net Cash from Operations</b>		<b>(98,712)</b>	<b>1,099,665</b>	<b>1,490,749</b>	<b>391,084</b>		
<b>Capital Revenues</b>							
Grants, Subsidies and Contributions	11	527,462	92,086	92,342	256	0.3%	▲
Proceeds from Disposal of Assets	8	232,636	21,364	21,364	(0)	0.0%	
<b>Total Capital Revenues</b>		<b>760,098</b>	<b>113,450</b>	<b>113,706</b>	<b>256</b>	<b>0.2%</b>	
<b>Capital Expenses</b>							
Land Held for Resale							
Land and Buildings	13	(360,000)	(18,747)	0	18,747	0.0%	▲
Infrastructure - Roads	13	(642,570)	0	(25,291)	(25,291)	0.0%	▼
Infrastructure - Public Facilities	13	(934,500)	(813,002)	(155,372)	657,630	0.0%	▲
Infrastructure - Footpaths	13	(50,000)	0	0	0	0.0%	▲
Infrastructure - Drainage	13	(20,000)	0	0	0	0.0%	▲
Plant and Equipment	13	(505,000)	(130,001)	(38,902)	91,099	0.0%	▲
Furniture and Equipment	13	(20,000)	0	0	0	0.0%	▲
<b>Total Capital Expenditure</b>		<b>(2,532,070)</b>	<b>(961,750)</b>	<b>(219,564)</b>	<b>742,186</b>	<b>77.2%</b>	
<b>Net Cash from Capital Activities</b>		<b>(1,771,972)</b>	<b>(848,300)</b>	<b>(105,859)</b>	<b>742,441</b>	<b>87.52%</b>	
<b>Financing</b>							
Proceeds from Loans		800,000	0	0	0	0.0%	
Transfer from Reserves	7	873,500	0	0	0	0.0%	
Repayment of Debentures	10	(66,071)	(15,667)	(15,667)	(0)	0.0%	
Transfer to Reserves	7	(1,504,577)	(3,081)	(3,081)	(0)	0.0%	
					0	0.0%	
<b>Net Cash from Financing Activities</b>		<b>102,852</b>	<b>(18,748)</b>	<b>(18,749)</b>	<b>(1)</b>	<b>(0.0%)</b>	
<b>Net Operations, Capital and Financing</b>		<b>(1,767,832)</b>	<b>232,617</b>	<b>1,366,142</b>	<b>1,133,525</b>	<b>(487.29%)</b>	▲
<b>Opening Funding Surplus(Deficit)</b>	3	<b>1,767,832</b>	<b>1,767,832</b>	<b>1,770,218</b>	<b>2,386</b>		
<b>Closing Funding Surplus(Deficit)</b>	3	<b>0</b>	<b>2,000,449</b>	<b>3,136,360</b>	<b>1,135,911</b>		▲
Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.							
Refer to Note 2 for an explanation of the reasons for the variance.							
Depreciation has not been run for July until Fair Valuation for Plant and Equipment and end of year accounts have been finalised							

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 30 September 2019				
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)
<b>Operating Revenues</b>		\$	\$	\$
Rates	9	1,391,961	1,391,961	1,393,085
Operating Grants, Subsidies and Contributions	11	1,462,272	492,511	493,491
Fees and Charges		1,656,006	556,979	658,148
Interest Earnings		57,730	12,180	6,320
Other Revenue		130,562	32,962	41,490
Profit on Disposal of Assets	8	12,302	3,000	4,364
<b>Total Operating Revenue</b>		<b>4,710,833</b>	<b>2,489,593</b>	<b>2,596,898</b>
<b>Operating Expense</b>				
Employee Costs		(2,265,623)	(603,513)	(453,322)
Materials and Contracts		(1,974,380)	(587,955)	(462,470)
Utility Charges		(187,510)	(46,981)	(34,259)
Depreciation on Non-Current Assets		(2,015,110)	(507,911)	0
Interest Expenses		(17,370)	(987)	(982)
Insurance Expenses		(156,295)	(86,998)	(97,439)
Other Expenditure		(196,065)	(60,494)	(53,313)
Loss on Disposal of Assets	8	(79,180)	0	0
<b>Total Operating Expenditure</b>		<b>(6,891,533)</b>	<b>(1,894,839)</b>	<b>(1,101,785)</b>
<b>Funding Balance Adjustments</b>				
Add back Depreciation		2,015,110	507,911	0
Adjust (Profit)/Loss on Asset Disposal	8	66,878	(3,000)	(4,364)
Adjust in Pensioner Rates Non Current		0	0	0
Adjust Provisions and Accruals		0	0	0
<b>Net Cash from Operations</b>		<b>(98,712)</b>	<b>1,099,665</b>	<b>1,490,749</b>
<b>Capital Revenues</b>				
Grants, Subsidies and Contributions	11	527,462	92,086	92,342
Proceeds from Disposal of Assets	8	232,636	21,364	21,364
<b>Total Capital Revenues</b>		<b>760,098</b>	<b>113,450</b>	<b>113,706</b>
<b>Capital Expenses</b>				
Land Held for Resale				
Land and Buildings	13	(360,000)	(18,747)	0
Infrastructure - Roads	13	(642,570)	0	(25,291)
Infrastructure - Public Facilities	13	(934,500)	(813,002)	(155,372)
Infrastructure - Footpaths	13	(50,000)	0	0
Infrastructure - Drainage	13	(20,000)	0	0
Plant and Equipment	13	(505,000)	(130,001)	(38,902)
Furniture and Equipment	13	(20,000)	0	0
<b>Total Capital Expenditure</b>		<b>(2,532,070)</b>	<b>(961,750)</b>	<b>(219,564)</b>
<b>Net Cash from Capital Activities</b>		<b>(1,771,972)</b>	<b>(848,300)</b>	<b>(105,859)</b>
<b>Financing</b>				
Proceeds from Loans		800,000	0	0
Transfer from Reserves	7	873,500	0	0
Repayment of Debentures	10	(66,071)	(15,667)	(15,667)
Transfer to Reserves	7	(1,504,577)	(3,081)	(3,081)
<b>Net Cash from Financing Activities</b>		<b>102,852</b>	<b>(18,748)</b>	<b>(18,749)</b>
<b>Net Operations, Capital and Financing</b>		<b>(1,767,832)</b>	<b>232,617</b>	<b>1,366,142</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>1,767,832</b>	<b>1,767,832</b>	<b>1,770,218</b>
<b>Closing Funding Surplus(Deficit)</b>	3	<b>0</b>	<b>2,000,449</b>	<b>3,136,360</b>

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

SHIRE OF SHARK BAY								
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING								
For the Period Ended 30 September 2019								
Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Annual Budget	Variance (d) - (c)	
		\$	\$	\$	\$	\$	\$	\$
Land and Buildings	13	0	0	0	18,747	360,000	18,747	
Infrastructure Assets - Roads	13	0	25,291	25,291	0	642,570	(25,291)	
Infrastructure Assets - Public Facilities	13	17,731	137,641	155,372	813,002	934,500	657,630	
Infrastructure Assets - Footpaths	13	0	0	0	0	50,000	0	
Infrastructure Assets - Drainage	13	0	0	0	0	20,000	0	
Infrastructure Assets - Streetscapes	13	0	0	0	0	0	0	
Plant and Equipment	13	27,793	11,109	38,902	130,001	505,000	91,099	
Furniture and Equipment	13	0	0	0	0	20,000	0	
Capital Expenditure Totals		45,523	174,041	219,564	961,750	2,532,070	742,186	

### CAPITAL REVENUE

Month	Budget 2019-20	Actual 2019-20
Jul	100	95
Aug	110	115
Sep	110	115
Oct		
Nov		
Dec		
Jan		
Feb		
Mar		
Apr		
May		
Jun		

### CAPITAL EXPENDITURE

Month	Budget 2019-20	Actual 2019-20
Jul	100	50
Aug	200	100
Sep	1,150	250
Oct		
Nov		
Dec		
Jan		
Feb		
Mar		
Apr		
May		
Jun		



# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 September 2019					
<b>1. SIGNIFICANT ACCOUNTING POLICIES</b>					
<b>(a) Basis of Preparation</b>					
This report has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this budget are presented below and have been consistently applied unless stated otherwise.					
Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.					
<b>The Local Government Reporting Entity</b>					
All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this budget.					
In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.					
All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 16 to this budget document.					
<b>(b) Rounding Off Figures</b>					
All figures shown in this report, other than a rate in the dollar, are rounded to the nearest dollar.					
<b>(c) Rates, Grants, Donations and Other Contributions</b>					
Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.					
Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.					
<b>(d) Goods and Services Tax (GST)</b>					
Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).					
Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.					
Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.					
<b>(e) Superannuation</b>					
The Council contributes to a number of Superannuation Funds on behalf of employees.					
All funds to which the Council contributes are defined contribution plans.					

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 September 2019					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(f) Cash and Cash Equivalents</b>					
Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.					
Bank overdrafts are shown as short term borrowings in current liabilities in the statement of financial position.					
<b>(g) Trade and Other Receivables</b>					
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.					
Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.					
Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.					
<b>(h) Inventories</b>					
<b>General</b>					
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.					
<b>Land Held for Resale</b>					
Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.					
Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.					
Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.					
<b>(i) Fixed Assets</b>					
Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.					
<b>Mandatory Requirement to Revalue Non-Current Assets</b>					
Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.					

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

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



MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

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

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

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

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 September 2019					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(k) Fair Value of Assets and Liabilities (Continued)</b>					
As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.					
To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).					
For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.					
<b>Fair Value Hierarchy</b>					
AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:					
<b>Level 1</b>					
Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.					
<b>Level 2</b>					
Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.					
<b>Level 3</b>					
Measurements based on unobservable inputs for the asset or liability.					
The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.					
<b>Valuation techniques</b>					
The Council selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Council are consistent with one or more of the following valuation approaches:					
<b>Market approach</b>					
Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.					



# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 September 2019					
1.	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
(k)	<b>Fair Value of Assets and Liabilities (Continued)</b>				
	<b>Income approach</b>				
	Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.				
	<b>Cost approach</b>				
	Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.				
	Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Council gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.				
	As detailed above, the mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.				
(l)	<b>Financial Instruments</b>				
	<b>Initial Recognition and Measurement</b>				
	Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).				
	Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.				
	<b>Classification and Subsequent Measurement</b>				
	Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost.				
	Amortised cost is calculated as:				
	(a) the amount in which the financial asset or financial liability is measured at initial recognition;				
	(b) less principal repayments and any reduction for impairment; and				
	(c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.				

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 September 2019					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(I) Financial Instruments (Continued)</b>					
The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.					
<i>(i) Financial assets at fair value through profit and loss</i>					
Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.					
<i>(ii) Loans and receivables</i>					
Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.					
Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.					
<i>(iii) Held-to-maturity investments</i>					
Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.					
Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.					
<i>(iv) Available-for-sale financial assets</i>					
Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.					
They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.					
Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available for sale financial assets are classified as non-current.					
<i>(v) Financial liabilities</i>					
Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.					

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 September 2019					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(l) Financial Instruments (Continued)</b>					
<b>Impairment</b>					
A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a "loss event") having occurred, which has an impact on the estimated future cash flows of the financial asset(s).					
In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.					
In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.					
For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.					
<b>Derecognition</b>					
Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.					
Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.					
<b>(m) Impairment of Assets</b>					
In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.					
Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.					
Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.					



MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

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

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 September 2019					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(p) Borrowing Costs</b>					
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.					
<b>(q) Provisions</b>					
Provisions are recognised when the Council has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.					
Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.					
<b>(r) Current and Non-Current Classification</b>					
In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Council's intentions to release for sale.					

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 30 September 2019					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
Governance	1,040	31.3%	▲	Timing	No Reportable Variance
General Purpose Funding - Rates	1,124	0.1%	▲	Timing	No Reportable Variance
General Purpose Funding - Other	(6,602)	(2.7%)	▼	Timing	Interest Earned on Investment YTD Budget in advance of YTD Actual due to drop in Interest rates
Law, Order and Public Safety	(6,722)	(24.7%)	▼	Timing	Coastal Adaptation and Protection (DOT) Grant YTD budget in advance of YTD actual
Health	(600)	(38.5%)	▼	Timing	No Reportable Variance
Housing	7,324	22.5%	▲	Timing	Rental Income Received in Advance
Community Amenities	14,281	5.5%	▲	Timing	Refuse Site Fees, Development and Structure Plan Fees in excess of YTD Budget
Recreation and Culture	56,898	74.7%	▲	Timing	Sale of Merchandise and Entrance Fees in excess of YTD Budget plus Gascoyne Sports Modelling Grant not included in original budget as approved after adoption
Transport	8,212	3.2%	▲	Timing	Increase in Road Preservation Grant of \$7K compared to budget
Economic Services	24,871	13.6%	▲	Timing	Monkey Mia Dolphin Resort Borrow Pit Fees \$16K approved after adoption of budget and Camping Fees and Caravan Park Leases YTD Actual in excess of YTD budget
Other Property and Services	7,480	78.7%	▲	Timing	Refunds Income in excess of YTD Budget
<b>Operating Expense</b>					
Governance	104,977	(63.1%)	▲	Timing	Overall underspend in expenses plus Depreciation not run for September until End of Year Financial Audit finalised
General Purpose Funding	2,398	(8.3%)	▲	Timing	No Reportable Variance
Law, Order and Public Safety	42,921	(43.6%)	▲	Timing	Overall underspend in expenses plus Depreciation not run for September until End of Year Financial Audit finalised
Health	(271)	2.1%	▼	Timing	No Reportable Variance
Housing	16,466	(27.0%)	▲	Timing	Overall underspend in expenses plus Depreciation not run for September until End of Year Financial Audit finalised
Community Amenities	50,307	(25.7%)	▲	Timing	Overall underspend in expenses plus Depreciation not run for September until End of Year Financial Audit finalised
Recreation and Culture	216,083	(36.9%)	▲	Timing	Overall underspend in expenses plus Depreciation not run for September until End of Year Financial Audit finalised
Transport	154,747	(36.4%)	▲	Timing	Overall underspend in expenses plus Depreciation not run for September until End of Year Financial Audit finalised
Economic Services	161,470	(55.8%)	▲	Timing	Overall underspend in expenses plus Depreciation not run for September until End of Year Financial Audit finalised
Other Property and Services	43,955	(141.7%)	▲	Timing	Under recovery of Plant Overheads TYD Actual compared to YTD budget timing
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	256	0.3%	▲	Timing	No Reportable Variance
Proceeds from Disposal of Assets	(0)	0.0%	▲	Timing	No Reportable Variance
<b>Capital Expenses</b>					
Land and Buildings	18,747	0.0%	▲	Timing	Staff and Pensioner Capital Works have yet to commence
Infrastructure - Roads	(25,291)	0.0%	▼	Timing	Useless Loop Road works commenced earlier than budgeted
Infrastructure - Public Facilities	657,630	0.0%	▲	Timing	Town Oval Bore YTD Budget ahead of YTD Actual Expenditure as bore will progress over three months
Infrastructure - Footpaths	0	0.0%	▲	Timing	Footpath program has not commenced
Plant and Equipment	91,099	0.0%	▲	Timing	Dual Cab Utes for Town Gardener and Ranger budgeted in advance of actual purchase
<b>Financing</b>					
Loan Principal	(0)	0.0%	▼	Timing	No reportable variance.
Note: YTD budgets are an estimation at the time of preparing the draft annual budget.					



MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

Shire of Shark Bay			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 30 September 2019			
<b>Note 3: NET CURRENT FUNDING POSITION</b>			
		Positive=Surplus (Negative=Deficit)	
	Note	30 September 2019	30 September 2018
		\$	\$
<b>Current Assets</b>			
Cash Unrestricted	4	2,157,211	2,051,537
Cash Restricted	4	1,907,476	1,561,083
Receivables - Rates	6	1,063,126	1,108,419
Receivables -Other	6	79,598	97,088
Interest / ATO Receivable		16,629	18,157
Inventories		129,612	125,216
		5,353,652	4,961,501
<b>Less: Current Liabilities</b>			
Payables		(87,041)	(175,763)
Provisions		(208,068)	(249,539)
Bond Liability (Formally Trust Account)		(14,706)	0
		(309,815)	(425,302)
Less: Cash Reserves	7	(1,907,476)	(1,561,083)
<b>Net Current Funding Position</b>		<b>3,136,360</b>	<b>2,975,116</b>
<p><b>Note 3 - Liquidity Over the Year</b></p> <p>Amount \$ ( '000s)</p> <p>Jul Aug Sep Oct Nov Dec Jan Feb Mar Apr May Jun</p> <p>2017-18 2018-19 2019-20</p>			
<b>Comments - Net Current Funding Position</b>			

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 30 September 2019							
<b>Note 4: CASH AND INVESTMENTS</b>							
	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
(a) <b>Cash Deposits</b>							
Municipal Bank Account	0.10%	543,128			543,128	Bankwest	At Call
Reserve Bank Account	0.00%		1,907,476		1,907,476	Bankwest	At Call
Telenet Saver	1.10%	1,613,183			1,613,183	Bankwest	At Call
Trust Bank Account	0.00%			0	0	Bankwest	At Call
Cash On Hand		900			900		On Hand
(b) <b>Term Deposits</b>							
Municipal Investment					0		
Municipal Investment					0		
Reserve Investment	1.75%		0		0	Bankwest	
<b>Total</b>		2,157,211	1,907,476	0	4,064,688		
<b>Comments/Notes - Investments</b>							
Surplus funds invested for terms conducive to cashflow requirements.							

