SHIRE OF SHARK BAY
MINUTES

31 October 2018

ORDINARY COUNCIL MEETING

SHARK BAY RENDEZVOUS FESTIVAL – OCTOBER 2018

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

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 31 October 2018 commencing at 3.07 pm.

TABLE OF CONTENTS

1.0 Declaration of Opening 5
2.0 Record of Attendances / Apologies / Leave of Absence Granted 5
3.0 Response To Previous Public Questions On Notice 5
4.0 Public Question Time 5
5.0 Applications For Leave Of Absence 6
5.1 Application For Leave Of Absence – Councillor Burton 6
5.2 Application For Leave Of Absence – Councillor Fenny 8
6.0 Petitions 10
7.0 Confirmation Of Minutes 10
7.1 Confirmation of the Minutes of the Ordinary Council meeting held on 26 September 2018 10
8.0 Announcements By The Chair 10
9.0 President's Report 10
10.0 Councillors' Reports 11
13.4 Planning Application For Sea Containers to be Used for Storage and Advertising Signage – Lot 30 North West Coastal Highway, Wannoo 13
16.2 Shark Bay Community Men's Shed 62
11.0 Administration Report 73
11.1 Christmas/New Year Closure 2018 73
11.2 War On Waste Request 75
11.3 Review of Register of Delegations 79
11.4 Ordinary Council Meeting Dates For 2019 93
12.0 Finance Report 97
12.1 Schedule of Accounts Paid to be Received 97
12.2 Financial Reports To 30 September 2018 110
12.3 Refuse Disposal Fees- Non –Rateable Properties 140
12.4 Request For Rates Concession – Yadgalah Aboriginal Corporation 144
12.5 Rates Concession – Assessment # 4347 148
13.0 Town Planning Report 153
13.1 Proposed Caretakers Dwelling – Lot 238 (28) Vlamingh Crescent, Denham 153
13.2 Proposed Shelters / Patios – Lot 310 (1) Stella Rowley Drive, Denham (Denham Seaside Caravan Park) 159
13.3 Proposed Clearing Permit For Shire Comment - Lot 304 Sunday Island Bay, Dirk Hartog Island 165
13.4 Planning Application For Sea Containers to be Used for Storage and Advertising Signage – Lot 30 North West Coastal Highway, Wannoo 176
13.5 Submission on Decision by Minister for Planning: Local Planning Scheme No. 4 – Freehold Lots Dirk Hartog Island 176
13.6 Proposed Bed and Breakfast – Lot 224 (35A) Fry Court, Denham 211
14.0 Building Report 218
14.1 Depot Administration Buildings 218
15.0 Works Report 226
15.1 Monkey Mia Boat Carpark 226

16.0 Tourism, Recreation and Culture Report 232
16.1 Shark Bay Rendezvous Festival Report 232
16.2 Shark Bay Community Men's Shed 271
16.3 Local Area Partnership Group Representative 271
16.4 Ninety Degree Five 2016 Inscription Exhibition – RAC LOAN 279
17.0 Motions of Which Previous Notice Has Been Given 283
18.0 Urgent Business Approved By The Person Presiding Or By Decision 283
19.0 Matters Behind Closed Doors 283
19.1 Preliminary Revised Plan for Proposed Outbuilding – Lot 39 (4) Sellenger Heights, Denham 283
19.2 New Integrated Tool Carrier 284
19.3 Lease of Reserve 50101 Edel Location 106 285
19.4 Application To State Administrative Tribunal for Review of Shire Decision – Lot 2 (8B) Leeds Court, Denham 285
20.0 Date And Time Of Next Meeting 287
21.0 Closure of Meeting 287

1.0 DECLARATION OF OPENING

The President declared the meeting open at 3.07 pm.

2.0 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED

ATTENDANCES

Cr C Cowell	President
Cr K Laundry	Deputy President
Cr L Bellottie	
Cr K Capewell	
Cr G Ridgley	

Mr P Anderson	Chief Executive Officer
Ms L Butterly	Executive Manager Community Development
Mr B Galvin	Works Manager
Mrs R Mettam	Executive Assistant

APOLOGIES

Cr J Burton	Approval item 5.1 OCM 31 October 2018
Cr E Fenny	Approval item 5.2 OCM 31 October 2018

VISITORS

11 visitors in the gallery

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE

There are no previous public questions on notice.

4.0 PUBLIC QUESTION TIME

The President opened Public Question Time at 3.07pm

Mr R. O'Brien requested that the item 16.2 Shark Bay Community Men's Shed be bought forward in the agenda

The president that Mr O'Brien's request will be given consideration by council.

With no further questions the President closed Public Question Time at 3.09pm

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR BURTON
GV00018

Author
Executive Assistant

Disclosure of Any Interest
Nil

Moved Cr Laundry
Seconded Cr Ridgely

Council Resolution
Councillor Burton is granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary meetings of Council scheduled to be held on 31 October 2018.

5/0 CARRIED

Background
Councillor Burton has applied for leave of absence from the ordinary meetings of Council scheduled for 31 October 2018. The Council in accordance with Section 2.25 of the ***Local Government Act 1995*** as amended may by resolution grant leave of absence to a member.

Comment
Councillor Burton has advised the Chief Executive Officer due to personal and work commitments will be unable to attend the Ordinary meetings of Council scheduled to be held on 31 October 2018 and has requested leave of absence be granted by Council for these meetings.

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

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

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

(1) A council may, by resolution grant leave of absence to a member.
(2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the minister.
(3) The granting of leave, or refusal to grant leave and reasons for that refusal, is to be recorded in the minutes for the meeting.

(4) A member who is absent, without first obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council.

(5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –

a) If no meeting of the council at which a quorum is present is actually held on that day; or

b) If the non attendance occurs while –

i. the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5)

ii. while proceedings in connection with the disqualification of the member have been commenced or are pending; or

iii. while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

Policy Implications
There are no policy implications relative to this report.

Financial Implications
There are no financial implications relative to this report.

Strategic Implications
There are no strategic implications relative to this report.

Voting Requirements
Simple Majority Required

Signatures

Chief Executive Officer *P Anderson*

Date of Report 19 October 2018

5.2 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR FENNY
GV00017

Author
Executive Assistant

Disclosure of Any Interest
Nil

Moved Cr Laundry
Seconded Cr Bellottie

Council Resolution
Councillor Fenny is granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary meetings of Council scheduled to be held on 31 October 2018.

5/0 CARRIED

Background
Councillor Fenny has applied for leave of absence from the ordinary meetings of Council scheduled for 31 October 2018. The Council in accordance with Section 2.25 of the ***Local Government Act 1995*** as amended may by resolution grant leave of absence to a member.

Comment
Councillor Fenny has advised the Chief Executive Officer due to personal commitments will be unable to attend the Ordinary meetings of Council scheduled to be held on 31 October 2018 and has requested leave of absence be granted by Council for these meetings.

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

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

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

(6) A council may, by resolution grant leave of absence to a member.
(7) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the minister.
(8) The granting of leave, or refusal to grant leave and reasons for that refusal, is to be recorded in the minutes for the meeting.

(9) A member who is absent, without first obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council.
(10) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –

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

Policy Implications
There are no policy implications relative to this report.

Financial Implications
There are no financial implications relative to this report.

Strategic Implications
There are no strategic implications relative to this report.

Voting Requirements
Simple Majority Required

Signatures

Chief Executive Officer *P Anderson*

Date of Report 30 October 2018

6.0 PETITIONS

There were no Petitions presented to the October 2018 Ordinary Council meeting.

7.0 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 SEPTEMBER 2018

Moved Cr Ridgley
Seconded Cr Laundry

Council Resolution
That the minutes of the Ordinary Council meeting held on 26 September 2018, as circulated to all Councillors, be confirmed as a true and accurate record.
5/0 CARRIED

8.0 ANNOUNCEMENTS BY THE CHAIR

The Department of Biodiversity, Conservation and Attractions, Ms Sue Hancock will make a presentation to Council before the Council meeting at 2.00pm.

The Council's Rate Incentive Prize will be drawn at the Council meeting as cut-off date for payment to enter the draw was the 12 October 2018.

Visitors in the gallery drew the incentive prize:
3rd Prize winner is Ms A Talbot – 8 Wear Place Denham
2nd Prize winner is Mr E Maisey – 3 Spaven Way Denham
1st Prize winner is Mr K Capewell – 7 Dirk Place Denham

9.0 PRESIDENT'S REPORT

GV00002

Council Committee Membership

Member	Audit Committee
Member	Western Australian Local Government Association Country Zone – Gascoyne Region
Member	Development Assessment Panel
Member (Chair)	Local Emergency Management Advisory Committee
Deputy Delegate	Gascoyne Regional Road Group
Deputy Delegate	The Aviation Community Consultation Group

Meeting Attendance

31 October 2018	October Council meeting

Signatures

Councillor	*Councillor Cowell*
Date of Report	23 October 2018

Moved Cr Bellottie
Seconded Cr Ridgely

Council Resolution
That the President's activity report for October 2018 be received.

5/0 CARRIED

10.0 COUNCILLORS' REPORTS

10.1 CR BURTON
GV00018
Nil report for the October 2018 Ordinary Council meeting.

10.2 CR RIDGLEY
GV00008

Committee Membership

Member	Audit Committee
Member	Shark Bay Tourism Committee

Meeting Attendance

9 October 2018	Attended the Tourism and Business Association Annual General Meeting
10 October	Attended the Local Government Act Review workshop in Carnarvon
16 October	Phone calls from various businesses in regards to Council's new fees and charges for the 2018/2019 financial year.

Signatures
Councillor *Councillor Ridgley*
Date of Report 22 October 2018

Moved Cr Bellottie
Seconded Cr Cowell

Council Resolution
That Councillor Ridgley's October 2018 report on activities as Council representative be received.

5/0 CARRIED

10.3 CR LAUNDRY
GV00013

Committee Membership

Member	Audit Committee
Member	Shark Bay Community Resource Centre Committee
Member	Shark Bay Bowling Club Inc Committee
Proxy Member	For Cr Cowell on the Development Assessment Panel

Meeting Attendance

10 October	Attended the Local Government Act Review workshop in Carnarvon
25 October 2018	Attended the Australian Men's Shed Conference in Cannington

Signatures

Councillor	*Councillor Laundry*
Date of Report	23 October 2018

Moved Cr Bellottie
Seconded Cr Ridgely

Council Resolution
That Councillor Laundry's October 2018 report on activities as Council representative be received.

5/0 CARRIED

10.4 CR BELLOTTIE
GV00010
Nil report for the October 2018 Ordinary Council meeting.

10.5 CR FENNY
GV00017
Nil report for the October 2018 Ordinary Council meeting.

10.6 CR CAPEWELL
GV00005
Nil report for the October 2018 Ordinary Council meeting.

Order of Business

Moved Cr Ridgley
Seconded Cr Laundry

Council Resolution
That in accordance with section 3.2 order of business of the Shires standing orders local laws the following items

13.4 Planning Application for Sea Containers to be used for storage and advertising signage – Lot 30 North West Coastal Highway, Wannoo

16.2 Shark Bay Community Men's Shed

Be bought forward in the agenda for discussion.

5/0 CARRIED

13.4 PLANNING APPLICATION FOR SEA CONTAINERS TO BE USED FOR STORAGE AND ADVERTISING SIGNAGE – LOT 30 NORTH WEST COASTAL HIGHWAY, WANNOO
P2027

AUTHOR
Liz Bushby Town Planning Innovations

DISCLOSURE OF ANY INTEREST
Declaration of Interest: Town Planning Innovations
Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of *Local Government Act 1995*

The President in accordance with clause 3.12 of the Shire of Shark Bay Standing Orders Local Laws has approved the request from Altus Planning for Mr G Lockyer for a deputation on this item.

Moved Cr Capewell
Seconded Cr Ridgley

Council Resolution
That Council suspend Standing Orders, clause 3.12 Deputations at 3.20pm to allow the applicant Mr Greg Lockyer to address council on the item.
5/0 CARRIED

Moved Cr Capewell
Seconded Cr Laundry

Council Resolution
That Council Standing Orders be reinstated at 3.31 pm.
5/0 CARRIED

Moved Cr Capewell
Seconded Cr Cowell

Council Resolution
That Council:

1. **Note the objection included as Attachment 2 and the Table of Submission (incorporating the applicants comments) included as Attachment 3.**

2. **Note that a number of options as available to Council have been outlined in this agenda report.**

3. **Refuse the application for two sea container stacks (storage and advertisement signage) on Lot 30 North West Coastal Highway, Wannoo for the following reasons:**

   (i) The proposed structures and signs are incompatible with existing low scale development and the immediate setting, would have a negative impact and relationship with development on adjoining land (being Lot 2 to the north) and the streetscape. The visual impact would cause conflict due to combined effect of the location, height, bulk, orientation and appearance of the development.

(ii) The proposed development is in conflict with the matters outlined in Clause 32.17.3 of the *Shire of Shark Bay Local Planning Scheme No 4* by virtue that the proposed development (and use of sea containers) will not result in a high standard of presentation and design, will have a negative visual impact on the North West Coastal Highway which is used by travellers, is not integrated with existing development, and the bulky nature will cause the structures and advertisements to be prominent in the existing low scale streetscape.

(iii) The North West Coastal Highway is a major tourist and travellers route to the north of the State and the design and bulk of the development is not compatible with the natural setting of the Wannoo townsite and surrounding Rural area.