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 30 September 2019									
<b>Note 6: RECEIVABLES</b>									
Receivables - Rates Receivable		30 September 2019	30 June 2019		Receivables - General	Current	30 Days	60 Days	90+Days
		\$	\$			\$	\$	\$	\$
Opening Arrears Previous Years		31,927	36,581		Receivables - General	30,861	32,115	225	2,358
Levied this year		1,704,286	1,742,151						
Less Collections to date		(673,087)	(1,746,805)		<b>Total Receivables General Outstanding</b>				<b>65,559</b>
Equals Current Outstanding		1,063,126	31,927		<b>Amounts shown above include GST (where applicable)</b>				
<b>Net Rates Collectable</b>		<b>1,063,126</b>	<b>31,927</b>						
% Collected		38.77%	98.21%						

**Note 6 - Rates Receivable**

Month	2018-19 (Amount \$ '000s)	2019-20 (Amount \$ '000s)
Jul	50	50
Aug	1,600	1,700
Sep	1,100	1,100
Oct	750	750
Nov	600	600
Dec	450	450
Jan	350	350
Feb	200	200
Mar	150	150
Apr	100	100
May	50	50
Jun	50	50

**Receivables-General**

Category	Percentage
Current	47%
30 Days	49%
60 Days	0%
90+Days	4%

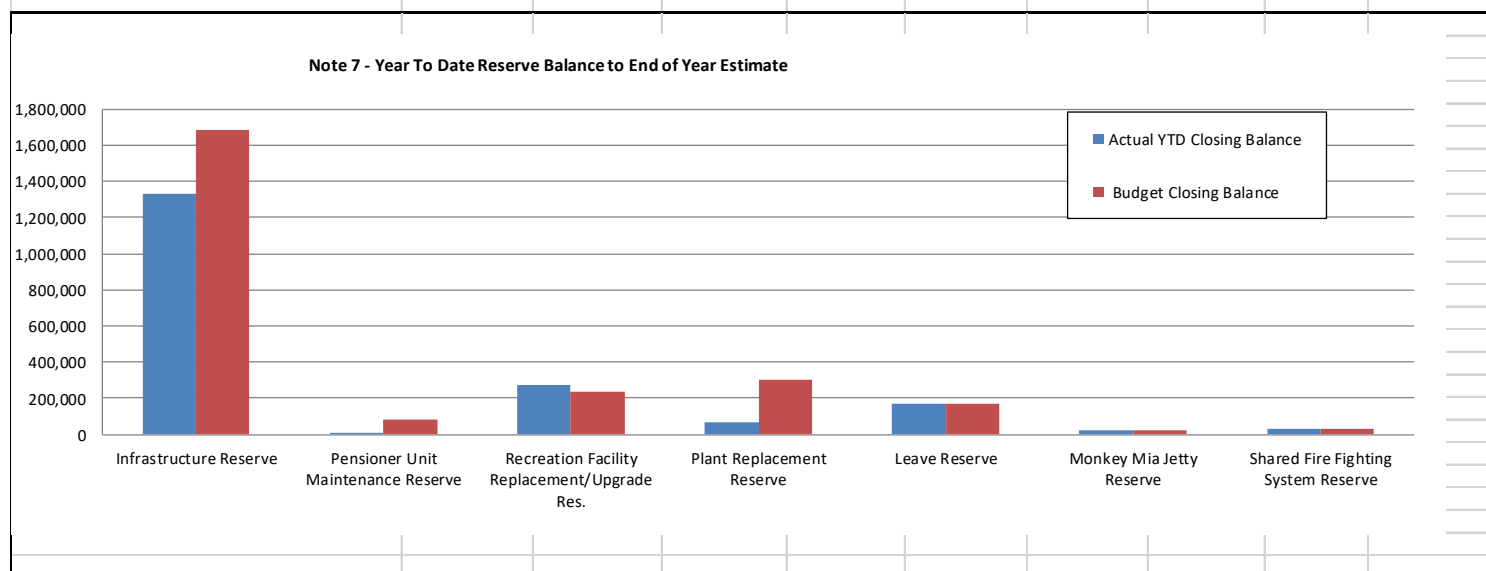
<b>Comments/Notes - Receivables Rates</b>	<b>No major issues at this time</b>
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# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 30 September 2019									
<u>Note 7: Cash Backed Reserve</u>									
2019-20									
Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Infrastructure Reserve	1,332,164	14,000	1,969	595,418	0	(255,000)	0	1,686,582	1,334,132
Pensioner Unit Maintenance Reserve	10,916	130	21	116,143	0	(45,000)	0	82,189	10,938
Recreation Facility Replacement/Upgrade Res.	269,466	4,000	524	202,000	0	(237,500)	0	237,966	269,990
Plant Replacement Reserve	70,302	1,100	137	568,636	0	(336,000)	0	304,038	70,439
Leave Reserve	170,156	2,300	331	0	0	0	0	172,456	170,487
Monkey Mia Jetty Reserve	21,977	400	43	0	0	0	0	22,377	22,020
Shared Fire Fighting System Reserve	29,413	450	57	0	0	0	0	29,863	29,471
	<b>1,904,395</b>	<b>22,380</b>	<b>3,081</b>	<b>1,482,197</b>	<b>0</b>	<b>(873,500)</b>	<b>0</b>	<b>2,535,472</b>	<b>1,907,476</b>



MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 30 September 2019							
Note 8 CAPITAL DISPOSALS							
Actual YTD Profit/(Loss) of Asset Disposal					Annual Budget		
					YTD 30 09 2019		
Cost	Accum Depr	Proceeds	Profit (Loss)		Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance
\$	\$	\$	\$	Plant and Equipment	\$	\$	\$
				Governance			
			0	CEO Vehicle	(3,925)	0	3,925
34,765	(17,765)	21,364	4,364	EMFA Vehicle	3,000	4,364	1,364
			0	EMCD Vehicle	(5,141)	0	5,141
34,765	(17,765)	21,364	4,364		(6,066)	4,364	10,430
				Transport			
			0	Dual Cab Ute - Ranger	4,594	0	(4,594)
			0	Dual Cab Ute - Gardner	4,708	0	(4,708)
			0	Prime Mover	(66,250)	0	66,250
			0	Vibration Roller - Sale Proceeds	(3,864)	0	3,864
0	0	0	0		(60,812)	0	60,812
34,765	(17,765)	21,364	4,364		(66,878)	4,364	71,242
Comments - Capital Disposal/Replacements							

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 30 September 2019											
Note 9: RATING INFORMATION	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2019/20 Budget Rate Revenue \$	2019/20 Budget Interim Rate \$	2019/20 Budget Back Rate \$	2019/20 Budget Total Revenue \$
RATE TYPE											
<b>Differential General Rate</b>											
GRV Residential	0.102840	316	3,761,841	386,871			386,871	386,871			386,871
GRV Commercial	0.105690	42	2,114,558	223,477			223,477	223,477			223,477
GRV Vacant	0.102840	18	360,100	37,033			37,033	37,033			37,033
GRV Rural Commercial	0.106880	5	306,280	32,736			32,736	32,736			32,736
GRV Industrial/Residential	0.113800	46	629,944	71,689			71,689	71,689			71,689
GRV Industrial/Residential Vaca	0.102840	2	10,400	1,070			1,070	1,070			1,070
GRV Rural Resort	0.112820	3	1,132,800	127,805			127,805	127,805			127,805
UV General	0.207090	7	827,678	171,402			171,402	171,402			171,402
UV Pastoral	0.141820	11	617,360	87,556			87,556	87,556			87,556
UV Mining	0.282450	1	7,947	2,245			2,245	2,245			2,245
UV Exploration	0.271580	2	764,435	207,605			207,605	207,604			207,604
<b>Sub-Totals</b>		453	10,533,343	1,349,490	0	0	1,349,490	1,349,488	0	0	1,349,488
<b>Minimum Payment</b>											
GRV Residential	876.00	52	384,173	45,552			45,552	45,552			45,552
GRV Commercial	876.00	17	93,832	14,892			14,892	14,892			14,892
GRV Vacant	876.00	83	271,090	72,708			72,708	72,708			72,708
GRV Rural Commercial	876.00	0	0				0	0			0
GRV Industrial/Residential	876.00	3	19,440	2,628			2,628	2,628			2,628
GRV Industrial/Residential Vaca	546.00	0	0				0	0			0
GRV Rural Resort	876.00	0	0				0	0			0
UV General	735.00	6	9,262	4,410			4,410	4,410			4,410
UV Pastoral	920.00	0	0				0	0			0
UV Mining	920.00	1	654	920			920	920			920
UV Exploration	920.00	2	4,080	1,840			1,840	1,840			1,840
<b>Sub-Totals</b>		164	782,531	142,950	0	0	142,950	142,950	0	0	142,950
Concessions							(138,272)				(139,394)
<b>Amount from General Rates</b>							<b>1,354,168</b>				<b>1,353,044</b>
Specified Area Rates							38,917				38,917
<b>Totals</b>							<b>1,393,085</b>				<b>1,391,961</b>
Comments - Rating Information											



## MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

[illegible]

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 30 September 2019								
Note 11: GRANTS AND CONTRIBUTIONS								
Program/Details	Grant Provider	Approval	2019-20 Annual Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received/Invoiced	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
<b>GENERAL PURPOSE FUNDING</b>								
Grants Commission - General	WALGGC	Y	692,157	0	692,157	0	173,039	519,118
Grants Commission - Roads	WALGGC	Y	226,736	0	226,736	0	56,684	170,052
<b>LAW, ORDER, PUBLIC SAFETY</b>								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Y	8,133	0	8,133	0	1,880	6,253
Grant FESA - SES	Dept. of Fire & Emergency Serv.	Y	46,590	0	46,590	0	11,648	34,943
Coastal Hazard Risk Management & Adaption Plan	WA Planning Commission	Y	32,500	0	32,500	0	0	32,500
Coastal Adaptation and Protection	Department of Transport	Y	11,000	0	11,000	0	0	11,000
Gascoyne Sports Modelling	Department of Local Government Sport and Culture	Y	0	0	0	0	5,000	0
<b>RECREATION AND CULTURE</b>								
Contributions - HMAS Sydney Exhibit	Visitors to Discovery Centre	Y	200	0	200	0	122	78
<b>TRANSPORT</b>								
Road Preservation Grant	State Initiative - Main Roads WA	Y	106,056	0	106,056	0	113,118	0
Useless Loop Road - Mtce	Main Roads WA	Y	330,000	0	330,000	0	132,000	198,000
Contributions - Road Projects	Pipeline	Y	8,900	0	8,900	0	0	8,900
Roads To Recovery Grant - Cap	Roads to Recovery	Y	297,245	0	0	297,245	0	297,245
RRG Grants - Capital Projects	Regional Road Group	Y	230,217	0	0	230,217	92,342	137,875
<b>TOTALS</b>			<b>1,989,734</b>	<b>0</b>	<b>1,462,272</b>	<b>527,462</b>	<b>585,833</b>	<b>1,415,963</b>
			Operating	1,462,272			493,491	
			Non-operating	527,462			92,342	
				<b>1,989,734</b>			<b>585,833</b>	
Comments - Operating and Non Operating Grants								

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

Shire of Shark Bay					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 September 2019					
Note 12: BOND LIABILITY					
Funds held at balance date over which the Shire has no control and which are included in Note 3 of this statement are as follows:					
Description	Opening Balance 1 Jul 19	Amount Received	Amount Paid	Closing Balance 30-Sep-19	
	\$	\$	\$	\$	
CITF Levy	\$ -	758	(758)	0	
Library Card Bond	\$ 250	150	(300)	100	
Bookeasy- Sales	\$ -	161,953	(161,497)	456	
Kerb/Footpath Deposit	\$ 3,800	1,000		4,800	
Bond Key	\$ 3,420	380	(380)	3,420	
Hall Bond	\$ -	550	(275)	275	
Police Licensing	\$ 997	80,430	(79,079)	2,347	
Election Deposit	\$ -	800		800	
Marquee Deposit	\$ -			0	
Building Licence Levy	\$ -	1,358	(1,358)	0	
Road Reserve - Hughes Street	\$ 2,298			2,298	
Tour Sales	\$ -			0	
Property Rental Bonds	\$ -			0	
Rates Unidentified Deposit	\$ 210			210	
	10,974	247,379	(243,647)	14,706	

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

CAPITAL WORKS PROGRAM 2019/20								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Land and Buildings</b>								
<b>Governance</b>								
Asbestos Removal - Shire Office	2.2.1	WKSM	(75,000)	0	0	0	0	
Records Room	4.2.2	CEO	(30,000)	0	0	0	0	
<b>Governance Total</b>			<b>(105,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Housing</b>								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	2.2.1	CEO	(10,000)	(2,499)	0	2,499	0	
Staff Housing - 65 Brockman St	2.2.1	EMCD	(10,000)	(2,499)	0	2,499	0	
Staff Housing - 51 Durlacher St	2.2.1	EMFA	(10,000)	(2,499)	0	2,499	0	
Staff Housing - 80 Durlacher St	2.2.1	EMCD	(10,000)	(2,499)	0	2,499	0	
Pensioner Units Capital	2.2.1	EMCD	(35,000)	(8,751)	0	8,751	0	
Pensioner Units Door/Water Pipe Replacement	2.2.1	EMCD	(10,000)	0	0	0	0	
<b>Housing Total</b>			<b>(85,000)</b>	<b>(18,747)</b>	<b>0</b>	<b>18,747</b>	<b>0</b>	
<b>Community Amenities</b>								
<b>Buildings</b>								
Morgue	2.2.1	CEO	(20,000)	0	0	0		
<b>Community Amenities Total</b>			<b>(20,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Recreation</b>								
<b>Buildings</b>								
Asbestos Removal - Denham Town Hall/Stables	2.2.1	WKSM	(75,000)	0	0	0		
Recreation Centre Panel and Paint Renewal	2.2.1	WKSM	(50,000)	0	0	0		
<b>Recreation Total</b>			<b>(125,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Transport</b>								
<b>Buildings</b>								
Depot - Office Awning	4.2.2	WKSM	(10,000)	0	0	0		
Depot - Boundary Fencing	4.2.2	WKSM	(15,000)	0	0	0		
<b>Transport Total</b>			<b>(25,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Land and Buildings Total</b>			<b>(360,000)</b>	<b>(18,747)</b>	<b>0</b>	<b>18,747</b>	<b>0</b>	
<b>Footpaths</b>								
<b>Infrastructure</b>								
Footpath Construction-Denham Footpath Plan	1.1.1/2.2.1	WKSM	(50,000)	0	0	0		
<b>Footpaths Total</b>			<b>(50,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	



# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Drainage</b>								
<b>Transport</b>								
Drainage/Sump Construction	1.1.1	WKSM	(20,000)	0	0	0		
<b>Transport Total</b>			(20,000)	0	0	0	0	
<b>Drainage Total</b>			(20,000)	0	0	0	0	
<b>Furniture &amp; Office Equip.</b>								
<b>Governance</b>								
Server and Program Upgrade	4.2.2	EMFA	(20,000)	0	0	0		
<b>Governance Total</b>			(20,000)	0	0	0	0	
<b>Furniture &amp; Office Equip. Total</b>			(20,000)	0	0	0	0	
<b>Plant , Equipment and Vehicles</b>								
<b>Governance</b>								
CEO Vehicle	2.2.1	CEO	(65,000)	0	0	0		
EMFA Vehicle	2.2.1	EMFA	(35,000)	(35,000)	(27,793)	7,207		
EMCD Vehicle	2.2.1	EMCD	(35,000)	0	0	0		
<b>Total Governance</b>			(135,000)	(35,000)	(27,793)	7,207	0	
<b>Transport</b>								
Major Plant Items	4.2.2	WKSM	(20,000)	(5,001)	0	5,001	0	
Excavator		WKSM	0	0	(11,109)	(11,109)	11,109	Capital Works to Extend Useful Life
Dual Cab Ute - Town Gardener	4.2.2	WKSM	(45,000)	(45,000)	0	45,000	0	
Dual Cab Ute - Ranger	4.2.2	WKSM	(45,000)	(45,000)	0	45,000	0	
Prime Mover	4.2.2	WKSM	(240,000)	0	0	0	0	
<b>Transport Total</b>			(350,000)	(95,001)	(11,109)	83,892	11,109	
<b>Denham Marine Facilities</b>								
Boat Jinker Brake System Upgrade	4.2.2	WKSM	(20,000)	0	0	0	0	
<b>Denham Marine Facilities Total</b>			(20,000)	0	0	0	0	
<b>Plant , Equipment and Vehicles Total</b>			(505,000)	(130,001)	(38,902)	91,099	11,109	

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	2016/17 Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Public Facilities</b>								
<b>Community Amenities</b>								
Cemetery Shade	2.4.2	WKSM	(5,000)		0	0		
Hamelin Pool Carpark	2.2.1	WKSM	(10,000)		0	0		
<b>Community Amenities Total</b>			<b>(15,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Recreation And Culture</b>								
West End Toilet Roof Replacement	2.2.1	WKSM	(15,000)	0	0	0		
Town Oval Bore	2.2.1	WKSM	(800,000)	(800,000)	(137,641)	662,359	137,641	project underway
Town Bore Fence Extensions	2.2.1	WKSM	(7,500)	0	0	0	0	
Town Oval Fountain	2.2.1	WKSM	(7,000)	0	0	0	0	
Playground Fence Replacement	2.2.1	WKSM	(8,000)		0	0	0	
Charlie Sappie Park Bed Removal and Replacement	2.2.1	WKSM	(20,000)	0	0	0	0	
Multi Purpose Courts Light Upgrade	2.2.1	WKSM	(10,000)	0	0	0	0	
Little Lagoon Signs and Barriers	2.2.1/1.2.2	CEO	(52,000)	(13,002)	(17,731)	(4,729)	0	
<b>Recreation And Culture Total</b>			<b>(919,500)</b>	<b>(813,002)</b>	<b>(155,372)</b>	<b>657,630</b>	<b>137,641</b>	
<b>Public Facilities Total</b>			<b>(934,500)</b>	<b>(813,002)</b>	<b>(155,372)</b>	<b>657,630</b>	<b>137,641</b>	

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Roads (Non Town)</b>								
<b>Transport</b>								
R2R Projects 19-20 Brockman Street	1.1.1	WKSM	(297,245)	0	0	0	0	
Useless Loop Road - RRG 19-20	1.1.1	WKSM	(255,325)	0	(25,291)	(25,291)	25,291	commenced one month early
Eagle Bluff - RRG 19-20	1.1.1	WKSM	(90,000)	0	0	0	0	
					0	0	0	
<b>Transport Total</b>			<b>(642,570)</b>	<b>0</b>	<b>(25,291)</b>	<b>(25,291)</b>	<b>25,291</b>	
<b>Roads (Non Town) Total</b>			<b>(642,570)</b>	<b>0</b>	<b>(25,291)</b>	<b>(25,291)</b>	<b>25,291</b>	
<b>Capital Expenditure Total</b>			<b>(2,532,070)</b>	<b>(961,750)</b>	<b>(219,565)</b>	<b>742,185</b>	<b>174,042</b>	

MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

12.3 RATES INTEREST WRITE-OFF – OVERLANDER ROADHOUSE WA PTY LTD  
P2003

AUTHOR

Executive Manager Finance and Administration

DISCLOSURE OF ANY INTEREST

Nil

Officer Recommendation Option 1

That Council:

- (a) Write-off the interest accrued to 22 October 2019 being \$65.74 and
- (b) Write-Off any further interest accruals on the outstanding rates accrued after 22 October 2019;

on Assessment A2003 Overlander Roadhouse Rates Notice.

ABSOLUTE MAJORITY REQUIRED

OR

Officer Recommendation Option 2

That Council deny the request to write-off interest accruals on Assessment A2003 Overlander Roadhouse Rates Notice.

ABSOLUTE MAJORITY REQUIRED

Moved            Cr Ridgley  
Seconded       Cr Fenny

**Council Resolution**

**That Council:**

- (c) Write-off the interest accrued to 22 October 2019 being \$65.74 and**
- (d) Write-Off any further interest accruals on the outstanding rates accrued after 22 October 2019;**

**on Assessment A2003 Overlander Roadhouse Rates Notice.**

**7/0 CARRIED BY ABSOLUTE MAJORITY REQUIRED**

BACKGROUND

An email has been received from Aaron Triplett Director of Overlander Roadhouse WA Pty Ltd requesting waiving of interest on the 2019/2020 rates assessment on the basis that it was rejected by the bank due to incorrect account details.. A copy of their letter dated 21 October 2019 is attached for your information.

**From:** Admin - Overlander Roadhouse [<mailto:admin@overlanderwa.com.au>]  
**Sent:** Monday, 21 October 2019 12:30 PM  
**To:** Rhonda Mettam <[Rhonda@sharkbay.wa.gov.au](mailto:Rhonda@sharkbay.wa.gov.au)>  
**Subject:** Overlander Roadhouse rates notice A2003

Hi,

We have just realised that our rates payment was rejected by the bank due to the incorrect account details being entered at our end.



30 OCTOBER 2019

We have today corrected this issues and paid the account in full.  
I was hoping you could please make a note of this error and not charge interest on this occasion.

Many Thanks

**Regards,  
Aaron Triplett  
Director**

**OVERLANDER**  
ROADHOUSE

08 9942 5916  
office@overlanderwa.com.au  
overlanderwa.com.au

We confirm that the assessment was paid in full on the 22 October 2019 direct into the Shire's municipal bank account.

LEGAL IMPLICATIONS

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

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

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

*which is owed to the local government.*

*\* Absolute majority required.*

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

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

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

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

## MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

- (1) *A local government may at the time of imposing a rate or service charge resolve\* to impose interest (at the rate set in its annual budget) on —*  
(a) *a rate or service charge (or any instalment of a rate or service charge);*  
and  
(b) *any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.*

*\* Absolute majority required.*

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

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

### POLICY IMPLICATIONS

There are no policy implications associated with this item.

### FINANCIAL IMPLICATIONS

The write off of \$65.74 will reduce the interest receivables for 2019/2020 financial year.

### STRATEGIC IMPLICATIONS

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

### RISK MANAGEMENT

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

### VOTING REQUIREMENTS

Absolute Majority Required

### SIGNATURES

Author

*A Pearcy*

Chief Executive Officer

*P Anderson*

Date of Report

22 October 2019

30 OCTOBER 2019

**13.0 TOWN PLANNING REPORT**

It is the Chief Executive Officer's request that the President bring forward the Confidential Item 17.1 Land Subject To Inundation at this point in the agenda.

**13.1 PROPOSED RETAINING WALL AND VERGE MODIFICATION – LOT 94 (25) HARTOG CRESCENT, DENHAM**  
**P1157**

**AUTHOR**

Liz Bushby, Town Planning Innovations

**DISCLOSURE OF ANY INTEREST**

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved            Cr Ridgley  
Seconded       Cr Cowell

**Council Resolution**

**That Council:**

- 1. Approve the application for a retaining wall on Lot 94 (25) Hartog Crescent, Denham and associated verge modification subject to the following conditions and footnotes:**
  - i. The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans.**
  - ii. All verge alteration works shall be limited to the area of verge immediately in front of Lot 94, and no alterations to adjacent verge natural ground levels shall be undertaken.**
  - iii. The owner / applicant shall ensure that the modified verge incorporates a battered slope from the most eastern point in a westerly direction which is to be maintained in a stabilised condition at all times to the satisfaction of the Chief Executive Officer.**
  - iv. Adequate precautions to be undertaken to the satisfaction of the Chief Executive Officer to ensure that no earth washes, escapes or overflows into the constructed portion of Hartog Crescent at any time.**
  - (v) All stormwater drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.**

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**Footnote:**

- (a) This Development Approval does not constitute a building permit, for which a separate application must be made to the Shire. You must not commence development or any site works until you have obtained a building permit.
- (b) It is your responsibility to check the location of all services that may be located in the verge and ensure that works do not effect services.
- (c) Please notify the Shire prior to any works commencing in the verge as the Shire may monitor the works.

**7/0 CARRIED**

**BACKGROUND**

Lot 94 is zoned 'Residential' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme) with an 'R10/20' density code.

A location plan is included below for ease of reference.



Lot 94 is vacant and has an approximate area of 791m<sup>2</sup>. The verge slopes upwards towards the front lot boundary. The lot has a slope from east to west.



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COMMENT

An application has been lodged proposing to excavate the verge in front of Lot 94 to essentially create a flat parking area. The verge will be cut into to a maximum depth of 0.5 metres.

The applicant has advised that from the highest point where the verge is adjacent to the Lot 93 verge, the slope will be battered down from east to west.

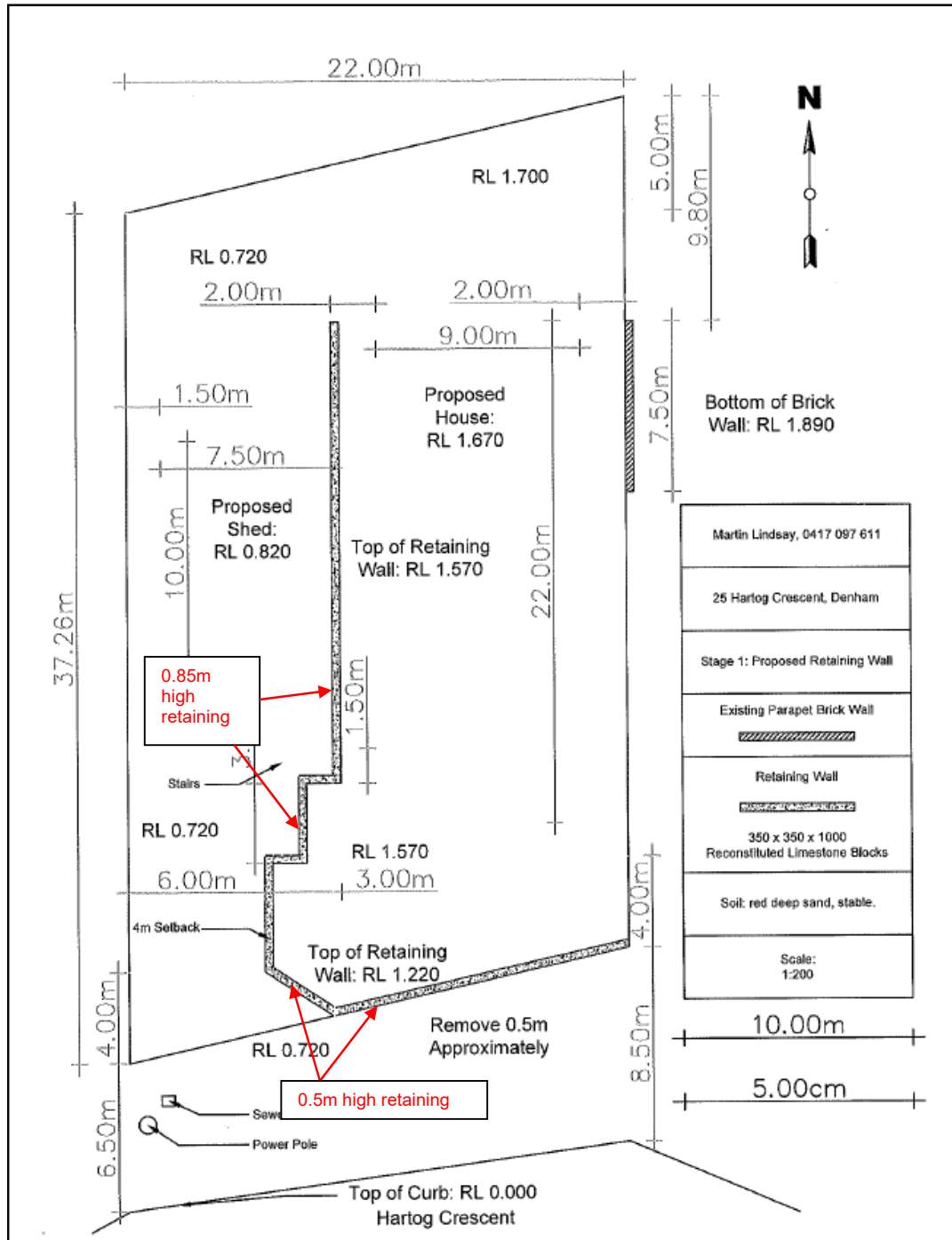
A 0.5 metre limestone retaining wall is proposed along the front lot boundary. The 0.5 metre retaining wall will also form part of an internal retaining wall truncation.

A 0.85 metre internal retaining wall is proposed 6 metres to 9 metres from the western lot boundary. The retaining wall will be located adjacent to a proposed driveway – refer photograph below.



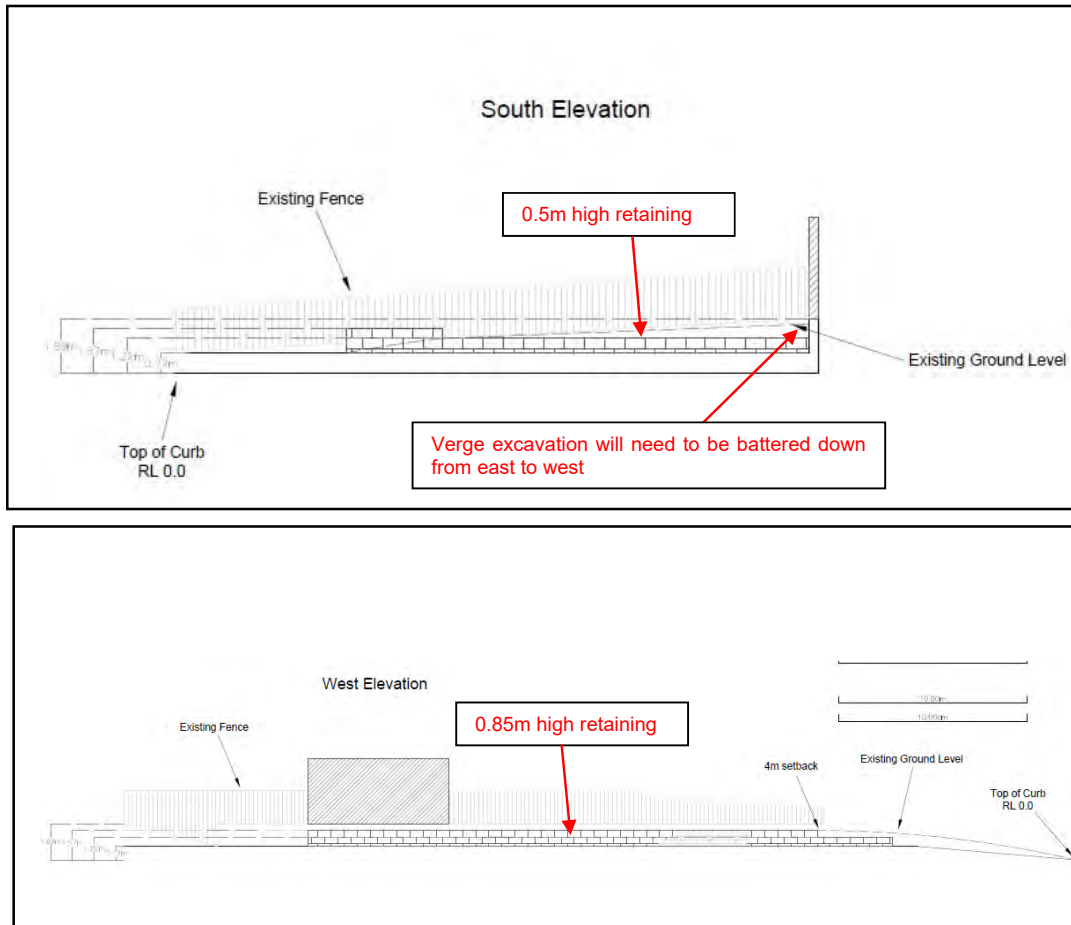
Plans are included over page.

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Site Plan with Town Planning Innovations notes in red text

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The Shires Works Manager has inspected the site and advised that:

- The verge for adjacent Lot 93 is steep and unusable.
- Any lowering of ground levels in the verge may benefit the Shire in future if any footpaths are proposed to be installed.
- Any embankment battering in the verge will need to be stabilised by the applicant. This could be achieved using product or vegetation.

• **State Planning Policy 3.1 - Residential Design Codes**

The Residential Design Codes ('the Codes') have two separate options for the assessment of development including 'Deemed to Comply' criteria and 'Design Principles'.

Under the Residential Design Codes there are specific 'Deemed to Comply' requirements for retaining walls.

Code Requirement	Town Planning Innovations Comment
C8 Retaining walls greater than 0.5 metres in height being setback from lot boundaries in accordance with the setback provisions of Table 1.	Complies.  The setbacks for retaining walls are calculated under Table 1 similar to the setbacks for a standard wall to a house.

## MINUTES OF THE ORDINARY COUNCIL MEETING

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	The west retaining wall is required to be setback 1.5 metres and is setback over 6 metres.
Retaining walls 0.5m or less in height may be located up to a lot boundary.	Complies. The front retaining wall does not exceed 0.5m.

The proposed development is generally supported and the retaining walls are to respond to the natural terrain of the lot.

### LEGAL IMPLICATIONS

#### *Planning and Development (Local Planning Schemes) Regulations 2015 –*

Under Clause 61(1)(d) development is exempt from planning approval where it is ancillary to a dwelling and meets the deemed to comply requirements of the Residential Design Codes (including setbacks).

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

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

### POLICY IMPLICATIONS

There are no local planning policy implications associated with this report.

### FINANCIAL IMPLICATIONS

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

*P Anderson*

Date of Report

18 October 2019



30 OCTOBER 2019

13.2 PROPOSED SECOND HAND (TRANSPORTABLE) DWELLING – LOT 226 (24) FRY COURT, DENHAM  
P1444

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved            Cr Ridgley  
Seconded       Cr Stubberfield

**Council Resolution**

**That Council:**

1.     **Note that the application for a second hand dwelling on Lot 226 (24) Fry Court Denham has been advertised for public comment and no submissions have been received.**
2.     **Note that Council determines whether land is ‘subject to inundation’ by virtue of ‘*being vulnerable to coastal storm surge inundation*’ as explained in the body of this report.**
2.     **Approve the application for a second hand dwelling on Lot 226 (24) Fry Court Denham subject to the following conditions and footnotes:**
  - (i)     **The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
  - (ii)     **The Finished Floor Level shall not exceed 0.5m above Natural Ground Level as stated in the application.**
  - (iii)     **Vehicle parking (2 tandem spaces) shall be provided on site to a trafficable standard in accordance with the approved revised site plan received on the 20 September 2019 to the satisfaction of the Chief Executive Officer.**
  - (iv)     **The owner to install and construct a new crossover in accordance with the specifications of Policy 9.1 in the Shire of Shark Bay Policy Manual, within 12 months from the issue of a building permit or an alternative time period approved separately by the Chief Executive Officer in writing.**
  - (v)     **No clothes drying devices shall be erected or clothes dried outside in an area which is visible from the street at any time.**

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- (vi) **All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.**
- (vii) **If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.**

**Footnotes:**

- (a) **Planning consent is not an approval to commence any works. A separate building permit must be obtained for all work. It is noted that a Bushfire Attack Level of Bushfire Attack Level-12 applies.**
- (b) **In regards to Condition (iii), the owner / applicant is advised that once a crossover is constructed to the Shires requirements, an application can be lodged seeking a contribution from the Shire towards a portion of the construction cost.**

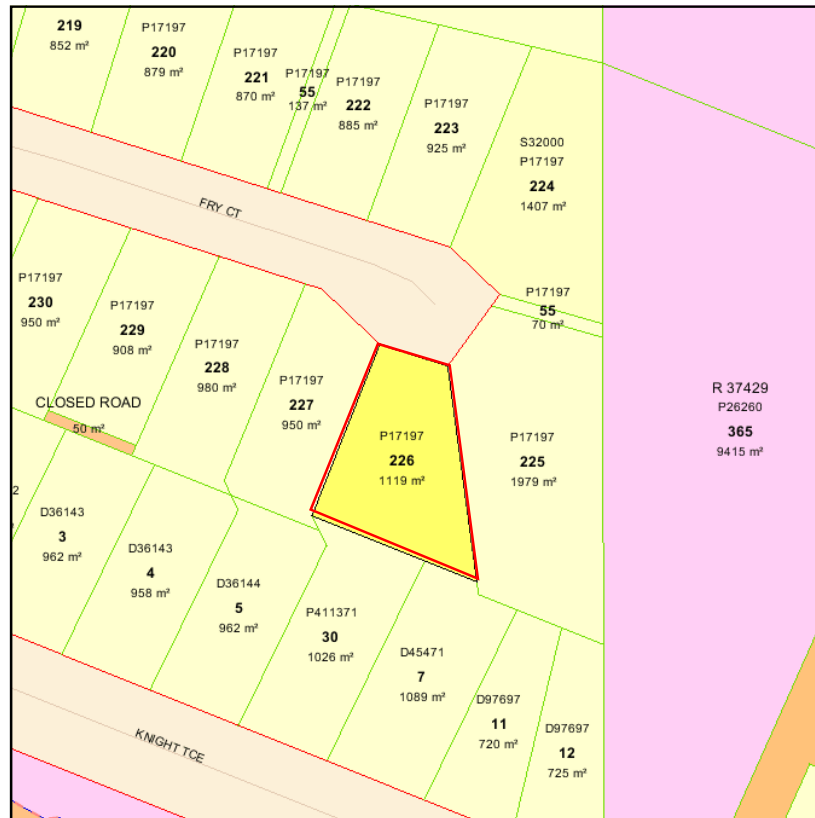
**7/0 CARRIED**

**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'). The lot has an approximate area of 1119m<sup>2</sup> and is vacant.

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COMMENT

• **Description of application**

The application proposes to transport a second hand dwelling and locate it on Lot 226 (24) Fry Court in Denham.

The dwelling has a total floor area of 120.96m<sup>2</sup>. It is proposed to be setback 12.93 metres from the Fry Court lot frontage and 3 metres from the eastern boundary.

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

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Site Plan

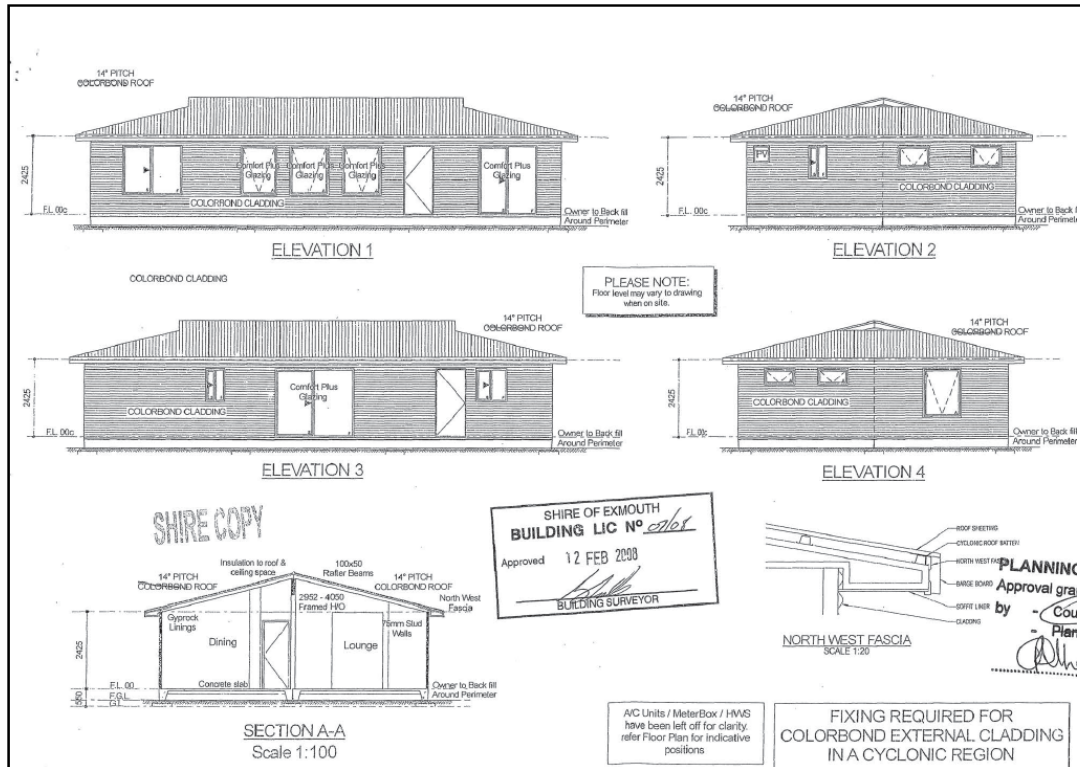
In regards to levels the applicant has advised that:

- The dwelling has an in-built slab with raft-type footings.
- The pad site will be levelled at the mean between the high and low point of the Natural Ground Level (in this case approximately 2.7 m AHD), with the trenching and compaction undertaken for the footing and their pre-cast discs.
- Pre-lay plumbing is then undertaken before the house is finally put in position with the Finished Floor Level being 200 – 300 mm proud of the Natural Ground Level, in this case 2.9 - 3.0 m AHD.
- The dwelling finished floor level will exceed 500 mm above the Natural Ground Level where it would require special assessment under the R-Codes for overlooking.