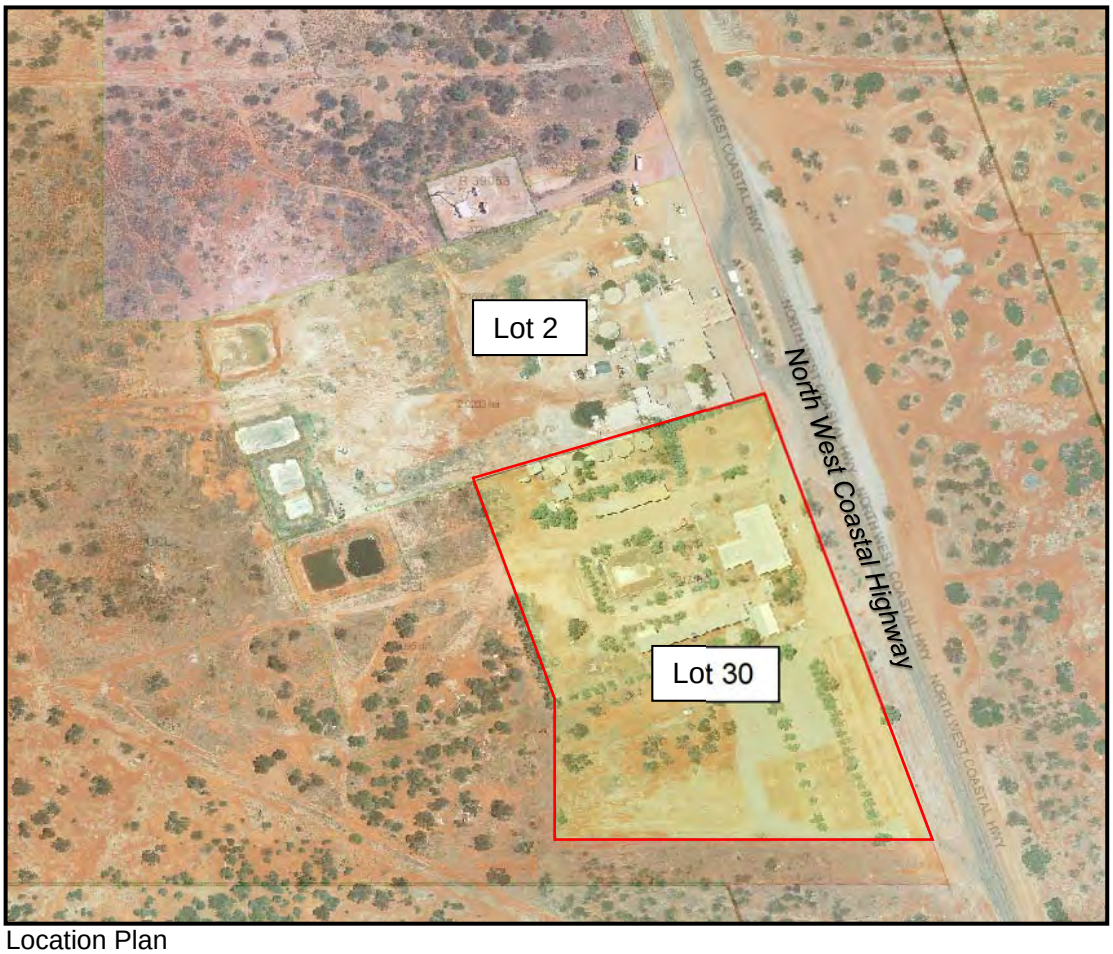
4/1 CARRIED

BACKGROUND

- ***Location***

Lot 30 has been developed with a motel, tavern, restaurant / café, caravan park and service station.

Lot 2 to the immediate north has been developed with the Billabong Roadhouse and short term accommodation.



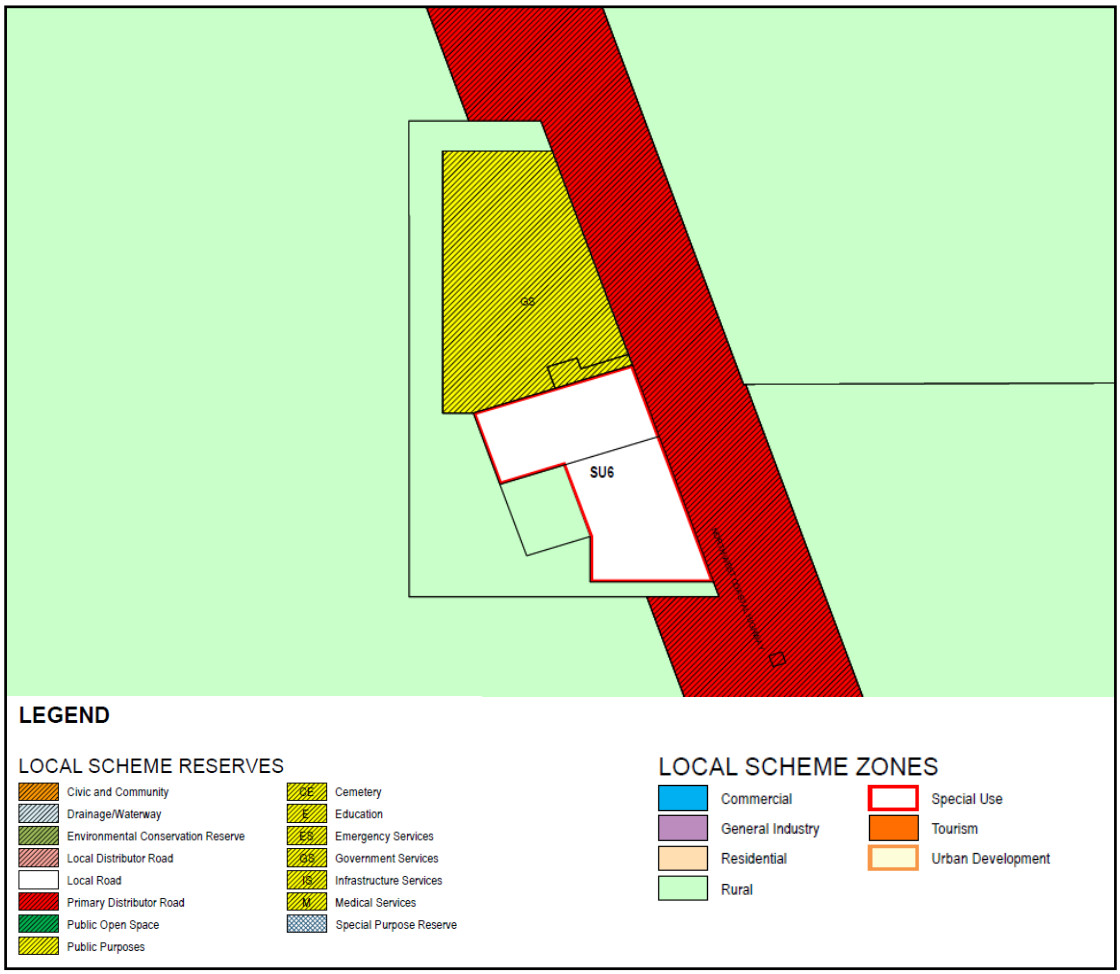
Location Plan

- *Zoning*

Lot 30 is zoned 'Special Use' (No 6) under the Shire of Shark Bay Local Planning Scheme No 4 ('Scheme 4'). The same zoning applies to Lot 2 to the immediate north.

The North West Coastal Highway is reserved 'Primary Distributor Road' under Scheme 4.

Land to the north of Lot 2 is reserved 'Public Purpose' and the remaining land to the west, east and south is zoned 'Rural' – refer zoning map below.



Relevant Scheme provisions are explained in the body and statutory section of this report.

COMMENT

- *Description of Application*

An application has been lodged for two (2) 20-foot sea containers (stacked on top of one another) at the north-eastern and south-eastern corners of Lot 30 (i.e. a total of 4 sea containers).

The containers at ground level in each stack are proposed to be used for storage of goods and materials, with the bottom container to the north used to store yard tools and various building and maintenance materials, whilst the bottom container to the south is to store bulk dry goods and Shell-related products for the fuel shop.

The top containers on each stack will remain empty and be utilised for billboard style advertising of the existing business known as the 'Billabong Homestead Hotel Motel'.

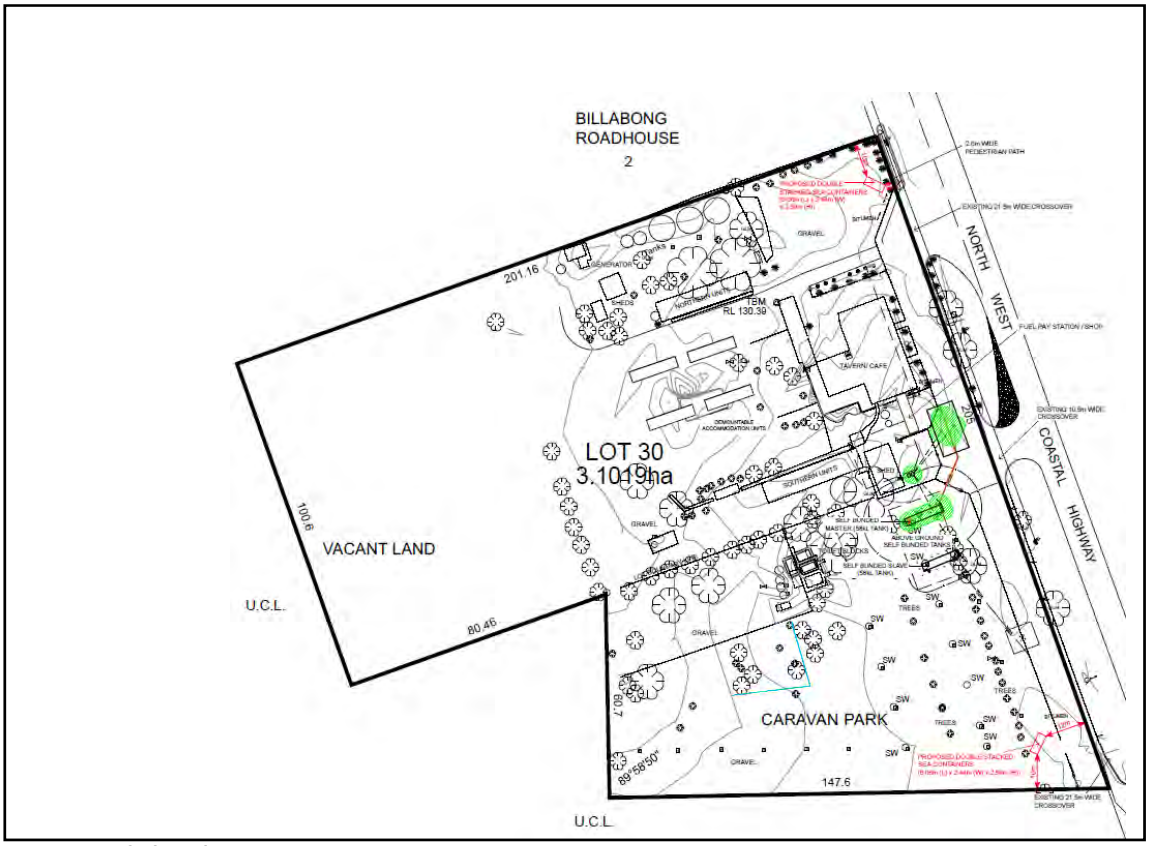
The north-eastern sea containers will be setback approximately 10 metres from the northern boundary and 2 metres from the eastern boundary, whilst the south-eastern containers will be setback approximately 10 metres from the southern boundary and 12 metres from the eastern boundary (approximately 1 metre inside the caravan park fence).

The applicant advises that no water or electricity will be connected to the sea containers and nor is the signage to be illuminated.

The signage on the upper sea container in each stack entails 6.0m x 2.5m powder coated aluminium sheets affixed to the outward elevations.

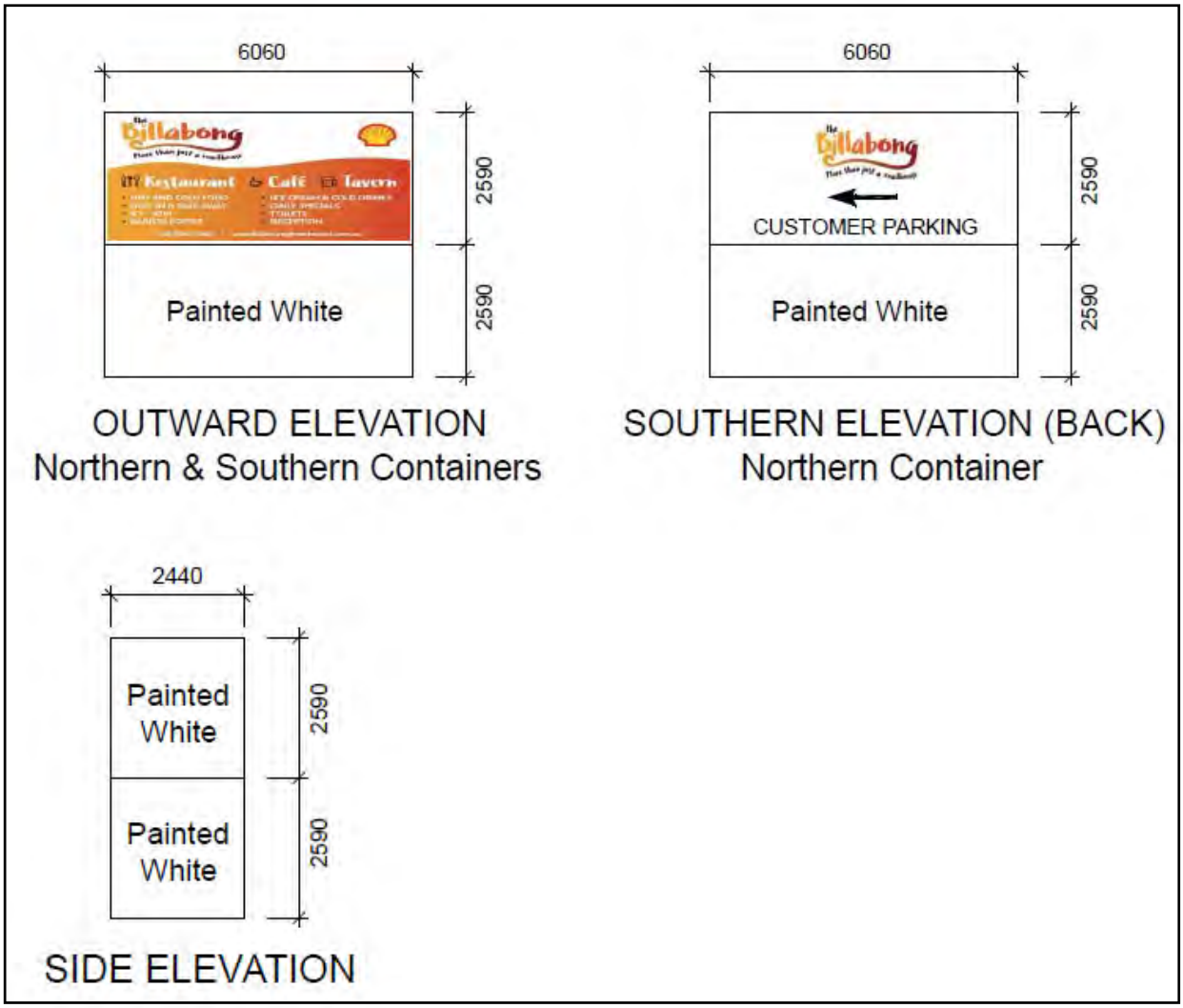
A 6.0m x 2.5m powder coated aluminium sheet will also be affixed to the southern elevation of the northern sea containers directing customers to the parking area. The applicant has advised that the sea containers will be painted white.

An extract of the site plan is included below for ease of reference. The sea containers are marked in red.



Extract of site plan

Elevations of the sea containers with signs are included below.



The owner lodged the photograph below as part of the original planning application (which was incomplete) to provide an example of what is proposed.

Photograph supplied by owner of Lot 30

- *Supporting Information by Applicant*

The application was lodged when the Shire of Shark Bay Local Planning Scheme No 3 ('Scheme 3') was operative.

The applicant lodged a supporting submission making reference to the provisions under Scheme 3, and commentary that the Scheme 3 provisions were more orientated towards Denham townsite.

The Shire of Shark Bay Local Planning Scheme No 4 ('Scheme 4') has since been approved by the Minister for Planning and gazetted on the 1 October 2018, so the application will be determined under Scheme 4.

In support of the proposal the applicant advises as follows:

- The subject land is not known to have any significant environmental, historic or heritage values which require preservation or enhancement and therefore it is considered that the proposed development will not be contrary to the aims of the Scheme.

- The only other development in the immediate locality is the adjoining Billabong Roadhouse which abuts the subject land to the north. This property similarly exists with a service/fuel station and accommodation units, and also exists with a number of signs along its eastern boundary which are visible from the Highway.

  Accordingly, the proposed addition of billboard style advertising on the subject land is considered to be consistent with the existing character and amenity of the immediate locality.

- In terms of the 'storage' component at the base of the advertisements, this is considered to be incidental to the existing and approved uses at the subject land as the goods and materials that are being stored are associated with those operations.

The applicants' complete submission is included as Attachment 1.

- *Public Consultation*

The application was referred to the owner of adjacent Lot 2 to the north. A detailed objection has been lodged on behalf of the adjacent landowner.

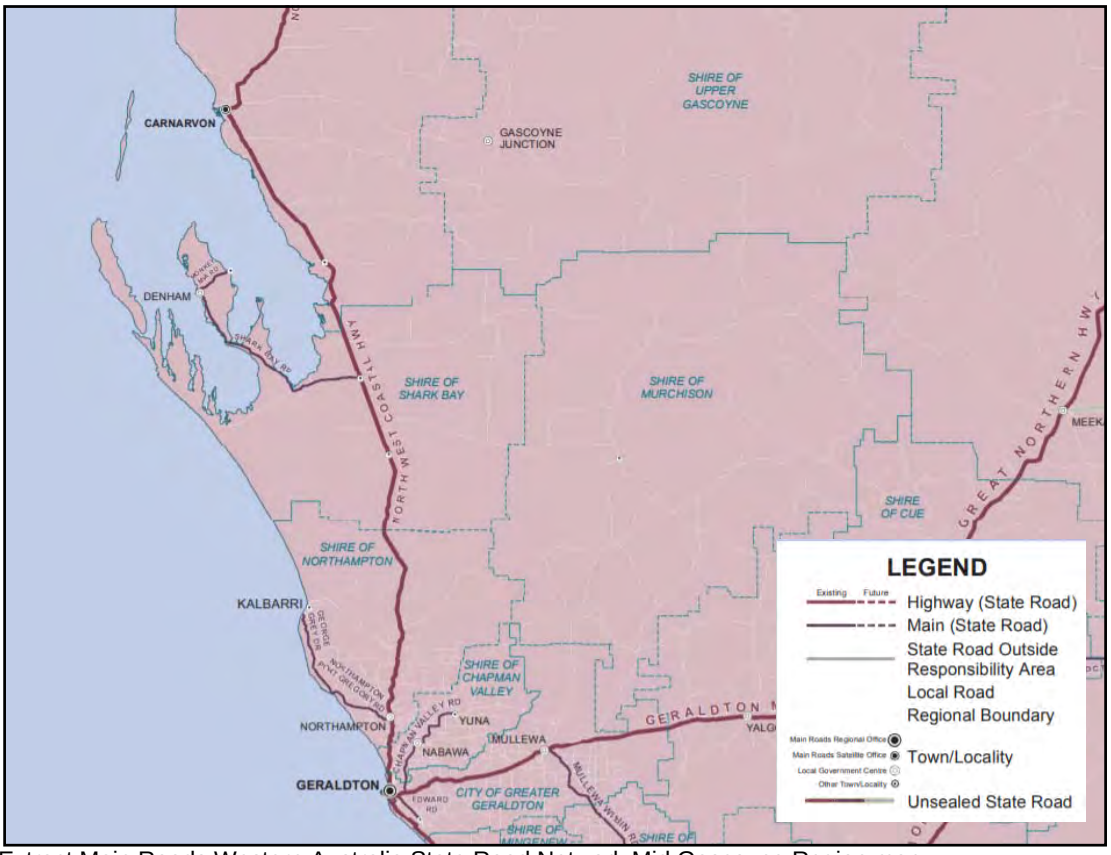
The main objection relates the quality of development, the industrial appearance of sea containers, the unsuitable bulk, the location interfering with view corridors to the business on Lot 2, incompatibility with the amenity and character of the area, non compliance with specific scheme provisions, non compliance with the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and that the placement of the northern most sea containers would block sightlines and views of the business on Lot 2 (known as the Billabong Roadhouse).

The objectors' complete submission is included as Attachment 2 as it includes photographs that could not be tabled.

A table summarising the submission is included in Attachment 3 and the applicant was provided with an opportunity to respond to the objection.

- *Main Roads Western Australia*

Lot 30 abuts the North West Coastal Highway which falls under the care and control of Main Roads Western Australia.



Extract Main Roads Western Australia State Road Network Mid Gascoyne Region map
Source: www.mainroads.wa.gov.au

Separate approval for the proposed advertising sign is required from Main Roads Western Australia who have a 'Policy and Application Guidelines for Advertising Within and Beyond State Road Reserve ' (January 2018).

The Policy Statement is that '*Main Roads Western Australia, in conjunction with local governments, will manage and control roadside advertising within the boundaries of State roads, as well as advertising beyond but visible from State roads, so as to ensure that such advertising does not pose a safety hazard to road users and does not adversely impact on the visual amenity of the roadside environment and surrounding areas.'*

Town Planning Innovations has liaised with Main Roads Western Australia who provided general comments that:

- The documents have been reviewed and Main Roads Western Australia can only assess the signage against the 'Conditions for Advertising Beyond State Road Reserves' component of the policy.

- Documents attached will need to be supported with an Application Form signed off by the Shire of Shark Bay.

- The height of the text has not been specified on the applicants documents. However, the letter height of the main components of the text “Billabong” & “Customer Parking” appear to meet minimum prescribed requirements. Smaller text would only be legible only by non-motorised road users such as cyclists, passers-by on foot etc.

There was also a comment that the northern most sea containers / sign may interfere with future potential to have internal access between Lots 30 and Lot 2. Main Roads Western Australia has previously raised some concern that there should be shared access between the lots to allow motorists to traverse both lots safely.

Town Planning Innovations liaised with Main Roads Western Australia further on this issue as they have completed a preliminary review of the State road (North West Coastal Highway) that passes through the Wannoo Townsite.

Main Roads Western Australia advised that they are looking at the drainage solution predominantly for the roadhouse on Lot 2 and no modification to the access will be done as part of the drainage solution.

- *Relevant Planning Considerations under Clause 67 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015*

The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include ‘Deemed Provisions’ that automatically apply to the Shire of Shark Bay Local Planning Scheme No 4.

Regulation 67 lists a number of ‘matters to be considered by Council’ and the most relevant matters are discussed below:

67(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.

The Shire will need to consider relevant local planning scheme provisions discussed separately in this report.

67*(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*

In order to consider the compatibility of the development with it’s setting, it is important to examine the existing setting and nature of existing development on Lot 30 and adjacent Lot 2.

The Billabong Homestead Hotel Motel on Lot 30 is a low scale single storey building with a pitched roof, setback approximately 13 metres from the front boundary. To the immediate south east is a petrol filling station with canopy – refer elevation and photograph below.

Photograph supplied by Shire Building Surveyor – view of Lot 30

Elevation from previous service station application for Lot 30

Signage is attached to the hotel motel building roof and there is a pylon sign immediately adjacent to the restaurant / café.

Existing signs - Lot 30

There is a more prominent Shell pylon sign on Lot 30 adjacent to the Highway frontage. The Shell pylon sign is typical of that ordinarily associated with service stations.

The southern portion of Lot 30 is utilised as a caravan park, and single storey accommodation units are located to the rear of the hotel motel building.

The Billabong Roadhouse on adjacent Lot 2 is a low scale single storey flat roofed building, setback approximately 14 metres from the front lot boundary, and the canopy has a nil front setback. There is signage on the building and canopy façade.

There is a pylon sign located on the south east portion of Lot 2 – refer photo below.

Town Planning Innovations is of the view that the stacked sea containers will be out of keeping with the existing setting, being a low scale open streetscape, will not have a positive visual relationship to development on adjacent Lot 2 and that the location, height, bulk and appearance will have a negative visual impact.

The negative visual impact will be particularly prominent for the most northern sea container stack as it is only proposed to be setback 2 metres from the front boundary.

Town Planning Innovations has scaled site plans for existing development on Lot 2 and has drawn the existing shed, roadhouse and pylon sign onto the site plan for Lot 30 to show the general relationship between the two existing developments – Attachment 4.

It is considered likely that the most northern sea container / sign will reduce the openness of the front setback area that exists for both Lot 30 and Lot 2, and interrupt

sightlines to the existing Billabong roadhouse sign due to the bulky nature of the development.

There is also concern that the bulk of both of the proposed stacked sea containers will be visually prominent from the Highway given the low scale nature of existing development in this location and remote Rural setting.

View of south portion of Lot 30

67*(m) the amenity of the locality including the following —*
(i) environmental impacts of the development;
(ii) the character of the locality;
(iii) social impacts of the development.

In accordance with Clause 64(m) of the Deemed Provisions Council has to consider the amenity and the character of the locality. Town Planning Innovations is of the view that the proposal will not have measurable environmental or social impacts.

Town Planning Innovations has formed the opinion that the combined nature of the development, bulk and location would intrude into what is otherwise a very open front setback area and streetscape. Town Planning Innovations is also of the view that the development would have a negative impact on existing amenity.

Whilst the development is proposed in a remote area, its very location (being on the North West Coastal Highway) means it will be highly visible to a high volume of travellers and tourists.

The remoteness of the site, in itself, should not reduce the importance of achieving quality design and presentation for advertisements. Other existing pylon signs on Lot 30 are not bulky and have a high level of professional presentation to the Highway.

- *Relevant Planning Considerations under the Shire of Shark Bay Local Planning Scheme No ('Scheme 4')*

Scheme 4 has specific provisions under Clause 32.17 for the control of advertising.

Clause 32.17.3 specifies what is to be considered for applications as summarised below:

32.17.3 Consideration of Applications	Town Planning Innovations Comments
Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, the local government shall examine each such application in the light of the objectives of the relevant zone and consider the following matters:	
(a) The need to promote a high standard of design and presentation in outdoor advertising particularly along Knight Terrace and major tourist routes;	Town Planning Innovations would argue that even if the sea containers are painted white, it will still be obvious that they are sea containers that do not have a high standard of design and presentation to a major Highway.
(b) The visual impact on major tourist routes, the Shark Bay World Heritage Property and public places balanced with the commercial need to promote tourist accommodation, facilities and attractions in remote locations;	As already discussed in this report Town Planning Innovations is of the view that the proposed development will have a negative visual impact on the North West Coastal Highway which is used by travellers.
(c) The relationship of the advertising sign and the location of the business being promoted;	The sign proposes to advertise the business on the same property.
(d) The level of integration between of any on site advertising with the overall site development specifically in the Commercial and Tourism zones;	The proposed development is not integrated with existing on site advertising.
(e) The need to protect visual quality and character of particular localities;	As already discussed in this report Town Planning Innovations is of the view that the proposed development will have a negative impact on character of the locality.
(f) Vehicular and /or pedestrian traffic safety;	It is not anticipated that the locations will have any impact on safety.
(g) The potential for outdoor advertising to negatively impact on the amenity of an area or the attributes which make an area attractive to tourists by virtue of the colours, height, materials, prominence, exposure, size, relevance to the premises or location, number and content;	Town Planning Innovations is of the view that the bulky nature of the development will be prominent in the existing low scale streetscape.