# MINUTES OF THE ORDINARY COUNCIL MEETING

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Elevations: Elevation 4 is proposed to front Fry Court

Town Planning Innovations requested provision of photographs from the applicant which are included below and over page.



MINUTES OF THE ORDINARY COUNCIL MEETING

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- **Landuse Permissibility**

A second hand dwelling is defined in the Shire of Shark Bay Local Planning Scheme No 4 as *'means a dwelling that has been in a different location, and has been dismantled and transported to another location (in whole or in parts) for habitable purposes, but does not include a new modular or transportable dwelling'*.

A second hand dwelling is designated as an 'A' use in the Residential zone under 'Table 1- Zoning Table' which *'means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions'*.

- **Residential Design Codes**

The Residential Design Codes ('the Codes') have two separate options for the assessment of development including 'Deemed to Comply' criteria and 'Design Principles'.

Under the Residential Design Codes there are specific 'Deemed to Comply' requirements for single dwellings relating to site open space, setbacks, parking, building height, and site works.

The applicant lodged an assessment checklist with the application that demonstrates the dwelling complies with the 'deemed to comply' requirements of the Residential Design Codes.

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

The Western Australian Planning Commission has Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') and State Planning Policy 3.7: Planning in Bushfire Prone Areas. 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 226 is within the Bushfire Prone Area.

The applicant has lodged a Bushfire Attack Level assessment report which identifies the house has a Bushfire Attack Level-12.5 rating.

Under the current policies a Bushfire Attack Level of 29 or below is acceptable, and simply determines the level of higher construction standards that will apply at the separate building permit application stage.

- **Consultation**

The application has been referred to nearby and adjacent landowners for comment. Advertising has closed and no submissions have been received.

As part of advertising, neighbours were provided with photographs of the dwelling.

- **Streetscape and Amenity**

The elevation (No 4) facing Fry Court is relatively plain however Town Planning Innovations recognises that appearance is a subjective matter. The photographs demonstrate that the dwelling is in a good condition with some natural wear to some parts of the external colorbond walls.

The house is of a neat and tidy appearance. Town Planning Innovations is of the view that it will not have a substantial negative impact due to the low scale of development combined with the larger setback proposed.

- **Crossovers and Parking**

A single crossover is proposed from Fry Court. The Manager of Works has examined the plans and supports the crossover location.

The Residential Design Codes require two car parking bays to be provided on site. The site plan proposes two tandem bays.

- **Land subject to Inundation and minimum Finished Floor Levels**

The Shire's Scheme requires a minimum finished floor level of 4.2 metres Australian Height Datum for land that is 'subject to inundation'. The Scheme maps do not define the area considered to be 'subject to inundation' and the area affected is determined by the Shire.

Ultimately it is to Council's discretion as to whether it considers a lot to be within an area that is 'subject to inundation' by virtue of 'being vulnerable to coastal storm surge inundation'.



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Town Planning Innovations has liaised with the Shire Chief Executive Officer and is of the understanding that historically higher finished floor levels have been applied to lots fronting Knight Terrace, and not Fry Court. It is generally accepted that the coastal facing lots are clearly vulnerable to coastal storm surge.

As outlined in the separate report item 17.1, Council will need to review its position on 'areas subject to inundation' when in future Council examines a Denham Townsite Coastal Hazard Risk Management and Adaptation Plan.

#### LEGAL IMPLICATIONS

##### Planning and Development (Local Planning Schemes) Regulations 2015 -

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

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

#### POLICY IMPLICATIONS

Vehicle crossovers are subject to Council's Crossover Policy which sets out what constitutes a 'standard crossing' from the paved portion of a road to a property boundary for use by vehicles. The Policy states:

##### '9.1 Crossovers

1. A standard crossing as referred to by the Regulation 15 of the Uniform Local Provisions Regulations comprises either:
  - A 150 mm compacted and water bound road base driveway, sealed with two coat of bitumen and topped with an approved aggregate.
  - A minimum of 100 mm reinforced concrete over a compacted sub-base.
  - A minimum of 50 mm thick brick pavers, or
  - other as approved by Councilfrom kerb to the front boundary line and tied in or made contiguous with abutting structures (kerbs, footpaths and driveways).
2. The minimum width of the standard crossing shall be 3.0 metres for residences, 4.0 metres for commercial, 6.0 metres for light industrial, 6.0 metres for heavy industrial and 7.5 metres for service stations each with a 1.5 metre radius "fishtail" onto the kerb line.
3. The gradient shall be positive 2% for the first 1.5 metres from the kerb line.
4. The Shire of Shark Bay will contribute to one crossing per property only.
5. Where the ratepayer elects to construct a crossover, the Council's contribution shall not exceed 50% of the cost of the crossover as defined in paragraphs (1) and (2) and in Council's Fees and Charges Schedule. The square metres calculated shall be the length (from the road kerb to the property line) multiplied by the nominal width. The ratepayer must produce documents stating the full cost of the crossing.'

## MINUTES OF THE ORDINARY COUNCIL MEETING

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30 OCTOBER 2019

### FINANCIAL IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

Any decision on this application will have implications for other vacant lots in Fry Court in terms of 'land subject to inundation'.

### RISK MANAGEMENT

This is a low risk item to Council.

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

18 October 2019

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Cr Fenny Cr Stubberfield and Cr Ridgley left Council meeting at 4.15 pm

Moved            Cr Burton  
Seconded       Cr Bellottie

**Council Resolution**

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

**4/0 CARRIED**

Council's Works Manager, Executive Manager Finance and Administration and visitors in the gallery left Council Chamber at 4.15pm.

17.1 **LAND SUBJECT TO INUNDATION**  
LP00002 / CM00064

**AUTHOR**

Liz Bushby, Town Planning Innovations

**DISCLOSURE OF ANY INTEREST**

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Stubberfield

Nature of Interest: Financial Interest as have real estate property and business interest in proposed inundation zone

Declaration of Interest: Cr Ridgley

Nature of Interest: Proximity Interest as have an office on the foreshore

Declaration of Interest: Cr Fenny

Nature of Interest: Financial Interest as family owns property within inundation zone.

Moved            Cr Smith  
Seconded       Cr Burton

**Council Resolution**

**That Councillors Stubberfield, Fenny and Ridgley be allowed to return to the Council Chamber and participate in the matter as it is considered that due to the land subject to inundation extends the length of Knight Terrace the Councillors have an interest in common with a significant number of electors.**

**4/0 CARRIED**

Cr Stubberfield, Cr Fenny and Cr Ridgley returned to Council Chamber at 4.17 pm.

Moved            Cr Smith  
Seconded       Cr Bellottie

**Council Resolution**

**That Council consider the recommendation in the confidential item presented by Town Planning Innovations.**

**7/0 CARRIED**

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Moved            Cr Fenny  
Seconded       Cr Ridgley

**Council Resolution**

**That Council:**

1.     **Note that a Denham Townsite Coastal Hazard Risk Management and Adaptation Planning dated 19 September 2019 has been prepared and will be presented to a future Council meeting.**
2.     **This report highlights some issues that will need to be considered in the future as the Coastal Hazard Risk Management and Adaptation Plan needs to be examined in context of the Shire of Shark Bay Local Planning Scheme No 4.**
3.     **All future planning implications associated with the Coastal Hazard Risk Management and Adaptation Plan will be identified in a future report, and Council will have an opportunity to consider the recommendations of the Coastal Hazard Risk Management and Adaptation Plan in more detail.**
4.     **Note that the Coastal Hazard Risk Management and Adaptation Plan mapping is not being used for planning assessment purposes at this time as it has not yet been presented or considered by Council.**

**7/0 CARRIED**

Moved            Cr Ridgley  
Seconded       Cr Burton

**Council Resolution**

**That the meeting be reopened to the members of the public at 4.40pm.**

**7/0 CARRIED**

Members of the public and staff returned to the Council Chamber at 4.40 pm.

**At 4.41pm the President read aloud the Council decision that had been taken during the time the meeting was closed to the public in accordance with Council's Local Laws relating to Standing Orders clause 12.7(3)(a)(b)(c)(d)(e).**



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13.3 STATUS OF CURRENT DEVELOPMENT APPLICATIONS FOR LOT 303 AND LOT 62, DIRK HARTOG ISLAND

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Executive Officer of Shark Bay World Heritage Advisory Committee and referral by Shire of Shark Bay to the Committee.

Moved Cr Cowell

Seconded Cr Fenny

Council Resolution

**That Council:**

**1. Note that:**

- (a) Two separate development applications have been lodged including:

1. Lot 62 and 303 - 23 nature based camp sites to accommodate up to 80 people, 3 camp kitchens, 3 ablution blocks and a number of bare earth pedestrian and internal vehicular access ways.
2. Lot 62 - a visitors centre & bar/café to be known as Wirruwana Hub. The development comprises 2 new custom designed transportable buildings with decking designed to accommodate up to 25 people at a time.

- (b) Both applications have been advertised concurrently. Key government departments, agencies and the Shark Bay World Heritage Committee have been requested to lodge submissions by the 27 October 2019.

- (c) The application for nature based camping and associated facilities proposed on Lots 62 and 303 was referred to the Environmental Protection Authority.

The Environmental Protection Authority Services of the Department of Water and Environmental Regulation has requested additional information to be provided by the applicant so that they can make an informed decision on whether or not any formal environmental assessment is required – Attachment 6.

- (d) The Shire Council cannot make any decisions on the nature based camping application until such time as the Environmental Protection Authority has completed their process.

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- (e) **The separate application for the visitors centre & bar/café was not referred to the Environmental Protection Authority as it is ancillary to the existing resort on Lot 62 and has a much smaller footprint.**
- (f) **Instruct Shire Administration not to refer the application for the visitors centre & bar/café on Lot 62 to the Environmental Protection Authority and allow the application to be processed.**
- (g) **Reports on both proposals will be referred to a future Council meeting to consider all available options.**

**7/0 CARRIED**

BACKGROUND

• ***Restrictive Covenants***

There are separate restrictive covenants on the Certificate of Title for Lot 62 and Lot 303 which only allows the lots to be used for the purpose of low impact eco tourism including visitor accommodation units and staff accommodation, subject to normal local government and other necessary approvals.

The restrictive covenant for Lot 62 includes clauses that:

- Limit the visitor accommodation units to not exceed six times the number of hectares of land (rounded down to the nearest whole number) – refer extract below:

(b) the number of Visitor Accommodation Units that may be built or placed on the Covenanted Land must not exceed the number (rounded down to the nearest whole number) that is six times the number of hectares in the Covenanted Land (for example, if the Covenanted Land is 17.3 hectares, the number of Visitor Accommodation Units may not be more than 103 – $17.3 \times 6 = 103.8$ , rounded down to 103);
--

- Limit the floor area of visitor accommodation units to 200m<sup>2</sup> (excluding unenclosed verandahs not used for sleeping areas);
- Limits staff numbers being housed to not more than a 1:1 staff to guest ratio and a floor area of not more than 35m<sup>2</sup> for staff accommodation.

Lot 62 has an approximate area of 40.6 hectares therefore the covenant allows 243 visitor accommodation units (rounded down).

A copy of the restricted covenant applicable to Lot 62 is included in Attachment 1.

The restrictive covenant for Lot 303 includes clauses that:

- Limit the visitor accommodation units to not exceed three times the number of hectares of land (rounded down to the nearest whole number) – refer extract overpage.

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(b) the number of Visitor Accommodation Units that may be built or placed on the Land must not exceed the number (rounded down to the nearest whole number) that is three times the number of hectares in the Land (for example, if the Land is 17.3 hectares, the number of Visitor Accommodation Units may not be more than  $51 - 17.3 \times 3 = 51.9$ , rounded down to 51);

- Limit the floor area of visitor accommodation units to 90m<sup>2</sup> (excluding unenclosed verandahs not used for sleeping areas);
- Limits staff numbers being housed to not more than a 1:1 staff to guest ratio and a floor area of not more than 35m<sup>2</sup> for staff accommodation.

Lot 303 has an area of 17.35 hectares therefore the covenant allows 51 visitor accommodation units (rounded down).

A copy of the restricted covenant applicable to Lot 62 is included in Attachment 2.

The term 'visitor accommodation unit' is defined slightly different in each covenant however in summary it *'means an accommodation unit (whether as a stand alone structure or a structure containing more than one unit) suitable for temporary residential occupation by one or more persons, but does not include:*

- (i) *accommodation for the caretaker or manager of the low impact ecotourism business conducted on the land, and his or her family;*
- (ii) *staff accommodation;*
- (iii) *those areas of any centre lodge facilities that do not comprise bedrooms or other sleeping areas.*

The covenant does not define the term 'structure' so it is not clear whether the limitations on accommodation numbers includes tents and camping.

The covenant is to the benefit of the Minister for Lands under the *Land Administration Act 1997*.

The Shire wrote to the Department of Planning, Lands and Heritage on the 4 July 2019 seeking advice on whether the covenant restrictions applicable to Lots 303 and 62 restricting 'visitor accommodation units' applies to camping and /or maximum visitor numbers.

No response was received therefore Town Planning Innovations wrote to the Minister for Planning, Lands and Heritage for advice. The Minister for Planning has referred the enquiry to the Minister for Lands (Hon Ben Wyatt MLA) and a response had not been received at the time of writing this report.

#### • **Bushfire Management Plan**

The Shire has already considered a Bushfire Management Plan for Lot 62 and 303 which was supported by Council in July 2019.

The applicant was advised that support for the Bushfire Management Plan should not be construed as support for any future development, as no formal application had been lodged at the time.

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The Bushfire Management Plan indicated that future development would consist of:

- a. 28 existing tent sites that accommodate 100 people;
- b. An extension to the existing camp site to include a total of 43 camping sites (15 to be new development) to increase the maximum occupancy to 200 people; and
- c. Associated facilities, internal access tracks, 2 campers kitchens and a laundry.

The Shire Council noted that a Local Development Plan and formal development application had to be lodged for separate consideration.

- ***Zoning and Local Development Plan***

Lot 62 and 303 are zoned 'Special Use' (No 14) under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme'). Specific provisions apply under Schedule B of the Scheme – refer Attachment 3.

Condition 3 of Schedule B applicable to the lots states that:

*'Prior to commencement of development of any of the four lots a Local Development Plan shall be prepared in accordance with Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015.'*

The clause goes on to list the matters that a Local Development Plan needs to address such as a management plan, architectural design, coastal setbacks, bushfire management, environmental report and design guidelines.

A Local Development Plan is a mechanism used to coordinate and assist in achieving better built form outcomes for future development. It can facilitate the design and co-ordination of development on unique sites and is a higher level document that would strategically plan for the overall site and guide future development.

At the Council meeting held on the 31 July 2019 Council noted (in relation to proposed camping activities):

*'that a Local Development Plan and formal development application has to be lodged for separate consideration.'*

The applicant has not lodged a Local Development Plan, but has lodged two formal development applications.

Council has discretion to allow development to proceed without a Local Development Plan where:

- (a) the proposed development does not conflict with the principles of orderly and proper planning; and
- (b) the proposed development would not prejudice the overall development potential of the area.

When the current applications are referred to a future Council meeting, Council will need to decide whether to require a Local Development Plan for one or both proposals.



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One of the options that will be presented to Council is to require a Local Development Plan for the more significant camping proposal, and to issue development approval for the smaller visitor centre / bar to proceed without a Local Development Plan.

All available options will be presented to a future Council meeting for full consideration.

COMMENT

- ***Description of Applications***

Two development applications have been lodged to the Shire:

1. Lot 62 and 303 - A development application for 23 camp sites to accommodate up to 80 people, 3 camp kitchens, 3 ablution blocks and a number of bare earth pedestrian and internal vehicular access ways.

Most of the nature based development has been operating since 2015 without approval, including campsites, Buddys camp kitchen and Salty's Camp kitchen.

The applicant has advised that 'Jeds Camp' is new development.

A site plan is included as Attachment 4.

2. Lot 62 - A separate development application for a visitors centre & bar/café to be known as Wirruwana Hub. The development comprises 2 new custom designed transportable buildings with decking designed to accommodate up to 25 people at a time.

Plans are included as Attachment 5.

- ***Advertising***

Both applications have been advertised for public comment. Advertising included:

- A. Letters to other freehold lot owners on the Island;
- B. Letters to relevant stakeholders and agencies including the Shark Bay World Heritage Advisory Committee, Department of Biodiversity, Conservation and Attractions, Department of Planning, Lands and Heritage, Department of Health and Department of Fire and Emergency Services.
- C. An advert published in the MidWest Times.
- D. Information on the Shire website.

At the time of writing this report only one submission had been received from the Department of Planning, Lands and Heritage advising that that the works undertaken do not intersect with any known Aboriginal Heritage Sites or Places.

- ***Referral to the Environmental Protection Authority***

The application for nature based camping on Lots 62 and 303 was referred to the Environmental Protection Authority.

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The Environmental Protection Authority Services of the Department of Water and Environmental Regulation has requested additional information to be provided by the applicant so that they can make an informed decision on whether or not any formal environmental assessment is required – Attachment 6.

The Shire cannot consider the application until such time as the Environmental Protection Authority completes its process.

The separate application for the visitors centre & bar/café was not referred to the Environmental Protection Authority as it is ancillary to the existing resort on Lot 62 and has a much smaller footprint.

- ***Bushfire Management***

The site plan for the nature based camping areas is slightly different to the site plan that was included in the Bushfire Management Plan already supported by Council.

The internal access tracks and strategic fire breaks are consistent with the existing Bushfire Management Plan. An additional internal 'loop' access with passing bays has been included in the western part of the development area however that will only increase fire protection.

The existing Bushfire Management Plan will need minor modifications simply to reflect the updated site plan however the proposal is consistent with the core recommendations of the existing Bushfire Management Plan.

LEGAL IMPLICATIONS

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

Environmental Protection Act 1986 – Part IV of the *Environmental Protection Act 1986* (the Act) makes provision for the Environmental Protection Authority to undertake environmental impact assessment of significant proposals, strategic proposals and schemes.

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.

The Shire Council may consider development in the absence of a Local Development Plan as provided for under Clause 56(2), Schedule 2, Part 6, of the *Planning and Development (Local Planning Schemes) Regulations 2015* as explained in the body of this report.

Clause 65 allows for '*subsequent approval of development*' for any application where development has already commenced or carried out.

POLICY IMPLICATIONS

There are no policy implications associated with the development.

## MINUTES OF THE ORDINARY COUNCIL MEETING

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### FINANCIAL IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

The 'Special Use' zoning of Lot 62 and 303 under the Shire of Shark Bay Local Planning Scheme No 4 is consistent with the recommendations of the Local Planning Strategy (with the exception of modifications required by the Minister for Planning).