Clause 32.14.1 of Scheme 4 states that '*the local government is to have regard to the visual impact of any landuse or development proposal for land adjacent to the coast or major tourist routes and may require the following to be addressed as part of a development application or as conditions of development approval;*

(a) Increased setbacks …….

……(e) Building design to be compatible with any natural setting in the immediate vicinity. '

Town Planning Innovations would argue that the North West Coastal Highway is a major tourist route to the north of the state and the storage building design is not compatible with the natural setting of the Wannoo townsite and surrounding rural area.

- ***OPTIONS AVAILABLE TO COUNCIL***

Council has three options as follows:

Option 1 - Approve the application (with or without conditions)

Option 1 can be pursued if Council does not consider that the proposal will have an adverse impact on the character and amenity of the area, or an adverse relationship with adjacent development on Lot 2 to the north.

Option 2 - Approve the southern sea container stack / sign and refuse the northern sea container stack / sign.

Option 2 can be pursued if Council considers that that the southern sea container stack / sign will not have an adverse impact on the character and amenity of the area, however the northern sea container stack / sign will impact on streetscape and adjacent development on Lot 2 to the north.

Town Planning Innovations is of the view that it would be difficult to sustain an argument that one of the sea container stacks does not have an adverse impact on the character of the locality and the other does.

Option 3 - Refuse the application.

Town Planning Innovations recommends Option 3 for the reasons outlined in this report and in the Officer Recommendation.

LEGAL IMPLICATIONS

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

Planning and Development (Local Planning Schemes) Regulations 2015 – Partially explained in the body of this report.

The Deemed Provisions of the Regulations include the following terms:

advertisement means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes —

(a) any hoarding or similar structure used, or adapted for use, for the display of advertisements; and
(b) any airborne device anchored to any land or building used for the display of advertising; and
(c) any vehicle or trailer or other similar object placed or located so as to serve the purpose of displaying advertising;

amenity means all those factors which combine to form the character of an area and include the present and likely future amenity;

Clause 60 of the Deemed Provisions outlines the requirement for development approval and states that :

'A person must not commence or carry out any works on, or use, land in the Scheme area unless —

(a) the person has obtained the development approval of the local government under Part 8; or

(b) the development is of a type referred to in clause 61.

Note: 1. Development includes the erection, placement and display of advertisements.'

Shire of Shark Bay Local Planning Scheme No 4 –

Clause 16 (2) outlines objectives for the Special Use zone:

Zone name	**Zone Objectives**
Special Use	• To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the Council to impose specific conditions associated with the special use. • To provide the appropriate development control to a land use or combination of land uses that are consistent with the character and amenity of the locality but by their nature require specific consideration.

Clause 21 applicable to Special Use zones states that:

(1) Schedule B – Special Uses sets out:

(a) special use zones for specified land that are in addition to the zones in the zoning table; and

(b) the classes of special use that are permissible in that zone; and

(c) the conditions that apply in respect of the special uses.

(2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

(3) The local government may exempt certain development in the Special use zone in accordance with Schedule A.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

There are specific provisions applicable to the land under Schedule B as follows:

No.	Description of Land	Special Use	Conditions
SU6	Billabong Lot 2 and 3 North West Coastal Highway	As 'D' use: – Ancillary dwelling – Camping ground – Caravan park – Fuel depot – Holiday accommodation – Hotel – Restaurant/cafe – Road house – Service station – Single house – Shop – Transport depot – Waste disposal facility – Workforce accommodation	1) Any development is to address the following matters to the satisfaction of the local government: a) Provision of adequate services including potable water supply; b) A Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, services areas and rubbish management; and c) Suitable areas on site for carparking, loading, truck parking, access and traffic movements. 2) Council may refer any application to the Department of Health WA and Main Roads WA for recommendations and comment. 3) Council may require lodgement of a traffic impact assessment for any new development, prepared in accordance with the Western Australian Planning Commission's *Transport Impact Assessment Guidelines (August 2016)*.

Clause 32.17 applies to the Control of Advertising.

Clause 32.17.1 outlines the requirement for planning approval for the sign and states as follows:

> (a) For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring the prior approval of the local government, except as otherwise provided in Schedule C.
>
> Such development approval is required in addition to any licence pursuant to the local government's local laws.

Some specific scheme provisions are discussed in the body of this report.

POLICY IMPLICATIONS

There are no known policy implications associated with this matter.

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

There will be financial and resource implications in the event that the applicant appeals against the decision by Council through the State Administrative Tribunal.

STRATEGIC IMPLICATIONS
There are no known strategic implications.

RISK MANAGEMENT
There are no known risks associated with the proposed development.

VOTING REQUIREMENTS
Simple Majority Required

SIGNATURES

Author	*L Bushby*
Chief Executive Officer	*P Anderson*
Date of Report	11 October 2018

Attachment 4

Applicants site plan with adjacent development drawn on by Town Planning Innovations

ATTACHMENT # 1

PROPOSED USE OF SEA CONTAINERS FOR STORAGE & ADVERTISING

Lot 30 (No. 23253) North West Coastal Highway, Meadow

Prepared by

ALTUS PLANNING

September 2018

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Contents

1.0 Background 1
1.1 Purpose 1
1.2 Property Description 1
2.0 Proposal 2
3.0 Planning Considerations 3
3.1 Shire of Shark Bay Local Planning Scheme No. 3 3
4.0 Other Considerations 5
4.1 Main Roads WA Policy and Application Guidelines for Advertising Within and Beyond State Road Reserves 5
4.2 Planning and Development (Local Planning Schemes) Regulations 2015 6
5.0 Conclusion 7

1.0 Background

1.1 Purpose

This submission has been prepared by Altus Planning on behalf of the Billabong Homestead Hotel Motel ('the Applicant') to provide justification for the planning application for the use of sea containers for storage and advertising ('the proposed development' or 'proposal') at Lot 30 (No. 23253) North West Coastal Highway, Meadow ('the subject land' or 'site').

Copies of the following are also provided with this application:

- Application for Planning Approval Form;
- Certificate of Title;
- Schedule 7 – Additional Information for Advertisements Form; and
- Scaled copies of the site plan and elevations.

1.2 Property Description

The subject land measures approximately 31,019m^2 (3.1019 hectares) and currently exists with a restaurant (tavern/café), short term accommodation units, a caravan park and a service station at what is otherwise known as the 'Billabong Homestead Hotel Motel'.

The land is bound by North West Coastal Highway to the east, the Billabong Roadhouse (Lot 2 North West Coastal Highway) to the north and crown land to the west and south.

An aerial image with cadastral overlay of the subject land and immediate surrounding locality is provided at Figure 1 overleaf.

Figure 1: Aerial imagery with cadastral overlay of subject land and surrounds (Source: Landgate's Map Viewer Plus 2018)

2.0 Proposal

The Applicant is seeking to obtain planning approval to situate two (2) standard 20-foot sea containers (stacked on top of one another) at the north-eastern and south-eastern corners of the subject land (i.e. a total of 4 sea containers).

Specifically, it is proposed that the bottom containers in each stack will be used for storage of goods and materials, with the bottom container to the north used to store yard tools and various building and maintenance materials, whilst the bottom container to the south is to store bulk dry goods and Shell-related products for the fuel shop. The top containers on each stack will remain empty and be utilised for billboard style advertising.

The north-eastern sea containers will be setback approximately 10m from the northern boundary and 2m from the eastern boundary, whilst the south-eastern containers will be setback approximately 10m from the southern boundary and 12m from the eastern boundary (approximately 1m inside the caravan park fence).

The sea containers will be connected by four (4) container twist locks, mounted on two (2) purpose-built concrete container blocks and tethered to 12mm reo (reinforcing) bar lock points via 10mm chain.

It is not intended that either water or electricity will be connected to the sea containers and nor is the signage to be illuminated.

The specific details of the signage have been included within the Schedule 7 form but essentially it entails 6.0m (l) x 2.5m (h) powder coated aluminium sheets affixed to the outward elevations of the sea container stacks (i.e. the northern elevation of the northern sea containers and the southern elevation of the southern sea containers) which will advertise the operations on the subject land. A 6.0m x 2.5m powder coated aluminium sheet will also be affixed to the southern elevation of the northern sea containers directing customers to the parking area.

As noted in the Schedule 7 form, the containers will be painted white and there will be no evidence of any previous markings or notations relating to their former use.

3.0 Planning Considerations

3.1 Shire of Shark Bay Local Planning Scheme No. 3

The subject land is zoned 'Special Use' pursuant to the Shire of Shark Bay ('the Shire') Local Planning Scheme No. 3 ('LPS3' or 'the Scheme').

Pursuant to clause 4.2 of LPS3, the objectives of the 'Special Use Zone' are stated as follows:

> *"The objective of the zone is to provide the appropriate development control to a land use or combination of land uses that are consistent with the character and amenity of the locality but by their nature require specific consideration."*

In terms of advertisements, clause 5.12.1 of LPS3 stipulates that advertisements are considered development and therefore requires the approval of the local government. Subclause b) requires that the application for approval be accompanied by a completed 'Additional Information for Advertisements Form' as set out in Schedule 7 and such a form has been provided with this application.

Clause 5.15.3 of LPS3 states that:

> *"Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, the local government shall examine each such application in the light of*

the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected."

In relation to the above, the aims of the Scheme are provided at clause 1.6 and state as follows:

a) *to retain the character of the townsite of Denham and to derive and implement Policy Statements to obtain this objective;*

b) *to set aside land for the continued development of the town in areas appropriate for urban development;*

c) *to impose special conditions for development of land within Denham to mitigate the adverse affects (sic) of land subject to inundation and other physical constraints;*

d) *to set policies for the preservation of sites of historic and heritage value;*

e) *to protect and enhance the environmental values and natural resources of the local government area and promote ecologically sustainable land use and development;*

f) *to implement policies for the use of rural and other land in compliance with the objectives of the World Heritage listing of the region; and*

g) *to provide development policies and controls for the purpose of maintaining the orderly and properly planned use and development of land within the Scheme Area.*

These aims largely relate to the townsite of Denham which is located approximately 145km to the north-west of the subject land as the crow flies (or approximately a 177km drive). Furthermore, the subject land is not known to have any significant environmental, historic or heritage values which require preservation or enhancement and therefore it is considered that the proposed development will not be contrary to the aims of the Scheme.

As for the zone objectives previously stated, the only other development in the immediate locality is the adjoining Billabong Roadhouse which abuts the subject land to the north. This property similarly exists with a service/fuel station and accommodation units, and also exists with a number of signs along its eastern boundary which are visible from the highway. Accordingly, the proposed addition of billboard style advertising on the subject land is considered to be consistent with the existing character and amenity of the immediate locality.

In terms of the 'storage' component at the base of the advertisements, this is considered to be incidental to the existing and approved uses at the subject land as the goods and materials that are being stored are associated with those operations.

4.0 Other Considerations

4.1 Main Roads WA Policy and Application Guidelines for Advertising Within and Beyond State Road Reserves

In preparing this application, consideration has also been given to Main Roads WA's Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves ('MRWA Guidelines'). As the proposed development will be located outside of the highway reserve, the relevant assessment criteria is set out in Section 5 of the MRWA Guidelines. These criteria are addressed as follows:

Display

The proposal is considered to satisfy the 'display' conditions outlined in section 5.3.1 of the MRWA Guidelines for the following reasons:

- The advertising will be static and non-digitalised, it will therefore have no transitional effects or illumination to cause driver distraction;
- The advertising will be simple with no confusing or dominating backgrounds; and
- The primary textual elements of the proposed advertisement (e.g. business name and offerings) will be legible for drivers travelling at the normal road operating speed.

Location

The proposal is also considered to satisfy the 'location' conditions outlined in section 5.3.2 of the MRWA Guidelines for the following reasons:

- The proposal is not located within a Device Restriction Area;
- The proposal is not located within 2km of an information bay on the same route; and
- The proposal is not located within driver sightline areas.

Content

The proposal is also considered to satisfy the 'content' conditions outlined in section 5.3.3 of the MRWA Guidelines for the following reasons:

- The proposed advertising does not contain colours or shapes that are considered to be easily mistaken for traffic signals/signs;
- The proposed advertising is not considered to contain any symbols, graphics or text which entices immediate turns or lane changes; and

- The proposed advertising content does not contain any complicated or long website, social media or email addresses, nor does it provide text messaging instructions.

Movement and Rotation

As for the 'movement and rotation' conditions outlined in section 5.3.4 of the MRWA Guidelines, this section does not apply in this instance as the proposal does not contain any moving advertising or variable messages.

Road User Amenity

Section 5.4 of the MRWA Guidelines states that advertising signs are to be excluded from road sections offering significant visual aesthetic value for motorists where the display of such signage will detract from the visual amenity for motorists.

The locality of the proposal is not considered to offer any significant visual aesthetic value for motorists and furthermore, it is not considered that the advertising will adversely impact on amenity or character of the locality.

Having regard to all of the above, it is submitted that the proposed development is consistent with the MRWA Guidelines. Furthermore, the Applicant acknowledges that separate approval may also be required to be sought from Main Roads WA.

4.2 Planning and Development (Local Planning Schemes) Regulations 2015

The Shire is to have due regard to the relevant matters set out in clause 67 of the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015 ('LPS Regulations')*, including:

(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area

As outlined in section 3.1 of this report, the proposal is considered to be consistent with the aims and provisions of LPS3 as they relate to the control of advertisements and 'Special Use Zone No. 7'.

(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or other land in the locality

The principal land uses that have been approved on site will remain, this proposal is simply seeking to add advertising at both ends of the property, as well as incidental storage associated with the existing operations. Given that the adjoining property to the north (which is the only other development within immediate proximity) similarly exists with a fuel station, accommodation units

and various advertising structures within the front setback area, we submit that this proposal is compatible with the adjoining development.

(n) the amenity of the locality

Again, the subject land and the adjoining property to the north are considerably isolated from other developed land parcels along this stretch of the North West Coastal Highway and both exist with similar developments. Furthermore, the land that abuts the highway reserve in the broader area is not considered to possess any significant landscape value and for these reasons, we submit that the proposal is in keeping with the existing amenity of the locality.