### VOTING REQUIREMENTS

Simple Majority Required

### Signatures

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

18 October 2019

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## ATTACHMENT # 1

FORM B2

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED

## BLANK INSTRUMENT FORM

Deed of Restrictive Covenant

(Note 1)

This Deed of Restrictive Covenant is made the 21st day of October 2009

## BETWEEN:

**Hypermarket Pty Ltd** (ACN 008 770 072) of 143 Knight Terrace Denham (formerly of Level 1, 10 Kings Park Road, West Perth), Western Australia ("Covenantor")

## AND

**Minister for Lands**, a body corporate under the *Land Administration Act 1997* of care of Department of Regional Development and Lands, 1 Midland Square, Midland, Western Australia ("Covenantee")

## OPERATIVE PROVISIONS

1. The Covenantor, as registered proprietor of the Land, to the intent that it shall bind itself, its transferees, successors in title and assigns as registered proprietor of the Land from time to time, as covenantor COVENANTS with the Minister for Lands, as covenantee, under section 129BA of the Transfer of Land Act 1893 as follows:
  - (a) not to use the Covenanted Land for any purpose other than low impact ecotourism, which includes the provision of Visitor Accommodation Units and Staff Accommodation in accordance with subclauses (b) to (g) inclusive;
  - (b) the number of Visitor Accommodation Units that may be built or placed on the Covenanted Land must not exceed the number (rounded down to the nearest whole number) that is six times the number of hectares in the Covenanted Land (for example, if the Covenanted Land is 17.3 hectares, the number of Visitor Accommodation Units may not be more than  $103 - 17.3 \times 6 = 103.8$ , rounded down to 103);
  - (c) if permission is given by any relevant Governmental Agency for the Covenanted Land to be subdivided, the number of Visitor Accommodation Units on all subdivided parts of the Covenanted Land in the aggregate must not exceed the maximum number allowable under subclause (b) in respect of the Covenanted Land before it was subdivided;
  - (d) the floor area, that is under a roof and enclosed, of each Visitor Accommodation Unit must not exceed  $200\text{m}^2$ , provided that any verandah that is not enclosed or is not used as a sleeping area is not to be included in the floor area calculation;
  - (e) the Staff Accommodation that may be built or placed on the Covenanted Land must not provide for:
    - (i) the number of staff personnel being housed to be more than the number calculated by a staff to guest ratio of 1:1; and
    - (ii) a floor area of more than  $35\text{m}^2$  per staff personnel being housed;

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- (f) if permission is given by any relevant Governmental Agency for the Covenanted Land to be subdivided, the Staff Accommodation on all subdivided parts of the Covenanted Land in the aggregate must not exceed the limits permissible under subclause (e) in respect of the Covenanted Land before it was subdivided;
  - (g) no Accommodation Unit, nor any other buildings, may be built or placed on the Covenanted Land other than in accordance with all relevant Government (local, State and Commonwealth) and statutory approvals;
  - (h) no person may occupy an Accommodation Unit on the Covenanted Land for more than three (3) months in every calendar year, except for:
    - (i) a caretaker or manager of the low impact ecotourism business conducted on the Covenanted Land, and his or her family;
    - (ii) staff personnel required in the operation of the low impact ecotourism business conducted on the Covenanted Land, who are accommodated in Staff Accommodation and then in any calendar year only so many personnel and only for so long as they are reasonably required to provide services to tourists visiting the Covenanted Land;
  - (i) not to bring onto, place or keep on the Covenanted Land any fauna or flora that is not native to the Covenanted Land, except with the prior written consent of the Minister for Lands; and
  - (j) not to do anything or cause or permit anything to be done on or in respect of the Covenanted Land that is inconsistent with or contrary to:
    - (i) any quarantine management plan of any Governmental Agency relating to Dirk Hartog Island, in place from time to time;
    - (ii) any programs of any Governmental Agency designed to eradicate pests from Dirk Hartog Island.
2. The covenants in clause 1:
- (a) run with and burden the Covenanted Land, and are enforceable against the Covenantor as registered proprietor of the Land and its successors in title; and
  - (b) are for the benefit of the Minister for Lands, as Covenantee.
3. For the purposes of this Deed:
- (a) "Accommodation Unit" means either or both a Visitor Accommodation Unit and Staff Accommodation;
  - (b) "Covenanted Land" means that part of the Land as described in item 2 of the Schedule;
  - (c) "Dirk Hartog Island" means the island of that name on which the Land is situated;
  - (d) "ecotourism" means ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation;
  - (e) "Governmental Agency" means any government or any governmental, local government or authority, or semi-governmental administrative, fiscal or judicial body, department, commission, statutory body corporate established for a public purpose, authority, tribunal, agency or entity;

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- (f) "Land" means the land described in item 1 of the Schedule;
- (g) "low impact" means low impact on the environment having regard to the number of tourists visiting the Land and the facilities and other services provided for their use;
- (h) "Minister for Lands" means the body corporate continued under that name under section 7(1) of the *Land Administration Act 1997*;
- (i) "other buildings" means any other buildings on the Covenanted Land (not comprising an Accommodation Unit) used to provide facilities or services for tourists visiting the Covenanted Land for the purposes of ecotourism;
- (j) "Staff Accommodation" means accommodation for the housing of staff personnel required in the operation of the low impact ecotourism business conducted on the Covenanted Land;
- (k) "Visitor Accommodation Unit" means an accommodation unit (whether as a stand alone structure or a structure containing more than one such unit) suitable for temporary residential occupation by one or more persons, but does not include:
  - (i) accommodation for the caretaker or manager of the low impact ecotourism business conducted on the Covenanted Land, and his or her family;
  - (ii) Staff Accommodation;
  - (ii) those areas of any centre lodge facilities that do not comprise bedrooms or other sleeping areas;
- (l) a reference to the singular includes a reference to the plural and vice versa;
- (m) a reference to any gender includes a reference to each other gender;
- (n) a reference to the Covenantor includes the registered proprietor of the Land from time to time and its and each of their legal personal representatives, successors in title and permitted assigns;
- (o) where, at any time, the registered proprietor of the Land is two or more persons, their liability under this Deed is joint and several;
- (p) a reference to a person includes a reference to a body corporate or unincorporated body.

#### SCHEDULE

**1. Land**

North Location 62 being the whole of the land in certificate of title volume 1729 folio 171, subject to the following encumbrances:

Nil

**2. Covenanted Land**

That part of the Land as is marked "R" on Deposited Plan 64208.



# MINUTES OF THE ORDINARY COUNCIL MEETING

30 OCTOBER 2019

## ATTACHMENT # 2

FORM LAA-1056A

WESTERN AUSTRALIA  
LAND ADMINISTRATION ACT 1997 as amended  
TRANSFER OF LAND ACT 1893 as amended

**TRANSFER OF LAND (T)**

DESCRIPTION OF LAND (NOTE 1)

Lot 303 on Deposited plan 50257	Whole	0000 3157	000 153
Lot 304 on Deposited plan 50257	Whole	0000 3157	000 154
Lot 305 on Deposited plan 50257	Whole	0000 3157	000 155

VOL. 2729  
FOL. 5 424 642

ESTATE AND INTEREST (NOTE 2)

Fee Simple

ABN 66 012 878 629

TRANSACTION DATE 13-OCT-09  
TSF 003060475-001 VG M  
DUTY \$1,242,446.00  
DUTY VALUE \$1,242,446.00

LIMITATIONS, INTERESTS, ENCUMBRANCES and NOTIFICATIONS (NOTE 3)

Subject to Covenants shown herein at pages 1-3

NO DUTY PAYABLE HEREON DUTIES ACT 2008  
COMMISSIONER OF STATE REVENUE

TRANSFEROR (NOTE 4)

The State of Western Australia acting through the Minister for Lands, a body corporate under the Land Administration Act 1997, care of Department of Regional Development and Lands, 1 Midland Square, Midland WA 6056.

CONSIDERATION (NOTE 5)

(exclusive of GST).

TRANSFeree (NOTE 6)

Hypermarket Pty Ltd (ACN 006 776 072) of 143 Knight Terrace, Denham WA 6537

THE TRANSFEROR for the consideration herein expressed HEREBY TRANSFERS TO THE TRANSFeree the estate and interest herein specified in the land above described, subject to the encumbrances as shown hereon

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CONVENANTS

1. The transferee, as registered proprietor of the land hereby transferred (**Land**), to the intent that it shall bind itself, its transferees, successors in title and assigns as registered proprietor of the Land from time to time, as covenantor COVENANTS with the Minister for Lands, as covenantee, under section 15 of the *Land Administration Act 1997* as follows:
  - (a) the Land may only be used for the purpose of low impact ecotourism, which includes the provision of Visitor Accommodation Units and Staff Accommodation in accordance with subclauses (b) to (g) inclusive;
  - (b) the number of Visitor Accommodation Units that may be built or placed on the Land must not exceed the number (rounded down to the nearest whole number) that is three times the number of hectares in the Land (for example, if the Land is 17.3 hectares, the number of Visitor Accommodation Units may not be more than  $51 - 17.3 \times 3 = 51.9$ , rounded down to 51);
  - (c) if permission is given by any relevant Governmental Agency for the Land to be subdivided, the number of Visitor Accommodation Units on all subdivided parts of the Land in the aggregate must not exceed the maximum number allowable under subclause (b) in respect of the Land before it was subdivided;
  - (d) the floor area, that is under a roof and enclosed, of each Visitor Accommodation Unit must not exceed  $90m^2$ , provided that any verandah that is not enclosed or is not used as a sleeping area is not to be included in the floor area calculation;
  - (e) the Staff Accommodation that may be built or placed on the Land must not provide for:
    - (i) the number of staff personnel being housed to be more than the number calculated by a staff to guest ratio of 1:4; and
    - (ii) a floor area of more than  $35m^2$  per staff personnel being housed;
  - (f) if permission is given by any relevant Governmental Agency for the Land to be subdivided, the Staff Accommodation on all subdivided parts of the Land in the aggregate must not exceed the limits permissible under subclause (e) in respect of the Land before it was subdivided;
  - (g) each Accommodation Unit, and any other buildings, must be built or placed on the Land in accordance with all relevant Government (local, State and Commonwealth) and statutory approvals;
  - (h) a person may not occupy an Accommodation Unit on the Land for more than three (3) months in every calendar year, except for:
    - (i) a caretaker or manager of the low impact ecotourism business conducted on the Land, and his or her family; and

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- (ii) staff personnel required in the operation of the low impact ecotourism business conducted on the Land, who are accommodated in Staff Accommodation and then in any calendar year only so many personnel and only for so long as they are reasonably required to provide services to tourists visiting the Land;
  - (i) no fauna or flora that is not native to the Land may be brought onto, placed or kept on the Land, except with the prior written consent of the Minister for Lands; and
  - (j) it will:
    - (i) fully comply with any quarantine management plan of any Governmental Agency relating to Dirk Hartog Island, in place from time to time;
    - (ii) cooperate with any programs of any Governmental Agency designed to eradicate pests from Dirk Hartog Island,but only to the extent that an unreasonable financial burden is not imposed on the covenantor in so complying or cooperating.
2. The covenants in clause 1:
- (a) run with and burden the Land, and are enforceable against the transferee as registered proprietor of the Land, and its successors in title; and
  - (b) are for the benefit of the Minister for Lands, as covenantee.
3. For the purposes of these covenants:
- (a) "Accommodation Unit" means either or both a Visitor Accommodation Unit and Staff Accommodation;
  - (b) "Dirk Hartog Island" means the island of that name on which the Land is situated;
  - (c) "ecotourism" means ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation;
  - (d) "Governmental Agency" means any government or any governmental, local government or authority, or semi-governmental administrative, fiscal or judicial body, department, commission, statutory body corporate established for a public purpose, authority, tribunal, agency or entity;
  - (e) "low impact" means low impact on the environment having regard to the number of tourists visiting the Land and the facilities and other services provided for their use;

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- (f) "Minister for Lands" means the body corporate continued under that name under section 7(1) of the *Land Administration Act 1997*;
- (g) "other buildings" means any other buildings on the Land (not comprising an Accommodation Unit) used to provide facilities or services for tourists visiting the Land for the purposes of ecotourism;
- (h) "Staff Accommodation" means accommodation for the housing of staff personnel required in the operation of the low impact ecotourism business conducted on the Land;
- (i) "Visitor Accommodation Unit" means an accommodation unit (whether as a stand alone structure or a structure containing more than one such unit) suitable for temporary residential occupation by one or more persons, but does not include:
  - (i) accommodation for the caretaker or manager of the low impact ecotourism business conducted on the Land, and his or her family;
  - (ii) Staff Accommodation;
  - (ii) those areas of any centre lodge facilities that do not comprise bedrooms or other sleeping areas;
- (j) a reference to the singular includes a reference to the plural and vice versa;
- (k) a reference to any gender includes a reference to each other gender;
- (l) a reference to the transferee as covenantor includes the registered proprietor of the Land from time to time and its and each of their legal personal representatives, successors in title and permitted assigns;
- (m) where, at any time, the registered proprietor of the Land is two or more persons, their liability under these covenants is joint and several;
- (n) a reference to a person includes a reference to a body corporate or unincorporated body.

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**ATTACHMENT # 3****SCHEDULE B – SPECIAL USE ZONES (Clause 21)**

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island	<p>As 'D' Use:</p> <ul style="list-style-type: none"> <li>Ancillary dwelling</li> <li>Bed and breakfast</li> <li>Camping ground</li> <li>Caravan park</li> <li>Car park</li> <li>Convenience store</li> <li>Educational establishment</li> <li>Exhibition centre</li> <li>Fuel depot</li> <li>Holiday accommodation</li> <li>Holiday house</li> <li>Home occupation</li> <li>Home office</li> <li>Liquor store-small</li> <li>Motor vehicle, boats or caravan sales</li> <li>Nature based park</li> <li>Office</li> <li>Recreation-private</li> <li>Restaurant/cafe</li> <li>Shop</li> <li>Single house</li> <li>Tourist development</li> <li>Workforce accommodation</li> <li>Waste storage facility</li> <li>Waste disposal facility</li> </ul> <p>As 'A' Use:</p> <ul style="list-style-type: none"> <li>Airfield</li> </ul>	<p>1) The objective of this zone is to provide for eco-tourism development.</p> <p>2) No subdivision of lots shall be permitted.</p> <p>3) Prior to commencement of development of any of the four lots a Local Development Plan shall be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and address the following:</p> <p>(i) A Management Plan that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material;</p> <p>(ii) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;</p> <p>(iii) Coastal setbacks in accordance with relevant state planning policy;</p> <p>(iv) Bushfire management in accordance with relevant state planning policy;</p>



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**SCHEDULE B – SPECIAL USE ZONES (Clause 21)**

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island  (continued)		<p>(v) An environmental report that demonstrates that the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. The report should include information on building envelopes, visitor numbers, a vegetation assessment and how biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved.</p> <p>(vi) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island may be required by the Local Government.</p> <p>4) Any staged development is to address the requirements indicated in (3) above.</p> <p>5) The local government will have due regard to coastal setbacks and bushfire management in accordance with relevant state planning policies and Clause 67, Schedule 2, Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>



MINUTES OF THE ORDINARY COUNCIL MEETING

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**SCHEDULE B – SPECIAL USE ZONES (Clause 21)**

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island  (continued)		<p>6) Notwithstanding condition (3), the local government may consider development in the absence of a Local Development Plan as provided for under Clause 56(2), Schedule 2, Part 6, of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>7) Any development or Local Development Plan shall demonstrate alignment with the objective of the zone.</p> <p>8) Any development or Local Development Plan shall be referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services), the Shark Bay World Heritage Advisory committee and the Department of Planning Lands and Heritage for comment prior to determination.</p> <p>9) Any design guidelines that form part of a Local Development Plan approved by the Local Government shall be enforced as if the requirements form part of the Scheme.</p> <p>10) A Foreshore Management Plan may be required and referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) for endorsement where a physical foreshore exists between the site and the coast as a condition of development.</p> <p>11) A Visual Impact Assessment may be required to demonstrate that any development will not negatively impact on World heritage values or detract from the scenic quality of the land.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

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**SCHEDULE B – SPECIAL USE ZONES (Clause 21)**

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island  (continued)		12) In relation to the land use 'Motor vehicle, boats or caravan sales' only hire of motor vehicles, boats or caravans may be considered by the local government.
SU15	Lot 142 Denham Road / corner Oakley Ridge, Denham	<p>As 'P' use:</p> <ul style="list-style-type: none"> <li>• Single house</li> <li>• Home office</li> </ul> <p>As 'I' use:</p> <ul style="list-style-type: none"> <li>• Car park</li> </ul> <p>As 'D' use:</p> <ul style="list-style-type: none"> <li>• Aged care facility</li> <li>• Bed and breakfast</li> <li>• Grouped dwelling</li> <li>• Holiday accommodation</li> <li>• Holiday house</li> <li>• Home Occupation</li> <li>• Tourist development</li> </ul> <p>As 'A' use:</p> <ul style="list-style-type: none"> <li>• Park Home Park</li> <li>• Workforce accommodation</li> </ul>	<p>1) The objective is to provide flexibility for a wide range of tourist accommodation and cater for single or grouped dwellings which may also be used for holiday accommodation, guided by a Local Development Plan.</p> <p>2) Development of the site shall be generally in accordance with an approved Local Development Plan, which has been prepared in accordance with Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and approved by the local government.</p> <p>3) A Local Development Plan can ensure a mix of landuses are strategically planned for and coordinated to the satisfaction of the local government.</p> <p>4) Notwithstanding Condition (2), the local government may consider development prior to the approval of a Local Development Plan as provided for under Clause 56(2), Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
SU18	Lot 91 Monkey Mia Road, Denham	<p>As 'P' use:</p> <ul style="list-style-type: none"> <li>• Airfield</li> <li>• Carpark</li> </ul>	1) The intent of this Special Use zone is to recognise the established Shark Bay airport as an essential component of regional transport infrastructure.

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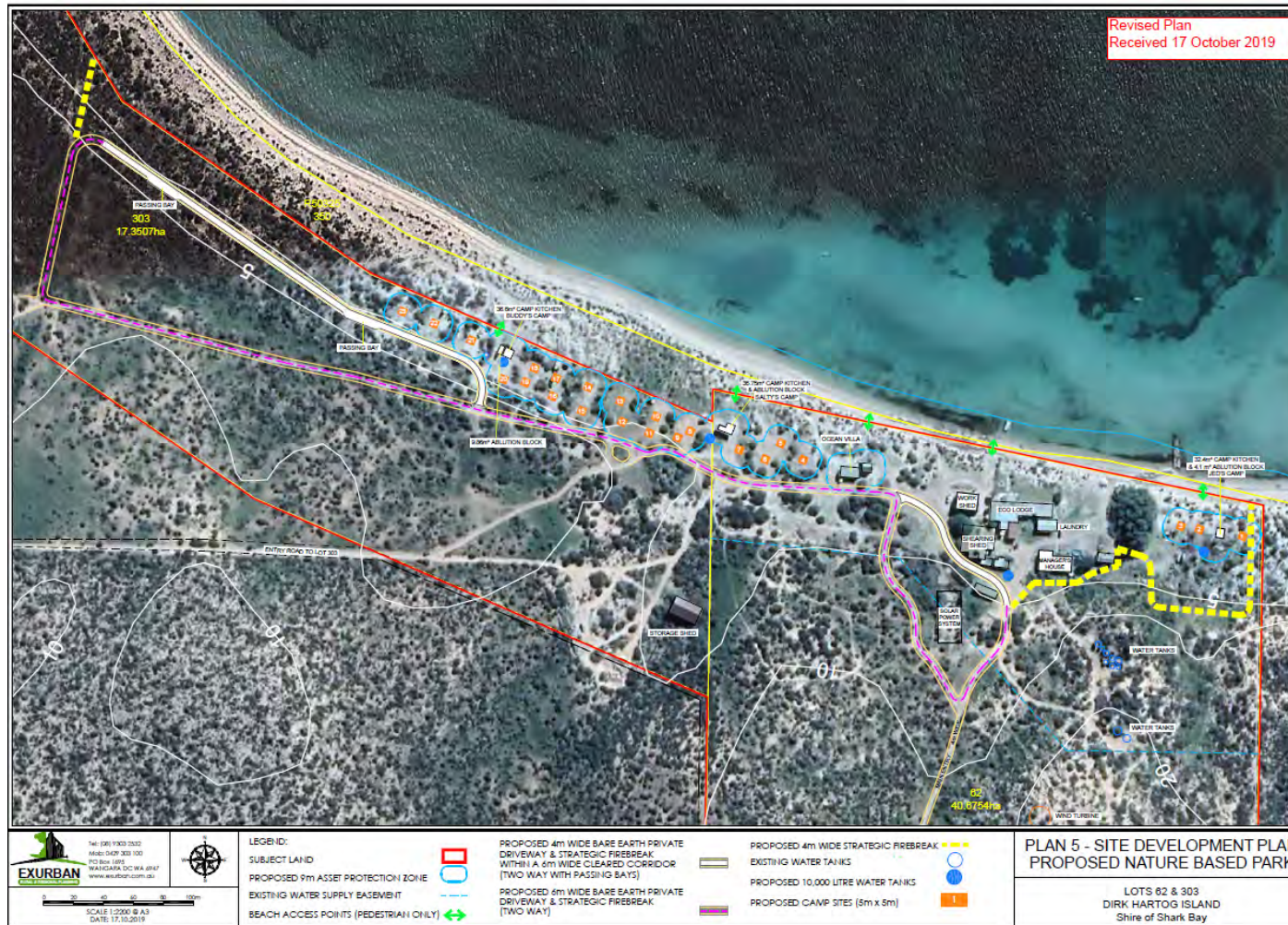
Shire of Shark Bay Local Planning Scheme No 4



# MINUTES OF THE ORDINARY COUNCIL MEETING

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## ATTACHMENT # 4



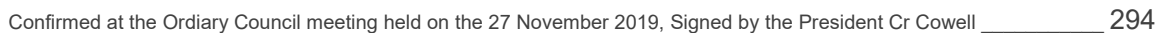


## 30 OCTOBER 2019

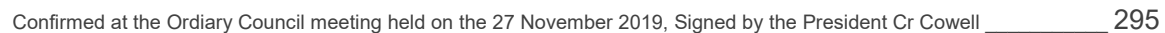




## 30 OCTOBER 2019

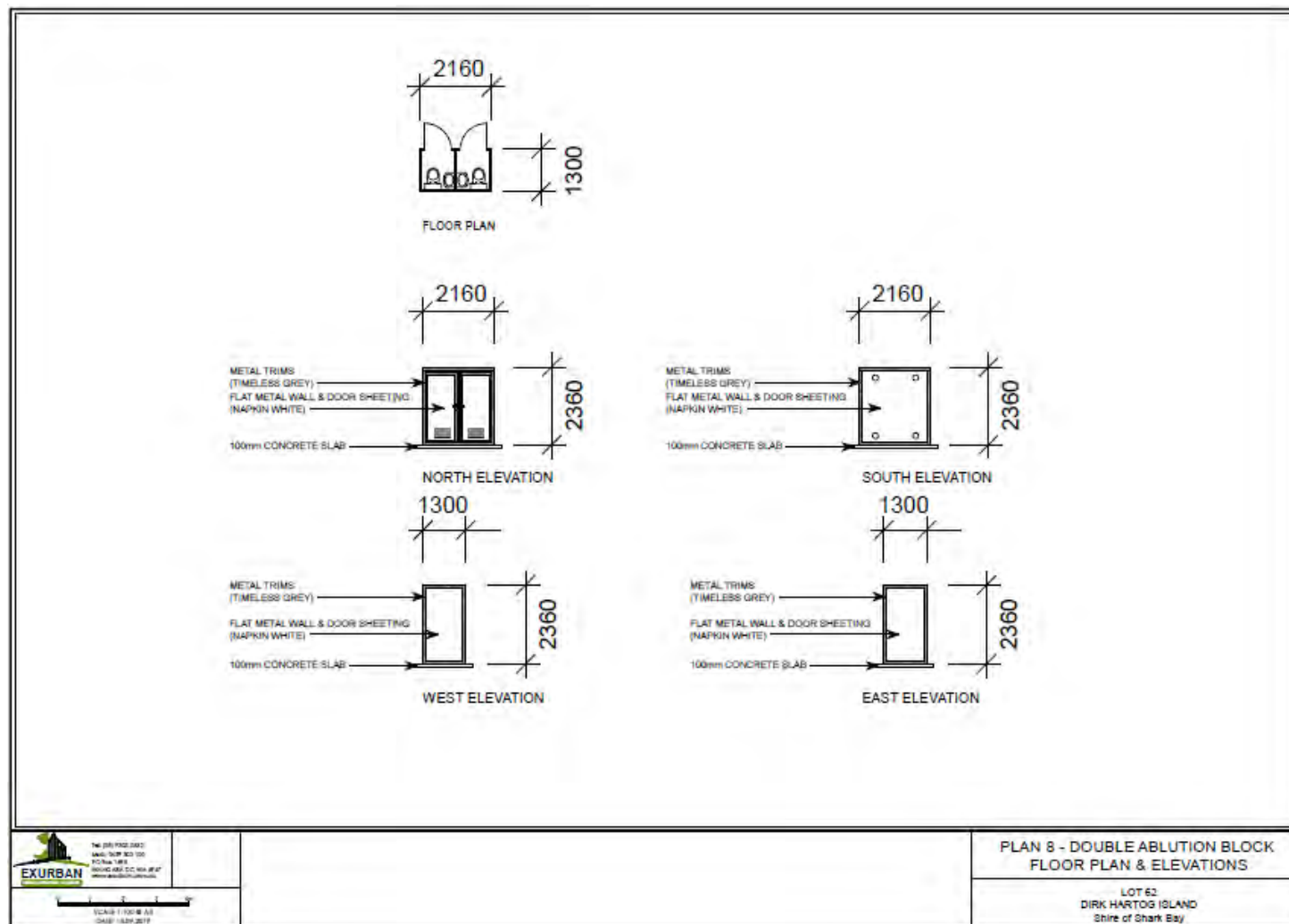


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# MINUTES OF THE ORDINARY COUNCIL MEETING

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**ATTACHMENT # 6**



Government of Western Australia  
Department of Water and Environmental Regulation

Quoted: J2WESY4218  
Enquiries: Elin Stewart Ph 08 94 6925  
Email: [elin.stewart@water.wa.gov.au](mailto:elin.stewart@water.wa.gov.au)

Mr Kieran Wardle  
Hypermarket Pty Ltd  
143 Knight Terrace  
DENHAM WA 6537

Dear Mr Wardle

**CAMPING ON LOT 62 AND LOT 303 DIRK HARTOG ISLAND – HYPERMARKET PTY LTD**

A Decision-Making Authority has sought to refer the above proposal to the Environmental Protection Authority (EPA) under s. 38 of the *Environmental Protection Act 1986* (EP Act).

The EPA Services of the Department of Water and Environmental Regulation considers that it does not have sufficient information to determine whether the correspondence constituted a significant proposal, and if so to:

- determine the significance of the effect on the environment of the proposal, if implemented, and
- make a decision on whether or not to assess the proposal and, if the decision is to assess, the level of assessment.

The EPA has prepared a referral form to ensure that proposals referred to the EPA under s. 38 of the EP Act are valid and that it receives sufficient information about a proposal to decide whether or not to assess it. As the proponent for this proposal, can you please fill in the referral form, available on the EPA's website [www.epa.wa.gov.au/forms-templates/s38-referral-instructions-and-form](http://www.epa.wa.gov.au/forms-templates/s38-referral-instructions-and-form).

Please also include any relevant supporting or additional information including, but not limited to:

- characterise what development is being proposed and what has already been implemented on the site;
- any relevant studies and/or surveys that have been undertaken or management plans that are in place;
- consideration of State Government and EPA policy and guidance; and
- any consultation that has been undertaken with key local and/or government stakeholders.

From: Elin Stewart (Elin.Stewart@water.wa.gov.au) Sent: Monday, 28 October 2019 10:00 AM  
To: Mr Kieran Wardle (K.Wardle@hypermarket.com.au)  
Subject: RE: CAMPING ON LOT 62 AND LOT 303 DIRK HARTOG ISLAND – HYPERMARKET PTY LTD



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Should you have any enquiries please contact the person cited above. Please quote the above 'Our ref' on any further correspondence.

Yours sincerely



Hardy Jacob  
A/Executive Director  
EPA Services

7 October 2019

cc: Mr Joe Douglas, Exurban Rural & Regional Planning

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13.4 GOVERNMENT SEWER POLICY 2019  
LP00014

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved            Cr Fenny  
Seconded       Cr Ridgley

**Council Resolution**

**That Council:**

1.     **Note that there is a new Government Sewerage Policy (2019) that requires information on effluent disposal capability, soil testing and the design of any effluent disposal system be provided up front as part of the development application process.**
2.     **Note that the Government Sewerage Policy (2019) requirements do not apply to any development applications for rural uses or a single house on a single lot.**
3.     **Note that 3 Options are outlined in the body of this report for Council's consideration.**
4.     **Resolve to pursue Option 2 being, Instruct Shire Administration to prepare a Draft Local Planning Policy outlining less onerous information to be lodged on effluent disposal as part of the planning process to capture the general objective of the Government Sewerage Policy (as recommended) and instruct the Shire Administration to prepare a Draft Local Planning Policy outlining alternative information to be provided on effluent disposal as part of development applications.**

**A Draft Policy will be referred to a future Council meeting for consideration.**

5.     **Resolve not to require detailed effluent disposal information for development applications that were lodged prior to 23 September 2019 and are currently being processed.**

**7/0 CARRIED**

BACKGROUND

The *Government Sewerage Policy (2019)* sets the State Government's position on how sewerage services are to be provided in Western Australia through the planning and development of land.

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*The Government Sewerage Policy (2019) has replaced the Government Sewerage Policy – Perth Metropolitan Region (1996) and Draft Country Sewerage Policy (2002, amended 2003) and became operational on 23 September 2019.*

COMMENT

- **Summary**

*The new Government Sewerage Policy (2019) has been published by the Department of Planning, Lands and Heritage on behalf of the State Government.*

The policy guides future strategic planning, subdivision and development for the provision of sewage disposal in Western Australia.

The policy promotes reticulated sewerage as the best disposal method for sewage. It requires all new subdivision and development to be connected to reticulated sewerage where available or considered necessary on health, environment or planning grounds.

Where reticulated sewerage cannot be provided, the policy provides detailed site requirements for on-site sewage treatment and disposal.

- **Policy Application and Exemptions**

The policy applies across Western Australia to all local governments including those offshore, such as the Christmas and Cocos (Keeling) Islands.

It applies to all stages of the planning process from strategic planning through to development, with the exception of:

- (i) Subdivision applications for lots greater than four hectares – due to the relatively low risks associated sewage treatment and disposal and the viability of reticulated sewerage at this density;
- (ii) Development applications for rural uses or a single house on single lots – due to the fact planning applications are not generally required so there is no mechanism to consistently apply the policy.

- **Policy Requirements**

In the past, development applications have been assessed with limited information on effluent disposal where sewer is not available.

Once an owner secures a development approval they lodge a separate 'Application to construct or install an apparatus for the treatment of sewerage' in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

This allowed owners to first secure development approval from the Shire and then separately address the Health Regulation requirements.

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The new policy requires detailed information on effluent disposal to be provided 'up front' as part of the planning process to demonstrate that any new development can be sufficiently serviced.

For development applications the Policy requires:

- (a) A site plan showing servicing areas, water features, setbacks, buffers etc
- (b) Site and soil evaluations undertaken in accordance with 'Australian Standard/New Zealand Standard 1547 On-site domestic wastewater management'.

The Australian Standard/New Zealand Standard 1547 requires site-and-soil evaluations to be undertaken by appropriately qualified and experienced site evaluators/ soil assessors. This includes soil scientists, professional engineers, drainage contractors or plumbers with appropriate training, competence and experience in design and installation practice.

The requirements of the site and soil evaluation may be varied, based on existing site information or where health or environmental impacts are considered minimal.

The Shire's Environmental Health Officer has advised that the soils generally in Shark Bay are not problematic for on site effluent disposal.

- (c) A servicing strategy addressing quantities of sewage that will be disposed of, an estimate on the total number of persons per day to be accommodated, the type of on-site system to be installed, stormwater management and maintenance activities.

The requirement for detailed site assessment 'up front' was introduced as '*inadequate consideration of on-site sewage requirements at development stage has lead to significant issues at construction/ building stage, when it becomes evident that lots are not capable of accommodating development, on-site systems and associated setbacks.*'

Town Planning Innovations has concerns over requiring detailed soil testing and effluent disposal information as part of new development applications as:

- (1) There are a number of remote sites in Shark Bay where there is no sewer available, and effluent disposal on site is the only option.

Most of the tourist sites are large so there is sufficient land area to accommodate servicing on site.

- (2) Applicants may outlay significant costs to design an effluent disposal system without any guarantee that development approval will be granted.
- (3) Development plans can evolve during the assessment process.

Revised plans may be required to address other planning considerations such as bushfire requirements and setbacks for Bushfire Attack Levels. Detailed effluent disposal design may become redundant as development plans evolve.



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- (4) The Department of Health normally assess effluent disposal applications where volumes exceed 750 litres per day. Town Planning Innovations does not have the expertise to assess effluent disposal information as part of the development application process.

The Shire only assesses effluent disposal applications with very low volumes, such as standard septic systems for single houses, and for small scale industrial / commercial premises which have minimal toilets and amenities.

- **Future Local Planning Policy**

A Draft Local Planning Policy can be developed to explain the level of information that the Shire seeks to require on effluent disposal with any new development application.

It is recommended that a Draft Policy examine opportunities to:

- (a) Require a lower level of information than the Government Sewerage Policy unless specific problems for on site effluent disposal are anticipated or identified (eg due to heavy clay soils or high water table).
- (b) Potentially require applicants to include a letter from a licenced plumber on the general soil conditions and that there is no major impediment to the development lot being able to accommodate on site effluent disposal.
- (c) Include standard conditions that allow more detailed effluent assessment to occur where deemed necessary.

The Shire Environmental Health Officer and Council will need to have input into any Draft Local Planning Policy.

- **Existing Applications**

Town Planning Innovations is currently processing three existing development applications that were lodged prior to implementation of the new Government Sewerage Policy as follows:

Description	Status	Officer Comment
Lot 2 North West Coastal Highway, Wannoo – Tavern (alfresco bar and grill), short term accommodation units, 6 caravan sites	Being advertised until 21 October 2019  Main Roads WA has raised concern over the Traffic Impact Assessment which the applicant has been requested to address.	Town Planning Innovations previously advised the applicant in writing that they can apply for on site effluent disposal via the Department of Health separately to the planning process.  The applicant has already had discussions over effluent disposal with the Shire's Environmental Health Officer.
Lot 62 and 303 Dirk Hartog Island – 23 camp sites to accommodate up to 80 people, 3 camp kitchens, 3 ablution blocks and a number	Being advertised to relevant agencies until 21 October 2019	As the new Government Sewerage Policy has only recently become effective, Town Planning Innovations has not requested any

# MINUTES OF THE ORDINARY COUNCIL MEETING

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of bare earth pedestrian and internal vehicular access ways.	Pending a decision by the Environmental Protection Authority on whether any environmental assessment is required.	information on effluent disposal from the applicant.  <i>Note: The Shire Council has discretion to require a Local Development Plan for these lots.</i>
Lot 62 Dirk Hartog Island - Visitors centre & bar/café	Being advertised to relevant agencies until 21 October 2019	As the new Government Sewerage Policy has only recently become effective, Town Planning Innovations has not requested any information on effluent disposal from the applicant.  <i>Note: The Shire Council has discretion to require a Local Development Plan for this lot.</i>

It is recommended that Council allow all existing applications to be processed without requesting information on effluent disposal having regard that they were lodged prior to the new Policy becoming effective, that processing is significantly advanced, and that soil testing has to be done in wetter winter months.

## • **Options Available to Council**

Council has several options as follows:

- Option 1 – Require applicants to lodge detailed information on soil capability and effluent disposal system design with any new development application as required by the Government Sewerage Policy (2019); or
- Option 2 - Instruct Shire Administration to prepare a Draft Local Planning Policy outlining less onerous information to be lodged on effluent disposal as part of the planning process to capture the general objective of the Government Sewerage Policy; or
- Option 3 - Do Nothing.

Town Planning Innovations has reservations about requiring detailed effluent disposal information up front as required by the Government Sewerage Policy for the reasons outlined in this report.

The Department of Health may have the technical expertise and resources to assess effluent disposal information however it will be difficult to assess as part of a development process (at a Shire Officer level).

**It is recommended that Council pursue Option 2 to allow development of a Draft Local Planning Policy which outlines a sensible, workable and practical approach to ensure effluent disposal is considered as part of the development application process, but does not require extensive up front information unless land capability issues are actually identified for the site.**

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Option 3 is not recommended as then each development application will have to be assessed on a case by case basis. It would be more transparent to outline the Shires position in a Local Planning Policy to provide guidance to developers, owners and applicants.

LEGAL IMPLICATIONS

*Planning and Development (Local Planning Schemes) Regulations 2015 -*

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

Under Clause 67 the local government is to have 'due regard' to any approved State Planning Policy. The Government Sewerage Policy 2019 is not operating as a State Planning Policy.

The Government Sewerage Policy 2019 establishes the Western Australian Government's position on the provision of sewerage services in the State.

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

*Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* – requires applications to be lodged to construct or install an apparatus for the treatment of sewage.

POLICY IMPLICATIONS

This report outlines a number of options available to Council and recommends that a Draft Local Planning Policy be developed (on effluent disposal information and development applications) for referral to a future Council meeting.

If Council adopts any Draft Local Planning Policy it will be advertised for public comment and the local community will have an opportunity to provide input.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Implementation of the *Government Sewerage Policy (2019)* has potential to discourage development in the locality.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

## MINUTES OF THE ORDINARY COUNCIL MEETING

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Chief Executive Officer

*P Anderson*

Date of Report

18 October 2019



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**14.0 TOURISM, RECREATION AND CULTURE REPORT****14.1 COMMUNITY ASSISTANCE GRANTS**  
GS00001AUTHOR

Community Development

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Burton

Nature of Interest: Financial Interest as Shark Bay Community Resource Centre in employer

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Office Bearer of Shark Bay Pistol Club

Cr Burton left the Council Chamber at 5.09pm

Moved            Cr Fenny  
Seconded      Cr Ridgley**Council Resolution****Council approve the below four applications for Round 1 of the 2019/2020 Shire of Shark Bay Community Assistance Grants totalling \$3,688.95**

Group	Requested Funding	Recommended Funding
Shark Bay Community Resource Centre	\$1,000.00	\$1,000.00
Shark Bay Bridge Club	\$691.95	\$691.95
Shark Bay Pistol Club	\$1,000.00	\$1,000.00
Shark Bay Community Men's Shed	\$997.00	\$997.00

**6/0 CARRIED**BACKGROUND

Shire of Shark Bay Community Assistance Grants Round 1 for 2019/2020 applications were open from 16 September 2019 until 4 October 2019. The grant funding opportunity was advertised on the Shire of Shark Bay website, Shire of Shark Bay Facebook page and Shark Bay Community Facebook groups, Inscription Post, noticeboards, text message and emails were sent to directly to clubs and groups in the Shark Bay region.