(zb) any other planning consideration the local government considers appropriate

As outlined in section 4.1 of this report, consideration has been given to the MRWA Guidelines and it is considered that the proposal is consistent with (and capable of adhering to) the relevant conditions. It is also understood that approval may need to be sought direct from Main Roads WA as a separate process.

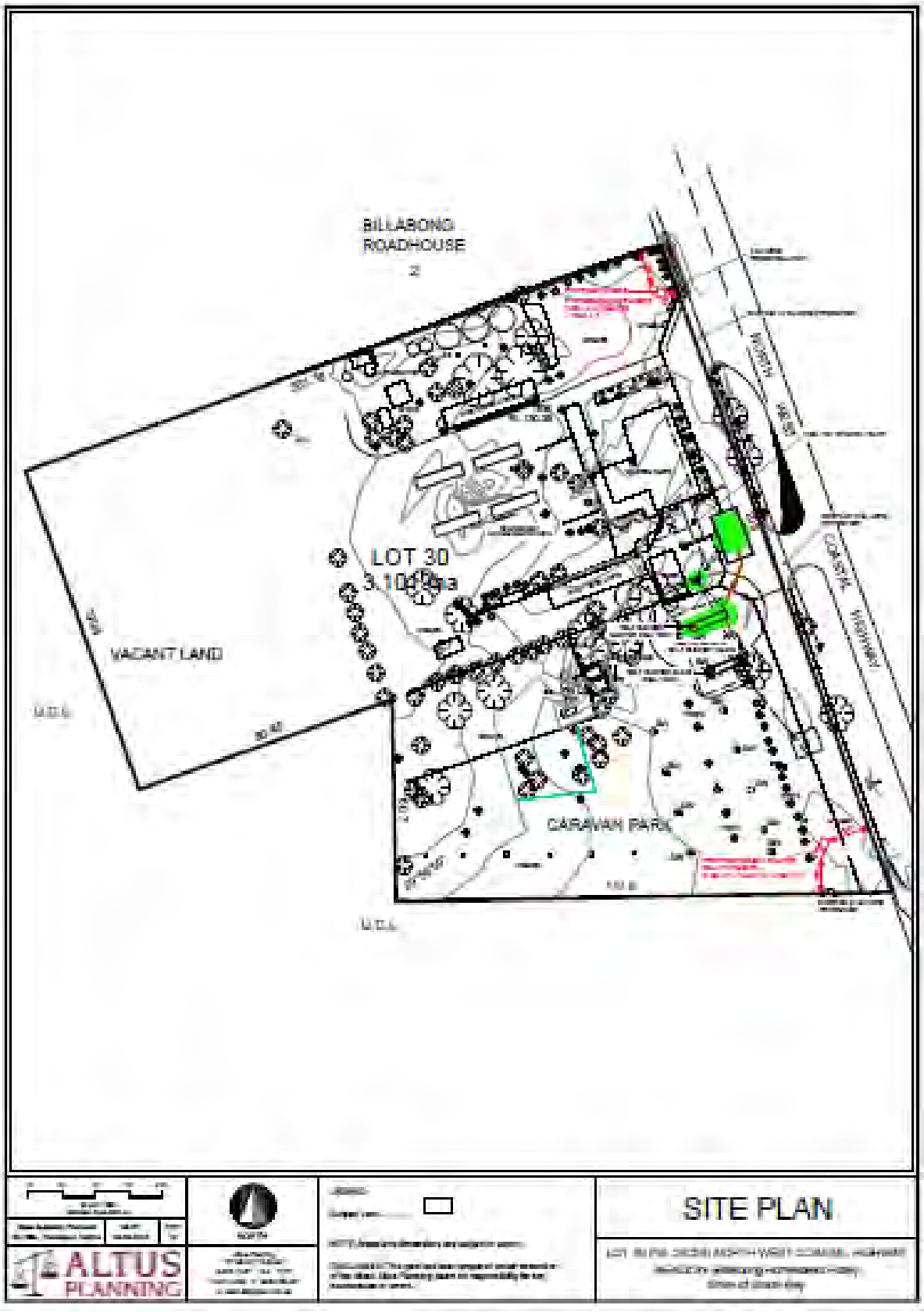
5.0 Conclusion

The Applicant is seeking planning approval for the placement of four (4) sea containers on the subject land for the purposes of storage and advertising. The sea containers are proposed to be double-stacked located at the northern and southern extents of the site, visible to passing motorists. The containers will be painted white and will present as an innovative and contemporary adaption for use as both storage and as supporting structures for signs.

For the reasons outlined within this report, the proposal is considered to be consistent with the relevant aims and provisions of the Shire's LPS3, as well as the existing amenity and character of the locality and surrounding development. Furthermore, the application has been prepared with consideration given to the relevant conditions/requirements outlined in the MRWA Guidelines. Accordingly, it is considered that this application warrants approval.

We trust this information is to your satisfaction and welcome the opportunity to review any draft suite of conditions of approval prior to any determination. We otherwise look forward to your prompt and favourable determination.

Altus Planning


BILLABONG
ROADHOUSE
LOT 30
3.104 ha
VACANT LAND
CARAVAN PARK
SITE PLAN
ALTUS
PLANNING

ATTACHMENT # 2

PLANNING & LOGISTICS

28 September 2018

Chief Executive Officer
Shire of Shark Bay
65 Knight Terrace
DENHAM WA 6537

Attention: Paul Anderson

Dear Paul,

PROPOSED SEA CONTAINERS FOR STORAGE & BILLBOARD SIGNS – LOT 30 NORTH WEST COASTAL HIGHWAY, MEADOW

WA Planning & Logistics writes on behalf of its client Jacques Tranquille to lodge an objection in relation to the placement of sea containers at Lot 30 North West Coastal Highway, Meadow.

We strongly suggest that this proposal cannot be supported given its non-compliance with the provisions of the Scheme and the undesirable precedent its sets for the minimum standard the Council will accept for development.

To depart from the requirements of a Scheme a proposal needs to demonstrate outstanding merit or legitimate cause. It needs to be emphasised that any such application is still required to meet with the objectives and intent of the local planning scheme in order for an application to be supported by Council and be considered a legitimate planning decision.

This application does not achieve any level of justification that could even begin to provide a burden of proof to suggest that this is a suitable development under the requirements of the Scheme. It is destructive in its intent by knowingly obscuring an adjoining business, it is aggressive in its positioning destroying any sense of streetscape or amenity, contradictory with the requirements of the Scheme, conflicting to the requirements of the deemed provisions, and an application that should not be supported or tolerated as acceptable development within this or any local government area.

ORDERLY AND PROPER PLANNING

We would like to point out that this objection it not to the land uses themselves. It is acknowledged that the use of storage and signage associated with any business is expected. This objection is raised out of the need to ask the Shire to apply proper and orderly planning to the locality to ensure that storage and signage is of an appropriate scale, design and location, that does not detrimentally affect the amenity and character of this locality.

This development does not meet the requirements and intent of the Scheme and those matters relevant within clause 67 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

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PLANNING & LOGISTICS

The Scheme requires that development meets with the following objective of the 'Special Use Zone':

> *"The objective of the zone is to provide the appropriate development control to a land use or combination of land uses that are consistent with the character and amenity of the locality but by their nature require specific consideration."*

Relevant points within Section 10.2 of the Scheme, matters to be considered by a local government:

> *'a) the aims and provisions of the Scheme;*
> *b) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
> *i) the compatibility of a use or development with its setting;*
> *n) the preservation of the amenity of the locality;*
> *o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;"*

Clearly section 10.2 demonstrates a need for development to be assessed for its suitability upon the land with emphasis on its visual appearance, connection to existing development, potential impact on surrounding land and appropriateness of scale and bulk. This application does not meet this expectation of the Scheme.

Relevant points within Clause 67 of the Deemed Provisions of the Regulations, matters to be considered by a local government:

> *"(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
>
> *(n) the amenity of the locality including the following —*
> *(i) environmental impacts of the development;*
> *(ii) the character of the locality;*
> *(iii) social impacts of the development;*
>
> *(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;"*

Again the deemed provisions provide for matters to be considered by the local government that are not being met by this application.

Section 5.15.3 which relates specifically to signage which states:

> *"Consideration of Applications Without limiting the generality of the matters which may be taken into account when making a decision upon an application*

PLANNING & LOGISTICS

for consent to erect, place or display an advertisement, the local government shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected."

The signage is oversized and out of context within its setting. The height at which it will be positioned is dominant within the streetscape and not in keeping with the character and scale of signage and built form within the area.

The following report details how this application does not meet with the specific requirements of the Scheme which local government is to have regard for when determining an application.

COMPATIBILITY WITH SETTING

The question that needs to be asked is whether Council considers that sea containers stacked on top of each with 15m^2 billboard signage raised 2.6m-5.2m into the air is a form of development compatible with existing development and the amenity and character of the area. If a commercial premise in Shark Bay townsite submitted an application for two sea containers stacked on top of each other with a massive sign would it be considered appropriate? Figure 1 below is an image of two stacked sea containers of the same size as proposed. I would venture to say that this would not be acceptable at any of the Denham or Monkey Mia's short stay accommodation sites, fuel stations, restaurant and cafe sites.

While we would acknowledge that this property is not located within an official gazetted townsite, and albeit remote location, we would strongly promote that the development still requires the same level of scrutiny and assessment. Whilst this property is zoned 'Special Use' the Shire's Local Planning Scheme is silent on the use of sea containers for all zones and therefore development is assessed against the same provisions of the scheme and deemed provisions for suitability. Just because a site is remote does not provide opportunity for lower standards or relaxation of requirements. These properties are the face of business for all traffic heading north and south along the coast and it is important that they are developed in an intentional and compliant manner.

Figure 1 – Examples of two 6m long sea containers stacked

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CHARACTER OF THE AREA

The character of the area is two properties being used for commercial purposes. Built form is single storey in construction with similar setbacks to the roadway. The setting for this proposal is upon a property being used as a restaurant, short term accommodation, caravan park and service station. Alongside another commercial premise being used as a fuel station and short stay accommodation and being surrounded by undeveloped expanses of remnant vegetation. Both the existing development and lot to the north have been developed with high quality facades and incidental development that is in keeping with their land uses and zoning potential.

We would submit that the sea containers are not in keeping with this established character being of an industrial nature that exhibits no design or built form that presents visually attractive or in keeping with development within the area. The issue is not with having sea containers upon the property itself. It is the use of a sea container in a prominent position, forward of the established front boundary setback for the area clad with a dramatically oversized billboard sign.

The inappropriateness to locate sea containers in the front setback and/or prominent location is reflected in the way local governments across Australia prevent the siting of sea containers in front setbacks and in locations that are not clustered with existing development. Sea containers are not permitted to be sited in locations that would cause them to be dominant upon a site.

To provide some context to these comments the City of Greater Geraldton, Shire of Chapman Valley, Shire of Coorow, Shire of Three Springs, Shire of Carnamah, Shire of Perenjori and Shire of Northampton all do not allow for sea containers to be placed in the front setback for all zones. This includes zones such as commercial, industrial, residential, tourism sites and accommodation zones.

This is important to note as all townsites and localities are developed similarly and require clear guidelines as to appropriate construction form, materials, location as this assists to establish areas of character and high amenity, places that are clearly legible for visitors encouraging movement between sites and through this encourage growth and development of an area. This use of sea containers and associated signage is visually abrupt and is not something that should be encouraged.

Coupled with the inappropriate placement of the sea container structures is the oversized billboard signage. In an area with only one other potential place of business as competition and 100km of undeveloped land either side there is no need for excessively sized advertising, especially where it is obstructing views within the established street setback area and the line of sight to neighbouring premises and previously approved signage. This is not in keeping with the amenity of the locality and will again, like the height and bulk of the sea containers, add to the overbearing dominance of the structures upon the land.

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IMPACT ON STREETSCAPE

The negative impact this proposal will have on the existing streetscape is one of the most important aspects that needs to be addressed. There is an established and well defined streetscape for the two lots that make up this locality that ensure that development is in keeping with the character and amenity of the area.

As Figure 2 illustrates there is an established setback distance for built development. All other development forward of this setback line is either landscaping or structures that have been built to prevent visual obstruction to the established streetscape and view between properties.

Figure 2 – Location of sea containers northern end

This is also relevant for the sea containers stacked on the southern end of the property. This will be the first structure that will be seen by users travelling north and as such there should be a greater emphasis on encouraging development of a high quality that represents commercial activities in line with the land uses previously approved for the site. When travellers are heading south then they will be met with the back of the stacked sea containers with no indication of what two sea containers are doing stacked on top of each other at the front of the lot. Sea

PLANNING & LOGISTICS

containers are industrial in their use and construction and not appropriate to be placed in prominent locations. This is especially the case when no effort has been made to provide a design that provides a visually pleasing façade that accurately represents a commercially operated lot and the very prominent and open position each stack of containers is being given.

Section 5.13.8 – View Corridors of the Scheme specifically states in relation to preventing this scenario:

> *"The local government shall not permit the erection of any structure which, in its opinion, would spoil or detract from the visual amenity as viewed from any road, vantage point or public place with the exception of authorised directional and information signs posting or notice boards."*

It is our view that these structures will dominate the streetscape of the locality given their exposed location and industrial construction which is not in keeping with the design and construction materials of existing development. View corridors are generally referring to places of scenic beauty but it is also relevant to streetscape assessment to ensure that an area develops with the orderly and proper planning intended by a Scheme. With only two businesses in the Meadow locality it is important to preserve the amenity of the area by representing a coherent and legible hub that maintains its character and represents an area that provides an atmosphere where visitors feel they can move freely between the established businesses and the shared parking adjacent.