The allocated funds for Round 1 for 2019/2020 Community Assistance Grants total of \$10,000. The funding criteria is for minor projects and/or equipment with a maximum of \$1,000 per application. If the four applications mentioned above, are approved with the Officer's recommendation a total of \$3,688.95 will be granted under Round 1 for 2019/2020 Community Assistance Grants budget.

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COMMENT

Round 1 for 2019/2020 Community Assistance Grants received a low number of submission, total of four applications. The Community Development Officer will continue to offer assistance to clubs and groups regarding future Shire's Community Assistance Grant Rounds and identify suitable external grant funding opportunities.

It is important to note, two additional applications were submitted to the Shire of Shark Bay, although were later withdrawn. Application received from:

1. Shark Bay Returned Services League application for 2020 ANZAC Day Commemorations was withdrawn due to Council already supporting the event by approving the allocation of \$1,000 in the 2019/2020 budget for the annual ANZAC Day Commemorations.
2. The Shark Bay Youth Group application to purchase 17 student gym membership and payment of fitness instructor (CLB Fitness) to conducted fitness classes inside the Community Gym. The project did not meet the grant guidelines, therefore the application was withdrawn.

I wish to acknowledge Council's ongoing support and contribution to community groups and individuals by providing facility hire fee waivers for long term users. Total of \$3,374.00 has been provided for the use of the Shark Bay Recreation Centre, Town Oval and Denham Town Hall during the 2019 calendar year.

APPLICATION 1

Group: **Shark Bay Community Resource Centre**

Amount requested: **\$1,000.00**

Project: **Kindy Gym Christmas and Graduation Party**

Funding category: **Purchasing goods and services**

Strategic Community Plan (category): **Social**

The Shark Bay Community Resource Centre hosts Kindy Gym at the Shark Bay Recreation Centre on a weekly basis. Kindy Gym provides an opportunity for families to socialise and connect with other parents and children in a safe environment. The children enjoy creative and imaginative play and relationship building skills. The Kindy Gym Christmas and Graduation Party will be held during Kindy Gym session at the Shark Bay Recreation Centre in December. The event will include a range of games, activities and morning tea suitable for children aged between 0-6 years old and their families.

The Community Assistance Grant will contribute to the following event items:

- Children toys
- Catering
- Trestle Tables
- Christmas themed decorations, activities, games and crafts.

The grant application included:

- Letter of Support from Claire Harrower, Community Member
- Letter of Support from Patricia Weston, The Shark Bay Entertainers
- Quotes
- Balance Sheet – refer to 'Confidential' items folder

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**Officer Recommendation:**

The Shark Bay Community Resource Centre is contracted to manage the Shark Bay Recreation Centre programs, Kindy Gym is a weekly scheduled program that receives consistent attendance throughout the year. The contract management does not include additional funding to purchase equipment, therefore supporting this application meets the Community Assistance Grants guidelines.

Kind Gym is currently the only community program for families and children aged 0-6 years, provided in Denham. It is recommended that Council approve \$1,000 to the Shark Bay Community Resource Centre to assist with the running of the Kindy Gym Christmas Party and Graduation.

APPLICATION 2

Group: **Shark Bay Bridge Club**

Amount requested: **\$691.95**

Project: **Equipment**

Funding category: **Purchasing goods and services**

Strategic Community Plan (category): **Social**

The Shark Bay Bridge Club has been in operation for nearly 40 years in Denham and consists of 9 members. The Shark Bay Bridge Club is seeking to purchase new equipment that will contribute to the twice-weekly games held at the Denham Town Hall and the annual tournament with Geraldton. One of their card tables is currently damaged and will be replaced with the requested funding. The twice-weekly games are consistently attended, provides a social activity for the Shark Bay senior community and demonstrates the benefits of mental stimulation.

The Community Assistance Grant will contribute to the following equipment items:

- Laptop
- 3 x card tables

The grant application included:

- Letter of Support from Patricia Weston, Shark Bay Community Resource Centre
- Letter of Support from Jill Deschamp, Boolbardie Country Club
- Quotes
- Balance Sheet – refer to 'Confidential' items folder

**Officer Recommendation:**

The Shark Bay Bridge Club wishes to purchase a laptop to be used for scoring the bridge games and new card tables to provide an opportunity to play multiple games. Council currently supports the Shark Bay Bridge Club with facility hire fee waiver at the Denham Town Hall twice-weekly.

The Shark Bay Bridge Club is not incorporated and does not hold an Association Constitution. Although this is a requirement for the Community Assistance Guidelines, the Council has previously financially supported the Club with the most recent funding of \$874.00 approved at May 2019 Ordinary Council Meeting for the annual Geraldton Bridge Tournament. It is recommended that Council approve \$691.95 to the Shark Bay Bridge Club to assist with the purchasing equipment for bridge games.

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APPLICATION 3

Group: **Shark Bay Pistol Club**

Amount requested: **\$1,000.00**

Project: **Replacing Pistol Range Targets**

Funding category: **Infrastructure - improvement of facility**

Strategic Community Plan (category): **Social**

The Shark Bay Pistol Club Inc. has been in operation for 25 years and consists of 26 members. The Shark Bay Pistol Club is seeking to replace the range target frames to improve the facility and provide an opportunity to grow the amount of participants able to use the range. The current target frames have been in place since the Club's inception and are rusted and unusable.

The Community Assistance Grant will contribute to the following hardware items:

- Steel and freight
- Paint
- Screws, nuts, bolts, washers
- Cutting / grinding discs
- Gas welding and wire
- Welding gloves

The grant application included:

- Letter of Support from Robert Emery, Ray White Shark Bay
- Letter of Support from Kellee Pedersen, Denham IGA X-Press
- Quotes
- Balance Sheet – refer to 'Confidential' items folder

**Officer Recommendation:**

The Shark Bay Pistol Club has recently increased membership numbers and is seeking to use the facility to maximum capacity. Replacing the pistol range targets will provide an opportunity for all members to participate at any given time. Upon the installation of the new targets, the Shark Bay Pistol Club can host a five club combined Heritage Trophy competition that will attract visitors and funds into Shark Bay. The Shark Bay Pistol Club has indicated supporting local business, Shark Bay Marine & Hardware store in purchasing the hardware materials. The Shark Bay Pistol Club's member will volunteer their time to construct and install the targets.

It is recommended that Council approve \$1,000 to the Shark Bay Pistol Club Inc. to assist with replacing the pistol range targets.

APPLICATION 4

Group: **Shark Bay Community Men's Shed**

Amount requested: **\$997.00**

Project: **Equipment**

Funding category: **Purchasing goods and services**

Strategic Community Plan (category): **Social**

The Shark Bay Community Men's Shed began operating in 2018 and currently consists of 42 members. The group are seeking to purchase equipment to increase their tool supplies to perform tasks for the community. The group socially meets once a week, in addition to completing community projects throughout the week.



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The Community Assistance Grant will contribute to the following equipment items:

- Drill press
- 18v drill
- Saw bench

The grant application included:

- Letter of Support from Shirley Geraty, Denham Seniors
- Letter of Support from Patricia Weston, Shark Bay Community Resource Centre
- Quote
- Balance Sheet – refer to 'Confidential' items folder

**Officer Recommendation:**

The Shark Bay Community Men's Shed application to purchase equipment will enable the group to increase their skills and perform community projects to the wider community. The group has indicated supporting local business, Shark Bay Marine & Hardware store in purchasing the tools. The tools will be used in a mobile capacity to complete tasks at the Shed and at the project location.

It is important to note this is the first grant application the Shark Bay Men's Shed have applied for via the Shire of Shark Bay Community Assistance Grant, since the group was formed. The group has previously conducted community fundraising at the Winter Festival Markets and Shark Bay Bowling, Sport & Recreation Club to support the group's growth.

It is recommended that Council approve \$1,000 to the Shark Bay Community Men's Shed to assist with purchasing new tools.

LEGAL IMPLICATIONS

There are no legal implications associated with this report

POLICY IMPLICATIONS

These recommendations comply with current Policies made by Council 2.2 Financial Assistance/Donations.

FINANCIAL IMPLICATIONS

An amount of \$10,000 is included in the 2019/2020 Council budget.

Total funding requested in the Round 1 of 2019/2020 Community Assistance Grants is \$3,688.95

If these four applications are approved, there will be a surplus of \$6,311.05 left in the 2019/2020 budget.

During 2019, Council has provided donation of \$3,374.00 towards community groups and individuals for facility hire fee waivers for long term bookings.

STRATEGIC IMPLICATIONS

Social: A safe, welcoming and inclusive community

3.1 Strong sense of spirit and provide in an inclusive community

RISK MANAGEMENT

There is no risk associated with this report.

MINUTES OF THE ORDINARY COUNCIL MEETING

---

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VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Community Development Officer

*C Uszka*

Chief Executive Officer

*P Anderson*

Date of Report

18 October 2019

## MINUTES OF THE ORDINARY COUNCIL MEETING

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### 14.2 COMMUNITY ASSISTANCE GRANTS – SIGNIFICANT EVENT SPONSORSHIP FUNDING GS00001

#### AUTHOR

Community Development Officer

#### DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Burton

Nature of Interest: Impartiality Interest as Office Bearer of club.

#### Officer Recommendation

Council approve Shark Bay Speedway Club application for Community Assistance Grants – Significant Event Sponsorship Funding for the value of \$8,000.00 to contribute to the speedway track wall improvements for the 33<sup>rd</sup> Far Western Race Meet.

Or

Council approve Shark Bay Speedway Club application for Community Assistance Grants – Significant Event Sponsorship Funding for the value of \$\_\_\_\_\_ to contribute to the speedway track wall improvements for the 33<sup>rd</sup> Far Western Race Meet.

Moved Cr Ridgley

Seconded Cr Fenny

#### Council Resolution

**Council approve Shark Bay Speedway Club application for Community Assistance Grants – Significant Event Sponsorship Funding for the value of \$8,000.00 to contribute to the speedway track wall improvements for the 33<sup>rd</sup> Far Western Race Meet.**

**6/0 CARRIED**

#### BACKGROUND

At the March 2019 Ordinary Council Meeting, Council endorsed the Community Assistance Grants funding allocation restructure to be applied in the 2019/2020 financial year. The Community Assistance Grants budget of \$60,000 is now allocated under three rounds:

- Round 1 (\$10,000)
- Round 2 (\$30,000)
- Significant Event Sponsorship Funding (\$20,000)

The funding pool for the Significant Event Sponsorship Funding is open all year round and funding is to be allocated at the Council's discretion. On 20 September 2019, two applications were received and are the first of its kind to be submitted under the new restructure of funding. The Shark Bay Fishing Club was the other applicant, although later withdrew their application to reallocate requested funding expenditure. The Shark Bay Fishing Club has indicated they will re-apply in the near future.

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COMMENT

The introduction of the Significant Event Sponsorship Funding is to benefit current major events and future innovative events that attract additional funds into town. By recognising the additional visitors and economic value these events positively impact Shark Bay community.

The Shark Bay Speedway Club hosts the Far Western Race Meet annually and is considered one of the major events in Denham and in the region for the Speedway racing calendar. The event has proven to operate successfully in previous years and receives community support with in-kind contributions from community groups and individuals. The Shark Bay Speedway Club wishes to use this funding as leverage for future grants from State funding bodies.

APPLICATION 1

Group: **Shark Bay Speedway Club**

Amount requested: **\$8,000**

Project: **Speedway track wall improvements for the 33<sup>rd</sup> Far Western Race Meet**

Funding category: **Infrastructure such as significant construction or improvement of facility**

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

The Shark Bay Speedway Club has been in operation since 1999 and currently has 115 members. The major race meet event of the year, the Far Western will be hosting its 33<sup>rd</sup> year on 12 July 2020 with a fee payable upon entry to the event. The event plans for an estimate of 200-300 additional visitors that provides an economic boost for our local businesses. The Shark Bay Speedway Club is seeking funding to improve concrete track wall at the Shark Bay Speedway and to be completed in time for the 33<sup>rd</sup> Far Western Race Meet.

The recent track inspection report highlighted the Shark Bay Speedway Club's requirement to improve the concrete safety track barrier to meet current height regulations. The Shark Bay Speedway Club has previously campaigned for sponsorship from local, regional and state businesses and individuals, they have received 62 sponsors (total of \$12,455.05) donated towards wall improvement. Although there are 150 wall panels to replace, with only 48 panels replaced to date.

The Significant Event Sponsorship Funding will contribute to the following event equipment items:

- 40 x concrete safety fence panels
- 40 x concrete safety fence panels – steel/framework

The grant application included:

- Letter of Support from Terry Roberts, Shark Bay State Emergency Services
- Letter of Support from Patricia Weston, Shark Bay Community Resource Centre
- Photographs of the current wall
- Invoice from local contractor for completion of previous wall improvements
- Balance Sheet – refer to 'Confidential' items folder

**Officer Recommendation:**

The Shire's funding will contribute to providing 40 concrete panels (50% of the project), resulting in improvements to the track to meet safety regulations. The Shark Bay



## MINUTES OF THE ORDINARY COUNCIL MEETING

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Speedway Club would use this funding as leverage to seek additional funding from Department of Local Government, Sport and Cultural Industries for the remainder of the project. Upon completion of the track wall, Shark Bay Speedway Club have an opportunity to apply to host additional State and National Title competitions. Consequently increasing the exposure of Shark Bay and further boosting our economy.

The Shark Bay Speedway Club is supporting local contractor for the construction and is dependent on local volunteers during the project phase.

It is recommended that Council approve \$8,000 to the Shark Bay Speedway Club to assist with the construction of the concrete track wall for the 33<sup>rd</sup> Far Western Speedway Meet and future race meets. Due to the nature of the project, the Shark Bay Speedway Club will be requested to provide certificate of compliance and 2019/2020 Track Inspection Report to the Shire of Shark Bay upon completion of the concrete wall.

### LEGAL IMPLICATIONS

There are no legal implications associated with this report.

### POLICY IMPLICATIONS

These recommendations comply with current Policies made by Council 2.2 Financial Assistance/Donations.

### FINANCIAL IMPLICATIONS

An amount of \$20,000 is included in the 2019/2020 Council budget.

If the Shark Bay Speedway Club is successfully in receiving the requested amount of \$8,000.00, there will be a surplus of \$12,000.00 left in the 2019/2020 budget.

### STRATEGIC IMPLICATIONS

Social Objective: A safe, welcoming and inclusive community

Economic Objective: A progressive, resilient and diverse economy

### RISK MANAGEMENT

The Shark Bay Speedway Club will be required to provide certificate of compliance and 2019/2020 Track Inspection Report to the Shire of Shark Bay upon completion of the concrete wall.

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Community Development Officer      *C Uszka*

Chief Executive Officer                  *P Anderson*

Date of Report                                  18 October 2019

30 OCTOBER 2019

14.3 CONTRACT TO MANAGE THE SHARK BAY RECREATION CENTRE  
CM00038

AUTHOR

Community Development Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Burton

Nature of Interest: Financial Interest as Shark Bay Community Resource Centre is employer

Moved            Cr Bellottie  
Seconded       Cr Ridgley

**Council Resolution**

1. **Council endorse the extension of the Shark Bay Recreation Centre Management Contract to Shark Bay Community Resource Centre from 31 December 2019 until 31 December 2020, for 800 hours per year over 50 weeks at the value of \$60,000 (excluding of GST).**
2. **Approve the request for additional funding at the value of \$3,000 (excluding of GST) to cover the costs of supplementary services provided by the Shark Bay Community Resource Centre.**
3. **The contract extension to align with the outcomes of the Gascoyne Sports Modelling and Activation Planning project.**

**6/0 CARRIED**

Cr Burton returned to the Council Chamber at 5.21pm

BACKGROUND

The Shark Bay Community Resource Centre has been managing the Shark Bay Recreation Centre precinct since opening in 2013 and formally provided contract in January 2015 to deliver a arrange of activities for the community at the Shark Bay Recreation Centre precinct.

At the August 2018 Ordinary Council Meeting, Council authorised the Shire Administration to incorporate the existing Community Development Officer employee hours into managing the Shark Bay Recreation Centre and associated programmes for 800 hours per year over 50 weeks and to sustain the current service delivery. This decision was revoked at the September 2018 Ordinary Council Meeting allowing the Shark Bay Community Resource Centre a twelve month contract extension until 31 December 2019, to deliver reduced 800 hours of activities at the Shark Bay Recreation Centre precinct over 50 weeks at a cost of \$60,000 per year (excluding GST).

The contract extension approval was inclusive of the recommendation for the Shire Administration to conduct a review into the sporting and recreation activity needs of the Shark Bay community and to better inform Council of future costs associated with this element of the social, health and community development needs. In support of the recommendation, the Shire Administration conducted a survey using online tool Survey Monkey. The Sport and Active Recreation survey took place in April 2019 with 38

## MINUTES OF THE ORDINARY COUNCIL MEETING

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survey respondents. The results of the survey were tabled at the April 2019 Ordinary Council Meeting.

To further support the recommendation, in September 2019 a partnership was formed with the Department of Local Government, Sport and Cultural Industries providing the Shire of Shark Bay with \$5,000 funding to conduct the Gascoyne Sports Modelling and Activation Planning project. Consultant Ms Michelle McManus has been appointed consultant and the partnership is due to conclude in September 2020. The project objectives are:

- A clear vision and strategic direction for the Local Government area to service the needs of the community.
- A planned approach to developing and providing services which are accessible and suitable to each demographic within the community.
- Strategic asset management including use, management, maintenance and replacement of assets to ensure sustainable and viable financial investment.

Throughout the project, Ms McManus will be working with the Shire's Community Development Officer, Shark Bay Community Resource Centre Staff and Shark Bay community members to meet the project's objectives.

The Shark Bay Community Resource Centre have provided written confirmation they are interested in the opportunity to extend their contract until December 2020, with a consideration of additional funding of \$3,000 excluding GST towards service costs identified during operation of the Shark Bay Recreation Centre precinct in 2019.

### COMMENT

The Shark Bay Community Resource Centre management of Shark Bay Recreation Centre programs received consistent attendance throughout the year. Community members participated in a range of nightly sports, open court sessions, school holiday program and toddler activities with Kindy Gym.

Summary of Shark Bay Recreation Centre statistics, per year:

Year	Operating hours (per year)	Total attendance	Average participants (per hour)
2015	923.15	7,949	8.6
2016	946.2	5,642	5.9
2017	899.9	4,649	5.1
2018	944.75	4,803	5

The Shark Bay Recreation Centre statistics for 2019 (to date), per month:

Month	Operating hours (per month)	Total attendance	Average participants (per hour)
Jan 2019	51	278	5.4
Feb 2019	40.5	234	5.7
Mar 2019	69.25	257	3.7
April 2019	109*	474	4.3
May 2019	61.2	208	3.3
June 2019	62.2	289	4.6
July 2019	122.25*	863	7
Aug 2019	58	280	4.8
Sep 2019	57.5	625	10.8

*\*School holidays extended opening hours*

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The Shark Bay Community Resource Centre have indicated additional hours outside the above opening hours, for provision of administration duties to delivery of sport and recreation programs at the Shark Bay Recreation Centre precinct. The additional services include the following:

- School holiday activity supplies and additional staff for safety during high attendance days
- Equipment maintenance supplies to repair and maintain sporting equipment
- Laundry expenses for sports bib, dress-up costumes, blankets and sporting equipment
- Purchase of first-aid materials.