HEIGHT, BULK, SCALE, ORIENTATION AND APPEARANCE OF THE DEVELOPMENT

The proposal of stacked sea containers is considered an unsuitable for the following reasons:

- Not matching to the scale and design of existing built development upon the site or surrounding area
- Structure will still appear to look like sea containers
- Sea containers are visually unattractive and do not represent the quality of built development one would anticipate and expect from a commercial premise
- Does not present a high standard of development to North West Coastal Highway, the main tourist road in the area
- Given the generally slower commercial growth of remote areas this development will stay in this current form for years or even decades with no upgrade. Sea containers are prone to rusting which will show clearly up against white paint
- Painting a sea container or cladding the front and rear elevations of the top containers will not visually improve their appearance or make them appear more in keeping with the existing development onsite.
- The containers will be visually dominant upon the property, highlighting the use of sea containers as opposed to the commercial elements of the property where customers spend time
- The people travelling south will be met with a view of double height sea containers on southern end of property, no signage, no cladding no visual improvement, just two sea containers stacked.
- It is generally accepted by local governments that sea containers are not an appropriate form of construction unless they are significantly modified and incorporated into an overall design. Sea containers are only permitted to be left 'as is' when they are located

PLANNING & LOGISTICS

behind and out of view where their visual appearance cannot determinately impact an area

- Lack of design elements that create visual interest and blend the development with existing onsite buildings
- Lack of connection of the development to the property itself, the road network and surrounding area

The proposal of billboard signage is unsuitable for the following reasons:

- A 6.06m x 2.59m sign (15.7m2) is excessive and inappropriate to the scale and proportion of existing signage and development of the area
- Billboard signage is not intended for close proximity advertising and will dominate the visual character of the area given their enormous size and elevated position some 2.59m to 5.2m above the ground
- Billboard signage is used for remote advertising and safety messages and the like. It is not intended to be used as advertising for property upon which it is located, especially in a location where traffic must traverse the property
- It is emphasised that billboard signage is likely to be unsupported in a townsite given the visual noise it creates, this lot should not be assessed differently given the character of the area
- The scale and height of the signage is inappropriate to the single storey low profile existing buildings and predominately low remnant vegetation and landscaping.
- The area is not characterised by large scale dominating signage, all existing signage is of a scale, design and orientation that is appropriate to the locality and land uses.
- The orientation of the signage on the northern aspect of the property is being used to intentionally block views and line of sight of traffic towards the business to the north.

IMPACT ON ADJOINING PROPERTY

This sea container structure and signage will become an obscuring construction preventing views from the road network to both properties as users travel north and south and also completely block the street setback area preventing clear lines of sight between the two businesses. This impact on the streetscape is damaging to how the area will be perceived at it creates a physical barrier both physically and visually.

This intentional placement of built form to obscure is inappropriate and not in keeping with the character and amenity of a locality. This intention to block views towards the lot to the north is demonstrated through previous compliance action undertaken by the Shire that was required with the deliberate parking of a vehicle with panel attached to block the approved signage and view to the premises located on Lot 2.

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Figure 3 – Blocking of signage by unapproved parked truck with affixed panel

BETTER DESIGN SOLUTION

Storage and signage are the key land uses of this application. There is no apparent reasoning for the sea containers to be located in the front setback in a dominant location as put forward by this proposal besides the fact they are being used as the 'frame' for billboard style signage and to obscure views to the adjoining property. This is not a reason in itself to justify locating inappropriate built form within a front setback.

If storage is what the applicant requires there is ample space within the property to locate them in a position behind and clustered with existing development to minimise the visual impact upon the property and as seen from the road. If the containers weren't stacked then they affectively double their storage capacity being able to now use all four containers.

This leaves signage. There are any number of design solutions that would meet the requirements of the Scheme in relation to siting, scale, bulk and appearance. We do not object to signage on the adjoining property, only that this signage would be of a scale, design and position in keeping with the amenity and character of the locality. That the signage wouldn't be used to obscure and dominate the streetscape but work with the character of the area in a way that complements the existing built form and land uses per the requirements of the Scheme.

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CONCLUSION

Sea containers are like the plumbing of a house, completely necessary but no one wants to see it. Whilst it may be suggested as a new and innovative way to use sea containers I would propose stacking two white sea containers on top of each other is not exactly the lateral thinking that this kind of statement conjures in the mind.

To be compatible a land use needs to appear appropriate within its context, seeming like a premeditated acceptability and driven by a local governments Scheme and the land uses that have been previously considered and deemed appropriate for a site.

This development lacks the built form and land use that the Scheme clearly describes for the property. Scheme requirements heavily relate to the visual appearance of proposed development such as scale, height, setting, which confirms that there is a high expectation to clearly demonstrate how these matters have been addressed to ensure the character and amenity of an area is not detrimentally affected. This development does not achieve this intent which is especially important given the lots location on a major tourism route and the number of visitors to site daily. To deviate from these requirements an application is required to demonstrate superior qualities and reasoning of which this application cannot achieve given the choice of location, building form and scale.

Trusting that this correspondence and the enclosed information meets with your requirements, however, should further information be required please do not hesitate to contact Kathryn Jackson on 0459 186 171.

Yours faithfully,

Kathryn Jackson
TOWN PLANNER | BUSHFIRE CONSULTANT

www.waplanning.com.au

ATTACHMENT # 3

NO	SUMMARY OF SUBMISSION	APPLICANT RESPONSE	OFFICER COMMENTS (TOWN PLANNING INNOVATIONS)
1a	WA Planning & Logistics writes on behalf of its client Jacques Tranquille to lodge an objection to the placement of sea containers at Lot 30 North West Coastal Highway, Meadow.	Noted.	Noted.
1b	This proposal cannot be supported given its non-compliance with the provisions of the Scheme and the undesirable precedent its sets for the minimum standard of development.	For the reasons outlined in the justification report that accompanied the application and the more specific considerations below, the Applicant is of the view that the proposal is consistent with the relevant aims and provisions of the Shire's LPS3, as well as the existing amenity and character of the locality and surrounding development.	Scheme No 3 is no longer operative and the application is to be determined under the Shire of Shark Bay Local Planning Scheme No 4. Irrespective, of the Scheme, Council has to consider specific matters as required under Clause 67 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 such as the relationship to adjacent development, the scale and bulk, amenity and character of the locality. As outlined in the agenda report Town Planning Innovations is of the view that the proposed development will have a negative impact on the character of the locality.
1c	To depart from the requirements of a Scheme a proposal needs to demonstrate outstanding merit or legitimate cause. Any such application is required to meet with the objectives and intent of the local planning scheme.	As above, the Applicant submits that the proposal does not depart from the Scheme requirements. This is covered in more detail in sections below.	Comments noted and represent two different views from town planners advocating on behalf of the respective clients.
1d	This is an unsuitable development, is destructive in its intent by knowingly obscuring an adjoining business, it is aggressive in its positioning destroying any sense of streetscape or amenity, contradictory with the requirements of the Scheme. It conflicts with the requirements of the deemed provisions, and should not be supported or tolerated as acceptable development within this or any local government area.	The Applicant is proposing the signage to advertise his business to passing motorists (travelling both north and south) in a similar manner to the neighbour who offers similar services. It is submitted that there is no planning policy which infers a right to an unobstructed view shed across someone else's property. As for any amenity impacts and any conflict with Scheme requirements, these have been addressed in response to the other comments.	As per 1b and 1c.
1e	<u>Orderly and proper planning</u> Shire is requested to apply proper and orderly planning to the locality to ensure that storage and signage is of an appropriate scale, design and	The Applicant disagrees that the development does not meet the requirements and intent of the Scheme or the matters set out in clause 67 of the Deemed Provisions	As per 1b and 1c.

	location that does not detrimentally affect the amenity and character of this locality. This development does not meet the requirements and intent of the Scheme or matters set out under clause 67 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.	for the reasons provided within the Applicant's justification report and this response.	
1f	The Scheme requires that development meets with the objective of the 'Special Use Zone' which states *"The objective of the zone is to provide the appropriate development control to a land use or combination of land uses that are consistent with the character and amenity of the locality but by their nature require specific consideration."*	In relation to advertising, clause 5.15.3 of the Scheme requires the local government to examine each application in light of the objectives of the Scheme and for the reasons provided within the Applicant's justification report, the proposal is considered consistent with the character and amenity of the locality for the reasons stated in the initial justification report and this response.	As per 1b and 1c.
1g	Section 10.2 of the Scheme sets out matters to be considered by a local government. Section 10.2 demonstrates a need for development to be assessed for its suitability upon the land with emphasis on its visual appearance, connection to existing development, potential impact on surrounding land and appropriateness of scale and bulk. This application does not meet this expectation of the Scheme.	Section 10.2 of LPS3 has been superseded by clause 67 of the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.	As per 1b and 1c.
1h	Clause 67 of the Deemed Provisions of the Regulations also lists matters to be considered by a local government. Again the deemed provisions provide for matters to be considered by the local government that are not being met by this application.	For the reasons contained within the Applicant's justification report, we submit that the proposal is appropriate having regard to the relevant considerations under clause 67. Specifically: • The proposal is considered consistent with the aims and provisions of LPS3 as they relate to the control of advertisements and 'Special Use Zone No. 7'; • The principal land uses that have been approved on site will remain and given that the adjoining property to the north similarly exists with a fuel station, accommodation units and various signage structures within the front setback area, is compatible with the adjoining	As per 1b and 1c.

		development and in keeping with the existing amenity of the locality; and • Due consideration has been given to the Main Roads Western Australia Guidelines and the proposal is considered consistent with (and capable of adhering to) the relevant conditions/requirements. This has been evidenced by Main Roads' own comment on this proposal.	
1i	Section 5.15.3 relates specifically to signage and states '…*the local government shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.'* The signage is oversized and out of context within its setting. The height at which it will be positioned is dominant within the streetscape and not in keeping with the character and scale of signage and built form within the area. The following details how this application does not meet with the specific requirements of the Scheme which local government is to have regard for when determining an application.	The maximum height of the proposed development is considered consistent with the height of the illuminated pylon sign that exists within the front setback area of the adjoining property to the north.	As per 1b and 1c.
1j	<u>Compatibility with setting</u> The issue is does Council consider that sea containers stacked on top of each with 15m^2 billboard signage raised 2.6m-5.2m is a form of development compatible with existing development and the amenity and character of the area. If a commercial premise in Shark Bay townsite submitted an application for two sea containers stacked on top of each other with a massive sign would it be considered appropriate? This would not	This proposal should be considered against the planning framework that is applicable to the subject land, not the planning framework that applies in other townsites or	As per 1b and 1c.

	be acceptable at any of the Denham or Monkey Mia's short stay accommodation sites, fuel stations, restaurant and cafe sites. We would acknowledge that this property is not located within an official gazetted townsite, and albeit remote location, we would strongly promote that the development still requires the same level of scrutiny and assessment. The Shire's Local Planning Scheme is silent on the use of sea containers for all zones and therefore development is assessed against the same provisions of the scheme and deemed provisions for suitability. The sites remoteness does not provide opportunity for lower standards or relaxation of requirements. These properties are the face of business for all traffic heading north and south along the coast and it is important that they are developed in an intentional and compliant manner.	zones. To that extent, it is emphasized that the subject land is located within one of the Shire's Special Use Zones and as per the zone objective, requires specific consideration due to its nature. Furthermore, it is submitted that if sea containers and/or billboard signage was to be prohibited either within 'Special Use Zone No. 7' or the municipal area more generally, this would be reflected within LPS3. Instead, what we have is a zone objective and an advertising provision requiring consideration of the character and amenity of the locality, as well as historic or landscape significance and traffic safety. As was outlined in the Applicant's justification report, the adjoining property to the north is the only other developed site within the locality of Meadow and similarly exists with a fuel station and accommodation units, as well as various signage structures within the front setback area. Accordingly, the proposed development is considered compatible with the existing development and amenity of the area.	
1k	<u>Character of the area</u> The character of the area is two properties being used for commercial purposes. Built form is single storey in construction with similar setbacks to the roadway. The setting for this proposal is upon a property being used as a restaurant, short term accommodation, caravan park and service station. Alongside another commercial premise being used as a fuel station and short stay accommodation and being surrounded by undeveloped expanses of remnant vegetation. Both the existing development and lot to the north have been developed with high quality facades and incidental development that is in keeping with their land uses and zoning potential.	The character of the area can be described as two commercial premises adjoining one another that exist with similar uses being fuel stations and accommodation units. The subject land also exists with a restaurant and a caravan park, all of which front the North West Coastal Highway. Both these properties have been developed incrementally over time and cannot be said to have a particular or notable design or architectural quality; they are functional and practical. Surrounding the subject land and adjoining property to the north, south and west, as well as the eastern side of the highway is large expanses of undeveloped land with remnant vegetation. There are no guidelines or policy requirements, of any kind, that govern or mandate particular requirements for streetscape, built form or any other historic, architectural or character themes. As such there is no prohibition or	As per 1b and 1c.

	The sea containers are not in keeping with this established character being of an industrial nature that exhibits no design or built form that presents visually attractive or in keeping with development within the area. The issue is not with having sea containers upon the property itself. It is the use of a sea container in a prominent position, forward of the established front boundary setback for the area clad with a dramatically oversized billboard sign. The inappropriateness to locate sea containers in the front setback and/or prominent location is reflected in the way local governments across Australia prevent the siting of sea containers in front setbacks and in locations that are not clustered with existing development. Sea containers are not permitted to be sited in locations that would cause them to be dominant upon a site. To provide some context to these comments the City of Greater Geraldton, Shire of Chapman Valley, Shire of Coorow, Shire of Three Springs, Shire of Carnamah, Shire of Perenjori and Shire of Northampton all do not allow for sea containers to be placed in the front setback for all zones. This includes zones such as commercial, industrial, residential, tourism sites and accommodation zones. This is important to note as all townsites and localities are developed similarly and require clear guidelines as to appropriate construction form, materials, location as this assists to establish areas of character and high amenity, places that are clearly legible for visitors encouraging movement between sites and through this encourage growth and development of an area. This use of sea containers and associated signage is visually abrupt and is not something that should be encouraged.	restriction on the use of sea containers as part of any development. To that extent, remote areas of the state often have a more practical and functional approach to development forms and materials. As for its location within the front setback area, we note that there are no minimum front setback requirements specified within the Scheme for 'Special Use Zone No. 7' and furthermore, no provisions which prohibit development forward of the existing building line. In terms of the submitter's reference to other local governments, the proposed development ought to be considered against the planning framework as it applies to the subject land; consideration of other local governments is not relevant in this instance. Furthermore, it is reiterated that LPS3 does not provide a prohibition to sea containers within the front setback area. In fact, there are no explicit setback requirements for 'Special Use Zone No. 7'. As above. If the Shire of Shark Bay wanted to prohibit this type of development and in the location proposed, then it ought to be reflected in LPS3.	