The Shark Bay Community Resource Centre have requested \$3,000 excluding GST to be included in the 2020 contract management for the Shark Bay Recreation Centre precinct, to cover the costs of the above additional services.

The Shire's 2019/2020 budget has allocated the following funds under Recreation and Sport:

General Ledger	Description	Amount
35302196	Shark Bay Recreation Centre Equipment	\$2,000
35303000	Shark Bay Recreation Centre Programs	\$1,200
Total:		\$3,200 ex. GST

Therefore the additional funding requested by the Shark Bay Community Resource Centre can be absorbed by the current budget.

The Shire's Community Development Team have created and maintained a strong relationship throughout the contract management and partnered for variety of community projects hosted at the Shark Bay Recreation Centre precinct. The Shark Bay Community Resource Centre have provided significant additional benefits to the community that have contributed to the overall health and wellbeing of our community.

Gascoyne Sports Modelling and Activation Planning project outcomes will be presented to Council upon completion of partnership in September 2020. Therefore it is recommended to extend the Shark Bay Recreation Centre contract management of the Shark Bay Recreation Centre precinct for twelve months (until December 2020) to align with the outcomes of the project into future management contracts.

### LEGAL IMPLICATIONS

The Shire of Shark Bay and Shark Bay Community Resource Centre will be obligated to contract management agreed terms until 31 December 2020.

### POLICY IMPLICATIONS

As the costs associated with this contract will extend into 2020/2021 financial year, consideration of these future amounts will need to be included in the Budget consideration process as per the Shire of Shark Bay Policy 2.1.

### FINANCIAL IMPLICATIONS

Contract management of the Shark Bay Recreation Centre will include:

- 12 month contract for the value of \$60,000 (excluding of GST)
- Supplementary services provided by the Shark Bay Community Resource Centre for the value of \$3,000 (excluding of GST)

Total of \$63,000 (excluding of GST) will implicate the 2019/2020 and 2020/2021 Budget.



## MINUTES OF THE ORDINARY COUNCIL MEETING

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### STRATEGIC IMPLICATIONS

Social: A safe, welcoming and inclusive community

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

### RISK MANAGEMENT

There is no risk associated with this report.

### VOTING REQUIREMENTS

Simple Majority Required.

### SIGNATURES

Community Development Officer      *C Uszka*

Chief Executive Officer                  *P Anderson*

Date of Report                                  18 October 2019

# MINUTES OF THE ORDINARY COUNCIL MEETING

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Shark Bay CRC, 10 Denham Road  
PO Box 58, DENHAM WA 6537  
P: 08 9948 1787 F: 08 9948 1823  
E: sharkbay@crc.net.au

3<sup>rd</sup> October 2019

Shire of Shark Bay  
65-67 Knight Terrace  
Denham WA 6537

Paul,

## **RE: Shark Bay Recreation Centre Management Contract Expiry 31<sup>st</sup> December 2019**

The Shark Bay Community Resource Centre (SBCRC) would like to thank the Shire of Shark Bay for the opportunity to apply for the management of the Shark Bay Recreation Centre for a period of twelve months from 1<sup>st</sup> January 2020 to the 31<sup>st</sup> December 2020.

The SBCRC has been successfully managing the opening of the Recreation Centre on behalf of the Shire since February 2013. During our tenure, the SBCRC has engaged with 40,268 people at the facility. Various day and night time activities continue to draw interest from within the community, which is maintained by a pool of SBCRC staff.

The SBCRC has provided additional costs and services to continue to grow the Recreation Centre, which we would like considered in any new contract. Items identified include;

- school holiday activity costs such as craft and games supplies as well as possible additional staff for safety during high attendance days
- equipment maintenance such as tape to repair hockey sticks, zip repairs on mats, glue, wheels on sports trolleys, replacing elastic on sporting bibs, badminton rope repairs etc
- laundry expenses of sports bibs, dress up costumes, blankets as well as sporting equipment including water costs, detergents, disinfectants, sponges etc
- purchasing of ice packs for sporting injuries as well as extra band aids and tissues.

Costs for the SBCRC to continue with the management of the Shark Bay Recreation Centre from 1<sup>st</sup> January 2020 to the 31<sup>st</sup> December 2020 over 800 hours will be;

Management hourly rate -	\$75 per hr + GST
Additional costs (as identified above)	\$3,000 + GST
<b>Yearly rate -</b>	<b><u>\$63,000 + GST.</u></b>

The SBCRC will ensure the Shark Bay Recreation Centre:

- is open a variety of times possibly including; during the day, evenings and weekends
- programmed activities (such as badminton, indoor soccer, kindy gym etc) as well as general open courts play is available
- school holiday peak tourist periods are opened and suitable programming and supervision is provided
- maintenance issues are reported
- equipment and assets registers are maintained
- bi-monthly meetings continue with Shire Community Development staff.

We look forward to working with the Shire of Shark Bay into the future. Should you require any further assistance in regards to this matter, please do not hesitate to contact myself on 9948 1787 or address the SBCRC Management Committee.

Yours sincerely

Sharyn Byrdill

Chair  
Shark Bay Community Resource Centre

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### Calculations of hours provided by Shark Bay Community Resource Centre

Activity	Activity Detail	Hours	Value	Comments
1. Activity 1 (e.g. current program)	Activity 1 (e.g. current program)	80	\$80,000	less less of a public holiday
2. Activity 2 (e.g. current program)	Activity 2 (e.g. current program)	200	\$200,000	less less of a public holiday
3. Activity 3 (e.g. current program)	Activity 3 (e.g. current program)	100	\$100,000	less less of a public holiday
4. Activity 4 (e.g. current program)	Activity 4 (e.g. current program)	100	\$100,000	less less of a public holiday
5. Activity 5 (e.g. current program)	Activity 5 (e.g. current program)	100	\$100,000	less less of a public holiday
6. Activity 6 (e.g. current program)	Activity 6 (e.g. current program)	100	\$100,000	less less of a public holiday
7. Activity 7 (e.g. current program)	Activity 7 (e.g. current program)	100	\$100,000	less less of a public holiday
8. Activity 8 (e.g. current program)	Activity 8 (e.g. current program)	100	\$100,000	less less of a public holiday
9. Activity 9 (e.g. current program)	Activity 9 (e.g. current program)	100	\$100,000	less less of a public holiday
10. Activity 10 (e.g. current program)	Activity 10 (e.g. current program)	100	\$100,000	less less of a public holiday
11. Activity 11 (e.g. current program)	Activity 11 (e.g. current program)	100	\$100,000	less less of a public holiday
12. Activity 12 (e.g. current program)	Activity 12 (e.g. current program)	100	\$100,000	less less of a public holiday
13. Activity 13 (e.g. current program)	Activity 13 (e.g. current program)	100	\$100,000	less less of a public holiday
14. Activity 14 (e.g. current program)	Activity 14 (e.g. current program)	100	\$100,000	less less of a public holiday
15. Activity 15 (e.g. current program)	Activity 15 (e.g. current program)	100	\$100,000	less less of a public holiday
16. Activity 16 (e.g. current program)	Activity 16 (e.g. current program)	100	\$100,000	less less of a public holiday
<b>TOTAL</b>	<b>TOTAL</b>	<b>1,000</b>	<b>\$1,000,000</b>	

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**15.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

There are no motions of which previous notice haven been given for the October 2019 Ordinary Council meeting.

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

Moved            Cr Burton  
Seconded       Cr Smith

**Council Resolution**

**That Council accept the tabling of urgent, and urgent confidential, business items as follows:**

**16.1    Horizon Power – Relinquishment of Part Reserve 49809 Common**

**17.4    New 6x4 Prime Mover**

**7/0 CARRIED**

**16.1 HORIZON POWER – RELINQUISHMENT OF PART RESERVE 49809 COMMON RES49809**

Author  
Chief Executive Officer

Disclosure of Any Interest  
Nil

**Officers Recommendation**

That the Council approve/not approve the request from Horizon Power to relinquish approximately 20 hectares of Crown Reserve 49809 as indicated on the attached map, for the purposes of a power generation site and associated infrastructure for the Townsite of Denham and the Department of Planning, Lands and Heritage be advised of Councils decision.

Moved            Cr Ridgley  
Seconded       Cr Fenny

**Council Resolution**

**That the Council approve the request from Horizon Power to relinquish approximately 20 hectares of Crown Reserve 49809 as indicated on the attached map, for the purposes of a power generation site and associated infrastructure for the Townsite of Denham and the Department of Planning, Lands and Heritage be advised of Councils decision.**

**7/0 CARRIED**

**Background**

The Shire of Shark Bay has a Management Order on Reserve 49809 which has a current purpose classified as Common. The area of the reserve is 1,139.223 hectares.



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The Shire has the approval of the Minister to issues licenses for activities approved by the Council for up to a term of up to five years.

Comment

Horizon Power have previously presented to Council their intentions to replace the current power station in Denham at a new location further away from the established Townsite.

Horizon have been in discussions with Synergy energy in regard to utilising a site that encompasses the current wind farm and an existing reserve area vested in Synergy.

These discussions have not been productive and Horizon Power have previously discussed with the Council the option of utilising an area of Crown Reserve 49809 for the establishment of a new power station.

Horizon Power have indicated an area on the attached maps in close proximity to the wind farms which will continue to provide power to the grid and near the water authority evaporation ponds.

The area identified by Horizon Power, that they consider meets their requirements is 20 hectares and would provide for the infrastructure currently required and the possibility of the installation of a solar array at a later date. The topography of the land and proposed location would minimise the visual aspect of the site from the Monkey Mia Road and the Denham Townsite.

The proposed area does not impact upon the accessibility to other areas of the reserve that are currently being utilised.

The attached map provided by Horizon Power indicates the creation of a triangulated area of land that Council may consider amending the area to be relinquished to align with either the Monkey Mia Road boundaries or the established access road indicated on the map.

If Council agrees to the proposal the Department of Lands through the Minister then would create a new reserve with a management order to Horizon Power for the area being granted to Horizon Power.

The current power station is situated on Crown Reserve 38961 with a Management Order to regional power corporation granted in 2008.

Horizon Power have not advised what their long term intentions are for the current site which is also a Crown Reserve 38961.

Horizon Power have indicated the construction of a new power station would be in the 2021/2022 year and while final design is not completed it would enable increased ability for consumers to install solar panels on their private residences.

The final configuration at this point is for a diesel/wind system with solar being introduced at a later date. The option of emerging power generation technologies is also being considered and could give Horizon the opportunity to have a facility that significantly reduces its carbon footprint.

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### Legal Implications

Reserve 49809 is a Crown Reserve with management vested to the Shire with the power to issue licenses approved by the Minister of Lands.

Any variation and/or any conditions to the Management Order or area of reserve would require the Minister for Lands approval in accordance with the Land Administration Act.

### Policy Implications

There are no policy implications relative to this report.

### Financial Implications

Reserve 49809 is Crown Reserve with management vested with the Council with the power to license for up to five years, the Council does not have the authority from the Minister to lease areas of the Crown Reserve.

### Strategic Implications

The proposal by Horizon Power to establish a new power station address's the Council objectives of further investment in the community and the environmental objective of upgraded infrastructure that supports the community.

### Voting Requirements

Simple Majority Required

### Signatures

Chief Executive Officer

*P Anderson*

Date of Report

28 October 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

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WESTERN



AUSTRALIA

REGISTER NUMBER <b>3005/DP54344</b>	
Duplicate Status <b>N/A</b>	DATE DUPLICATE MADE <b>N/A</b>

**RECORD OF QUALIFIED CERTIFICATE  
OF  
CROWN LAND TITLE**

UNDER THE TRANSFER OF LAND ACT 1893  
AND THE LAND ADMINISTRATION ACT 1997

VOLUME  
LR3147

PAGE  
378

**NO DUPLICATE CREATED**

The undemonstrated land is Crown land in the name of the STATE of WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

*B. Roberts*  
REGISTRAR OF TITLES



**LAND DESCRIPTION:**

LOT 3005 ON DEPOSITED PLAN 54344

**STATUS ORDER AND PRIMARY INTEREST HOLDER:  
(FIRST SCHEDULE)**

STATUS ORDER/INTEREST: RESERVE UNDER MANAGEMENT ORDER

PRIMARY INTEREST HOLDER: SHIRE OF SHARK BAY OF PO BOX 126, DENHAM  
(XE K668081) REGISTERED 28 JULY 2008

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:  
(SECOND SCHEDULE)**

1. K668080 RESERVE 49809 FOR THE PURPOSE OF COMMON REGISTERED 28.7.2008.  
K668081 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED.  
REGISTERED 28.7.2008.

- Warning: (1) A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
(2) Lot as described in the land description may be a lot or location.  
(3) The land and interests etc. shown herein may be affected by interests etc. that can be, but are not, shown on the register.  
(3) The interests etc. shown herein may have a different priority than shown.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for legal, government, legal, surveying or other professional advice.

SKETCH OF LAND: DP54344 [SHEET 1,2].  
PREVIOUS TITLE: LR3122-797.  
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.  
LOCAL GOVERNMENT AREA: SHIRE OF SHARK BAY.

NOTE 1: K668080 CORRESPONDENCE FILE 11819-1908-03RO

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**DUPLICATE**

FORM LAA-1023

SECTION 46

WESTERN AUSTRALIA  
LAND ADMINISTRATION ACT 1997  
TRANSFER OF LAND ACT 1993 AS AMENDED

**MANAGEMENT ORDER (XE)**

RESERVE DESCRIPTION (NOTE 1)

49809

EXTENT

Whole

VOLUME

3147

FOLIO

378

MANAGEMENT BODY (NOTE 2)

Shire of Shark Bay of PO Box 126, Denham WA 6537

CONDITIONS (NOTE 3)

(i) To be used for its designated purpose of "Common" only.  
(ii) Power to licence for the designated purpose is granted for the whole or any portion thereof for any term not exceeding five (5) years from the date of licence subject to the approval in writing of the Minister for lands being first obtained to each and every licence pursuant also to the provisions of Section 19 of the Land Administration Act 1997.

THE MINISTER FOR LANDS (IN THE NAME OF AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA) ORDERS THAT THE CARE, CONTROL AND MANAGEMENT OF THE ABOVE RESERVE BE PLACED WITH THE ABOVE DESCRIBED MANAGEMENT BODY FOR THE PURPOSE FOR WHICH THE LAND IS RESERVED UNDER SECTION 41 OF THE LAND ADMINISTRATION ACT 1997, AND FOR PURPOSES ANCILLARY OR BENEFICIAL TO THAT PURPOSE SUBJECT TO THE CONDITIONS STATED ABOVE

Dated this

28<sup>th</sup>

day of

*July*

in the year

2008

ATTESTATION

*[Signature]*

A/ SENIOR STATE LAND OFFICER  
STATE LANDS - MID WEST  
STATE LAND SERVICES



30 OCTOBER 2019



30 OCTOBER 2019



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## 30 OCTOBER 2019





30 OCTOBER 2019

**17.0 MATTERS BEHIND CLOSED DOORS**

Councils Works Manager, Executive Manager Finance and Administration and visitors in the gallery left the Council Chamber at 5.36 pm.

Moved           Cr Fenny  
Seconded       Cr Stubberfield

**Council Resolution**

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

**7/0 CARRIED**

**17.1 LAND SUBJECT TO INUNDATION**

Dealt with after item 13.2 refer page # 272 and 273

**17.2 UNAUTHORISED BUILDING WORK – LOT 178 (46) CAPEWELL DRIVE, DENHAM P1416**

**AUTHOR**

Liz Bushby, Town Planning Innovations

**DISCLOSURE OF ANY INTEREST**

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved           Cr Fenny  
Seconded       Cr Cowell

**Council Resolution**

**That Council consider the recommendation in the confidential item presented by Town Planning Innovations.**

**7/0 CARRIED**

Moved           Cr Fenny  
Seconded       Cr Cowell

**Council Resolution**

**That Council:**

- 1. Note that a transportable building has been placed on Lot 178 (46) Capewell Drive, Denham without Shire approval and a Building Permit should have first been obtained.**
- 2. Authorise the Chief Executive Officer to write to the owners of Lot 178 (46) Capewell Drive, Denham and request immediate removal of the buildings and / or a response within 20 days.**

30 OCTOBER 2019

**A letter to the owners has been drafted and is included in the body of this report.**

- 3. Authorise the Chief Executive Officer to engage McLeod's Barristers and Solicitors to commence enforcement proceedings for non-compliance with the *Building Act 2011* if the matter remains unresolved.**
- 4. Note that enforcement proceedings will only be pursued as a last resort if the owner does not commit to taking appropriate action.**
- 5. Note that the Shire may also be able to issue a Written Direction notice requiring removal of the building within 60 days under the *Planning and Development Act 2005*. A further report will be referred to Council if McLeod's recommends a Written Direction in addition to or instead of any enforcement proceedings under relevant building legislation.**

**7/0 CARRIED**

**17.3 UNAUTHORISED BUILDING WORK – LOT 287 (45) VLAMINGH CRESCENT, DENHAM P1326**

**AUTHOR**

Liz Bushby, Town Planning Innovations

**DISCLOSURE OF ANY INTEREST**

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved            Cr Ridgley  
Seconded       Cr Smith

**Council Resolution**

**That Council consider the recommendation in the confidential item presented by Town Planning Innovations.**

**7/0 CARRIED**

Moved            Cr Burton  
Seconded       Cr Smith

**Council Resolution**

**That Council:**

- 1. Note that two transportable buildings have been placed on Lot 287 (45) Vlamingh Crescent, Denham without Shire approval and a Building Permit should have first been obtained.**

30 OCTOBER 2019

2. **Authorise the Chief Executive Officer to write to the owner of Lot 287 (45) Vlamingh Crescent, Denham and request immediate removal of the buildings and / or a response within 20 days.**

The letter to the owner has been drafted by the Shires solicitors and is included in the body of this report.

3. **Authorise the Chief Executive Officer to engage McLeod's Barristers and Solicitors to commence enforcement proceedings if the matter remains unresolved.**
4. **Note that enforcement proceedings will only be pursued as a last resort if the owner does not commit to taking appropriate action.**

**7/0 CARRIED**

Mr Galvin, Council's Works Manager returned to Council Chamber at 5.45pm

17.4 NEW 6X4 PRIME MOVER

AUTHOR

WORKS MANAGER

DISCLOSURE OF ANY INTEREST

Nil

Moved            Cr Bellottie  
Seconded       Cr Ridgley

**Council Resolution**

**That the recommendation submitted by the Works Manager in the confidential evaluation report for Supply and Delivery of a new 6x4 Prime Mover as per the conditions of quote be considered.**

**7/0 CARRIED**

Moved            Cr Fenny  
Seconded       Cr Burton

**Council Resolution**

**That Council appoint WA Hino, based on the assessment of the Capability, Warranty and Pricing considerations offered under PS 2019/20 Supply and Delivery of a New 6X4 Prime Mover.**

**7/0 CARRIED**

MINUTES OF THE ORDINARY COUNCIL MEETING

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30 OCTOBER 2019

Moved           Cr Fenny  
Seconded       Cr Stubberfield

**Council Resolution**

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

**7/0 CARRIED**

**18.0   DATE AND TIME OF NEXT MEETING**

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 27 November, commencing at 3.00 pm.

**19.0   CLOSURE OF MEETING**

As there was no further business the President closed the Ordinary Council meeting at 5.52pm.