	Coupled with the inappropriate placement of the sea container structures is the oversized billboard signage. In an area with only one other potential place of business as competition and 100km of undeveloped land either side there is no need for excessively sized advertising, especially where it is obstructing views within the established street setback area and the line of sight to neighbouring premises and previously approved signage. This is not in keeping with the amenity of the locality and will again, like the height and bulk of the sea containers, add to the overbearing dominance of the structures upon the land. *Note: The objector included photographs of stacked sea containers in their submission.*		
1l	<u>Impact on Streetscape</u> The negative impact this proposal will have on the existing streetscape is one of the most important aspect that needs to be addressed. There is an established and well defined streetscape for the two lots that make up this locality that ensure that development is in keeping with the character and amenity of the area. The submission includes an aerial photo showing an established setback distance for built development. All other development forward of this setback line is either landscaping or structures that have been built to prevent visual obstruction to the established streetscape and view between properties. This is also relevant for the sea containers stacked on the southern end of the property. This will be the first structure that will be seen by users travelling north and as such there should be a greater emphasis on encouraging development of a high quality that represents commercial activities in line with the land uses previously approved for	The submitter's comments that the proposal is lacking in visual appeal is, in our view, subjective. As already stated in this response, the subject land and the adjoining property at Lot 2 have been developed incrementally over many years with no defined development style or form but rather they are functional and practical for their purposes as remote service stations and accommodation sites. Accordingly, it is considered that the proposed development will not adversely impact on the amenity or streetscape of the immediate area. In terms of what will be viewed by motorists travelling south along the highway, the submitter's comments are considered incorrect. Specifically, anyone travelling along the highway from the north will first see the developments on Lot 2, the northernmost component of this proposal, the existing building on the subject land and the Shell-branded blade sign. Accordingly, the proposal will not be the first or most prominent feature visible when coming from the north. Clause 5.13.8 of the Scheme relates to rural areas and it is noted that the subject land is not contained within a	As per 1b and 1c.

	the site. When travellers are heading south then they will be met with the back of the stacked sea containers with no indication of what two sea containers are doing stacked on top of each other at the front of the lot. Sea containers are industrial in their use and construction and not appropriate to be placed in prominent locations. This is especially the case when no effort has been made to provide a design that provides a visually pleasing façade that accurately represents a commercially operated lot and the very prominent and open position each stack of containers is being given. Section 5.13.8 – View Corridors of the Scheme specifically states in relation to preventing this scenario that "*The local government shall not permit the erection of any structure which, in its opinion, would spoil or detract from the visual amenity as viewed from any road, vantage point or public place with the exception of authorised directional and information signs posting or notice boards."* It is our view that these structures will dominate the streetscape of the locality given their exposed location and industrial construction which is not in keeping with the design and construction materials of existing development. View corridors are generally referring to places of scenic beauty but it is also relevant to streetscape assessment to ensure that an area develops with the orderly and proper planning intended by a Scheme. With only two businesses in the Meadow locality it is important to preserve the amenity of the area by representing a coherent and legible hub that maintains its character and represents an area that provides an atmosphere where visitors feel they can move freely between the established businesses and the shared parking adjacent.	'Rural' zone, but rather a 'Special Use Zone' and it is therefore contended that the land is not subject to this clause. Notwithstanding the above, we acknowledge that the land on the eastern side of the North West Coastal Highway and the land which is to the north, south and west of the 'Special Use Zone' is zoned 'Rural'. If there were broader and more expansive forms of development along the highway in this locality then some arguments could be made about the character of the streetscape but that is not the case. As such, the Applicant submits that the proposal will not spoil or detract from the visual amenity as viewed from the road as it is consistent with the types of development already existing on the subject land and the adjoining property at Lot 2. Furthermore, it is not considered that the proposed development will prevent access into the adjoining property.	

1m	<u>Height, bulk, scale, orientation and appearance of development</u> The proposal of stacked sea containers is considered an unsuitable for the following reasons: • Not matching to the scale and design of existing built development upon the site or surrounding area • Structure will still appear to look like sea containers • Sea containers are visually unattractive and do not represent the quality of built development one would anticipate and expect from a commercial premise • Does not present a high standard of development to North West Coastal Highway, the main tourist road in the area • Given the generally slower commercial growth of remote areas this development will stay in this current form for years or even decades with no upgrade. Sea containers are prone to rusting which will show clearly up against white paint • Painting a sea container or cladding the front and rear elevations of the top containers will not visually improve their appearance or make them appear more in keeping with the existing development onsite. • The containers will be visually dominant upon the property, highlighting the use of sea containers as opposed to the commercial elements of the property where customers spend time • The people travelling south will be met with a view of double height sea containers on southern end of property, no signage, no cladding no visual improvement, just two sea containers stacked.	For the reasons previously mentioned in the initial justification and this response, the proposal is not considered to adversely impact on the amenity and/or character of the surrounding locality. Specifically, the Applicant reiterates that: • There is no prohibition to the use of sea containers within the applicable planning framework; • Comments that sea containers are visually unattractive and do not represent the quality of built form one would expect on such a site is subjective; • The views of other local governments with respect to sea containers is irrelevant as the application to be considered on its merits against the applicable planning framework. In fact, many local governments acknowledge that sea containers are an accepted form of development and have policies that prescribe the maximum number of seas containers and the context in which they can be used; • Similarly, whether the proposal would be approved in a townsite such Denham or Monkey Mia is irrelevant as the site is not located within these areas; • There is no prohibition to billboard signage within the applicable planning framework and the signage is compliant with and capable of adhering to the relevant Main Roads Western Australia Guidelines; • The proposal does have a connection to the operations on-site as it is advertising the business; and • The neighbouring property does not have a right to unobstructed views across the subject land. The Applicant is able to develop their land and advertise their business as they desire, provided it is consistent with the relevant regulatory framework	As per 1b and 1c.

	• It is generally accepted by local governments that sea containers are not an appropriate form of construction unless they are significantly modified and incorporated into an overall design. Sea containers are only permitted to be left 'as is' when they are located behind and out of view where their visual appearance cannot determinately impact an area • Lack of design elements that create visual interest and blend the development with existing onsite buildings • Lack of connection of the development to the property itself, the road network and surrounding area The proposal of billboard signage is unsuitable for the following reasons: • A 6.06m x 2.59m sign (15.7m2) is excessive and inappropriate to the scale and proportion of existing signage and development of the area • Billboard signage is not intended for close proximity advertising and will dominate the visual character of the area given their enormous size and elevated position some 2.59m to 5.2m above the ground • Billboard signage is used for remote advertising and safety messages and the like. It is not intended to be used as advertising for property upon which it is located, especially in a location where traffic must traverse the property • It is emphasised that billboard signage is likely to be unsupported in a townsite given the visual noise it creates, this lot should not be assessed differently given the character of the area • The scale and height of the signage is inappropriate to the single storey low		

	profile existing buildings and predominately low remnant vegetation and landscaping. • The area is not characterised by large scale dominating signage, all existing signage is of a scale, design and orientation that is appropriate to the locality and land uses. • The orientation of the signage on the northern aspect of the property is being used to intentionally block views and line of sight of traffic towards the business to the north.		
1n	Impact on adjoining property This sea container structure and signage will become an obscuring construction preventing views from the road network to both properties as users travel north and south and also completely block the street setback area preventing clear lines of sight between the two businesses. This impact on the streetscape is damaging to how the area will be perceived at it creates a physical barrier both physically and visually. This intentional placement of built form to obscure is inappropriate and not in keeping with the character and amenity of a locality. This intention to block views towards the lot to the north is demonstrated through previous compliance action undertaken by the Shire that was required with the deliberate parking of a vehicle with panel attached to block the approved signage and view to the premises located on Lot 2.	The vehicle the subject of the previous compliance action has been moved and does not form part of this application. As for the placement of this proposal, it is reiterated that neither the subject land or adjoining property have any rights to unimpeded sightlines north or south.	As per 1b and 1c.
1o	<u>Better design solution</u> Storage and signage are the key land uses of this application. There is no apparent reasoning for the sea containers to be located in the front setback in	We submit that the application ought to be considered on its merits against the applicable planning framework and not against other possible design solutions. To this extent, it is reiterated that there is no provision within the Scheme and nor is there any local planning policy that	As per 1b and 1c.

	a dominant location as put forward by this proposal besides the fact they are being used as the 'frame' for billboard style signage and to obscure views to the adjoining property. This is not a reason in itself to justify locating inappropriate built form within a front setback. If storage is what the applicant requires there is ample space within the property to locate them in a position behind and clustered with existing development to minimise the visual impact upon the property and as seen from the road. If the containers weren't stacked then they affectively double their storage capacity being able to now use all four containers. This leaves signage. There are any number of design solutions that would meet the requirements of the Scheme in relation to siting, scale, bulk and appearance. We do not object to signage on the adjoining property, only that this signage would be of a scale, design and position in keeping with the amenity and character of the locality. That the signage wouldn't be used to obscure and dominate the streetscape but work with the character of the area in a way that complements the existing built form and land uses per the requirements of the Scheme.	we are aware of which prohibits the use of the front setback area. Similarly, there is no prohibition to the use of sea containers. Furthermore, whilst there may be ample space within the property to locate sea containers elsewhere, the Applicant is seeking approval for signage/advertising purposes which can be seen by passing motorists and the proposed locations are considered the most appropriate for this purpose. As for the submitter's comments that the sea containers should only be single stacked to effectively double the amount of storage, such an amount of storage is not required by the Applicant otherwise it would have been proposed. The proposal has been designed to meet the Applicant's needs which is for increased signage fronting the highway and storage; in our view, stacked sea containers are a cost effective, contemporary and innovative design solution to incorporate both elements into the one 'structure'.	
1p	Conclusion Sea containers are like the plumbing of a house, completely necessary but no one wants to see it. Whilst it may be suggested as a new and innovative way to use sea containers I would propose stacking two white sea containers on top of each other is not exactly the lateral thinking that this kind of statement conjures in the mind. To be compatible a land use needs to appear appropriate within its context, seeming like a	The submitter's comment that sea containers are "completely necessary but no one wants to see it" is subjective at best. Sea containers are fast being used as an innovative and contemporary form of development, and it is considered that this proposal will present as such. Specifically, the proposal is considered an innovative and contemporary adaptation of sea containers for both storage and as a supporting structure for signage in a similar manner to that which currently occurs elsewhere in the State.	As per 1b and 1c.

	premeditated acceptability and driven by a local governments Scheme and the land uses that have been previously considered and deemed appropriate for a site. This development lacks the built form and land use that the Scheme clearly describes for the property. Scheme requirements heavily relate to the visual appearance of proposed development such as scale, height, setting, which confirms that there is a high expectation to clearly demonstrate how these matters have been addressed to ensure the character and amenity of an area is not detrimentally affected. This development does not achieve this intent which is especially important given the lots location on a major tourism route and the number of visitors to site daily. To deviate from these requirements an application is required to demonstrate superior qualities and reasoning of which this application cannot achieve given the choice of location, building form and scale.		

16.2 SHARK BAY COMMUNITY MEN'S SHED
P4071 / RES40344

AUTHOR
Executive Manager Community Development

DISCLOSURE OF ANY INTEREST
Declaration of Interest: Cr Laundry
Nature of Interest: Impartiality Interest as committee member

Moved Cr Ridgley
Seconded Cr Bellottie

Council Resolution
That Council agree to the provision of up to $20,000 in the draft 2019/2020 budget for site works on Shire Reserve 40344 – Shark Bay Bowling, Sport and Recreation Club Inc. for the development of a Men's Shed,

And

That Council agrees for the Shire Administration to apply for a Lotterywest grant on behalf of the Shark Bay Men's Shed.

5/0 CARRIED

BACKGROUND
The Shark Bay Men's Shed was formed on the 8 March 2018 followed by an Annual General Meeting on the 18 July 2018. The Objectives of the Association are:

- To address the issues of men's mental, physical and emotional health and well-being in the community of Shark Bay;
- To encourage the elderly, differently abled, youth, veterans, indigenous and other groups of men in Shark Bay to specifically address any issues of loneliness, isolation or depression;
- To support the social interaction of men in transitional periods (e.g. separation, redundancy, bereavement, retirement, ill-health, relocation and respite care);
- To share, disseminate and preserve skills, abilities and interests that are relevant to the community;
- To facilitate links between men and health-related agencies, family organisations and specialist health professionals and programs within the community;
- To develop a Men's Shed which can operate on a cost-neutral basis, that is, ongoing costs can be met or exceeded by its revenue;
- To initiate and continue activities of particular relevance to men, and
- To provide strong social fabric for men experiencing isolation.

Following planning approval in July 2018, and under the auspice of the Shire Council, Shark Bay Men's Shed is seeking to submit a grant application to Lotterywest for up to $100,000 for a new building located upon Shire Reserve 40344 (Bowling Club).

COMMENT
With the shed being constructed on Shire Reserve, it is advantageous that the Shire place an in-kind value on the land on which the shed is to be constructed. This value

will form part of the Shire's in-kind contribution towards the Lotterywest grant application.

Shire Reserve 40344 which is leased to the Shark Bay Bowling, Sport & Recreation Club, is valued at $50,000 GRV by Landgate. The requirements for the Men's Shed building is 1821.40 m² which values their requirement of land at $9,941.

A major factor in the proposed grant application will be that the Men's Shed has secured collaboration with an existing community entity (Bowling Club) with the groups agreeing to co-locate on the same Reserve.

The Men's Shed is also seeking assistance from Council for the development of site works of up to $20,000 – to be completed by Shire Works Department. Combined with land value of $9,941, this provides the Men's Shed application to Lotterywest with $29,941 support from the Shark Bay Shire.

It is anticipated that any Lotterywest application will take between six to twelve months for approval and therefore the proposed $20,000 value (cash) is to be considered in the 2019/20 draft budget.

Lotterywest will support applications for the purchase of a building or, construction, fit-out and/or renovations to a building. This can be to house organisations delivering services to the community or providing community meeting places or to co-locate multiple community service organisations. (Ref: lotterywest.wa.gov.au)

For community groups who are not registered for Goods and Services Tax (GST) Lotterywest will only allow a grant of up to $15,000. Given this scenario, it is recommended that the Shire administration apply for the Men's Shed grant.

Local government authorities are best placed as the applicant and if successful, this will ensure the grant funds, associated reports and acquittals are processed in the required timelines.

LEGAL IMPLICATIONS
Reporting, budget and acquittal requirements under the Lotterywest Grant Agreement.

POLICY IMPLICATIONS
There are no policy implication relating to this report

FINANCIAL IMPLICATIONS
Estimated value of up to $20,000 allocated to site works.

STRATEGIC IMPLICATIONS
OUTCOME 3.1.2 Encourage inclusion, involvement and wellbeing.

RISK MANAGEMENT
There are no risks associated with this item.

VOTING REQUIREMENTS
Simple Majority Required

SIGNATURES

Author	*L Butterly*
Chief Executive Officer	*P Anderson*
Date of Report	22 October 2018

P4071 J-CR-25131

Shark Bay Community Men's Shed Inc.

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

RECEIVED
15 OCT 2018
SHIRE OF SHARK BAY

Dear Paul

Shark Bay Men's Shed – Shire Support

The Steering Committee of the Shark Bay Men's Shed was formed on the 8 March 2018 followed by an Annual General Meeting (AGM) on 18 July 2018. The Objectives of the Association are:

- To address the issues of men's mental, physical and emotional health and well-being in the community of Shark Bay;
- To encourage the elderly, differently abled, youth, veterans, indigenous and other groups of men in Shark Bay to specifically address any issues of loneliness, isolation or depression;
- To support the social interaction of men in transitional periods (e.g. separation, redundancy, bereavement, retirement, ill-health, relocation and respite care);
- To share, disseminate and preserve skills, abilities and interests that are relevant to the community;
- To facilitate links between men and health-related agencies, family organisations and specialist health professionals and programs within the community;
- To develop a Men's Shed which can operate on a cost-neutral basis, that is, ongoing costs can be met or exceeded by its revenue;
- To initiate and continue activities of particular relevance to men, and
- To provide strong social fabric for men experiencing isolation.

Following Council planning approval in July 2018, Shark Bay Men's Shed is planning to submit a grant application to Lotterywest for up to $100,000. Given the Shed is to be constructed on Shire Reserve, it is prudent that the Shire place an in-kind value on the land in which the Shed is to be constructed. This value will form part of the Shire's contribution in support of this grant application.

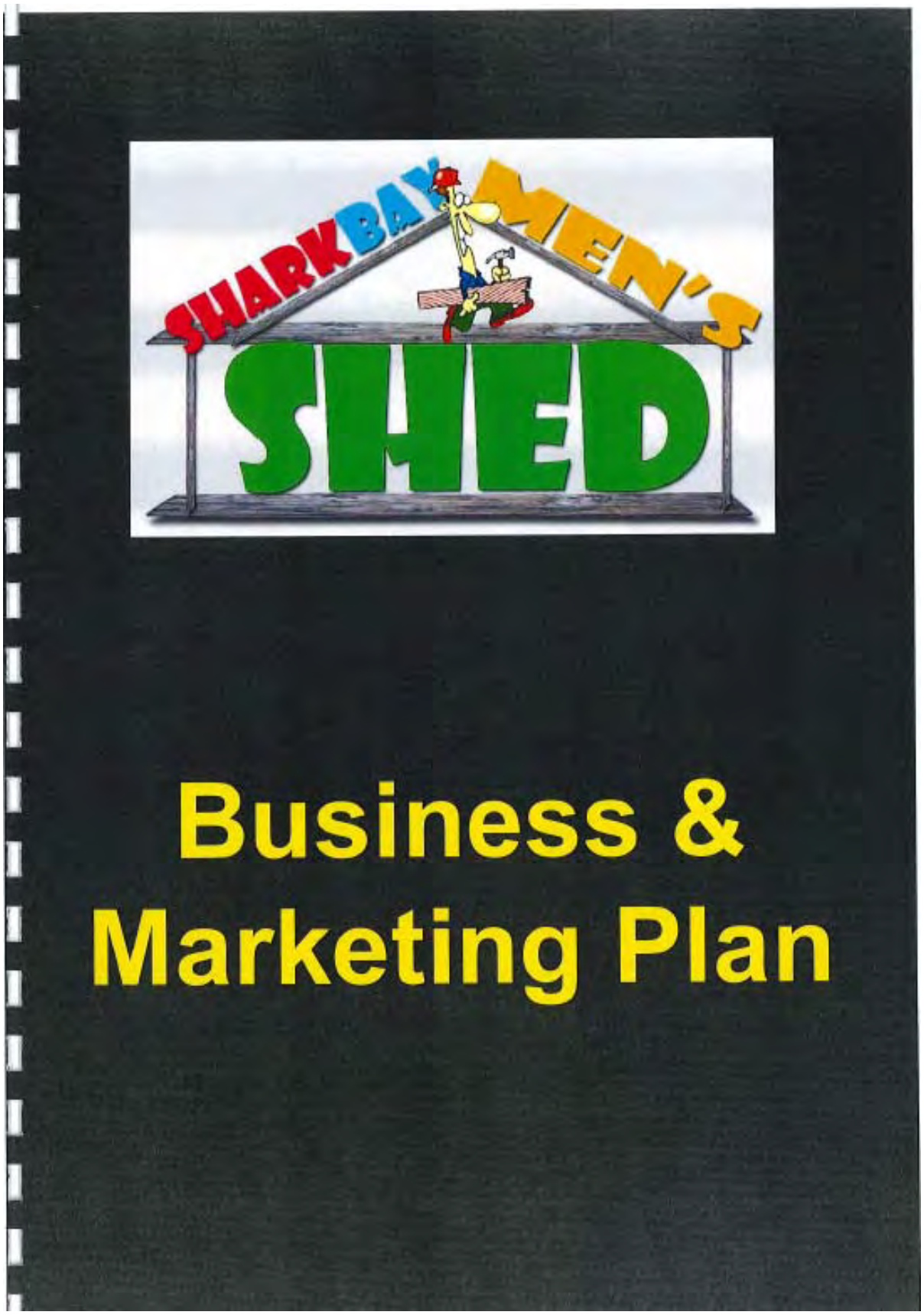
The Shark Bay Men's Shed is also seeking additional in-kind contributions of site preparations for a concrete slab to be laid. We anticipate the in-kind value of these works to be up to the value of $20,000.

With the valuable in-kind contributions and support from the Shark Bay Council, the Men's Shed will be in a strong position to attract new money (grants) into town and to also achieve the objectives of the Shark Bay Community Men's Shed. We look forward to a positive response.

Yours sincerely

Kevin Laundry
PRESIDENT

Friday, 12 October 2018


SHARK BAY MEN'S SHED
Business &
Marketing Plan

Shark Bay Community Men's Shed

SHARK BAY COMMUNITY MEN'S SHED Inc.

Business & Marketing Plan.....a development approach.

When going forward it is quite often helpful to look back to see where you have been.

Why we are here?

Why do we exist? We joined a national movement called the Men's Shed because we believe it will be beneficial and add value to our lives.We joined a movement with strong ideals, objectives and values.

Below are the objectives of the Men's Shed movement in Australia.These objectives are now defined in our Constitution. We have already accepted these objectives when we approved our original Constitution.

a] To address the issues of men's mental, physical and emotional health and well-being in the community of Shark Bay.

b] To encourage the elderly, differently-abled, youth, veterans, indigenous and other groups of men from Shark Bay to specifically address any issues of loneliness, isolation and depression.

c] To support the social interaction of men in transitional periods (e.g.separation,redundancy, bereavement,retirement ill-health, relocation and respite care).

d] To share, disseminate and preserve the skills, abilities and interests that are relevant to the community.

e] To facilitate links between men and health-related agencies, family organisations and specialist health professionals and programs within the community.

f] To develop a men's shed which can operate on a cost-neutral basis, that is, it's

ongoing costs can be met or exceeded by it's revenue.

g] To initiate and continue activities of particular relevance to men.

h] To provide strong social fabric for men experiencing isolation.

These are general principals rather than an offering a specific approach.

To make these general principals workable we need a practical and structured approach to apply these principals and make them work for us as a community.

The broad approach.

The Shark Bay shed is both a men's social community and a place for men to conduct useful work for themselves and for their wider community.

As a social place.

We need to offer comfort and support to men who may be lonely, depressed,physically challenged or simply wanting the company of other men. A social place is a safe place to talk and discuss current issues that may be impacting in their lives.This is a place that offers caring and sharing with humour and empathy.

As a work place.

A place where men can use their work and life skills in a safe ,fully-contained, and friendly environment.Using these skills, sharing the skills of others and working with others in the shed to improve our lives and put some life back into the community.

A quick history.

Steering Committee formed 8th March 2018

SBCMS incorporated - 07.05.2018

First AGM - 18.07.2018

Endowment of Shire land to SBCMS -27.07.2018

How do we create a successful shed?

We are an independant Association that **must be economically viable** to survive.

Which means we need to operate like a business.Every business needs cash flow to survive.

Our evolving income stream.

Membership

Our current innaugural membership fee is $40.00 annually.

Currently 21 members.21 x$40 = $840.00

Projected membership fee $70.00 [WAMSA recommendation]

Projected membership 40 members x $70 = $2800.

Donations.

We have received $300.00 from various individuals and businesses.We have had vouchers supplied to value of $350.00 from businesses to enable income from raffles etc.We have a small sub- committee looking at ways in which we can secure sponsorships.We also have plans to enable a small plot at the rear of the Shire endowed land to be utilised by the garden Club who can also use the shed 1 day a week for meetings and social activities etc.This will attract a small fee annually to cover utility use costs etc.

Products.

We have been approached by the Shark Bay Shire Community & Economic Development Dept. to produce and supply planter boxes in a wheelbarrow design made of pine timber and metal components to be included in the French themed Freycinet Celebrations in September2018.Also included are bicycles painted in the French national colors of red,white and blue with a display of flowers contained in baskets fitted to the front handle-bars.An indicative sign post showing distances to various capital cities around the world is also to be incorporated.The income from this project is yet to be determined but a community grant has been set aside to be accessed.

Community assistance projects have also been carried out to the value $1500.00 varying from gardening to the men's shed providing labour to erect a verandah.

Morning Tea Money.

Men who attend the shed regularly realise that the tea or coffee provided is to be paid for by a gold coin donation into the box provided.This small contribution from members anad

visitors does make a big difference in meeting our regular monthly costs.

Sales of old tools and & equipment.

We have had donations of hand tools and equipment for various reasons. Some of these items are not serviceable. Items suitable for use in the shed will be safely checked and kept securely in the shed.Working tools and equipment that we do not use can be sold and we have someone within our group to take charge of this process.

Our Current Expenses

Insurance is a major expense.We must and do have public liability insurance to work on any outside projects and events.Cost $492.00

Volunteers insurance Cost : Not applicable until erection of the shed is completed and occupied.

Shed building fees to Shire and State Fire Services -Approx.$3500.00

As we have full access to recyclable products at no cost to the men's shed from the Shire waste disposal site, materials costs are negligible except for items such as nails,bolts, nuts etc. paint and other ancilliary items purchased from local retailers or donated free to the shed.Foreseen expense $1000.00.Delivery and carrying costs are donated by men's shed members,including fuel etc.

As yet we have had no need to purchase new tools.

We have a successful ledger accounting system which manages our finances effectively and a pro-bono accountant to monitor and audit our accounting matters for the shed.

We will be required to pay for power and water and going by comparable costs to other sheds of our size within the state of WA it is approximately $750.00.

Grants.

Lotterywest are the major sponsor to all community groups.Our grant application is being lodged and we will wait for a response.

We hope to be successful and receive a grant of around $100,000 for the completion of the shed by a licenced builder and men's shed labour.Shark Bay Shire will also own equity in the building through a financial grant and services and equipment with value to be assessed to

determine the amount of that equity.

Shed Management

The committee members have taken on specific roles to manage the operation of the shed.When established the the shed can open 6 days per week [the other day to be determined for use by the garden club].Six members have agreed to act as shed managers and be available on a day to act as shed manager to be determined and suitable to each volunteer.They,naturally, can swap days between themselves.A shed manager will have the necessary first-aid qualifications to act in this capacity.

Forward Planning

People who are comfortable and willing to work on outside projects can volunteer.

We will need members who are outgoing and able to take up the following positions that interact with people outside the shed and in the community.

* A member to take on the role of events Co-ordinator.

* We need a member to take on the role of Sales Co-ordinator to collect, utilise and sell donated goods or, conversely, dispose of the donated goods that we cannot use by sale or waste facility.

* We need outside team leaders to go out and look at donated goods and determine whether they are useful for the shed.

* A Business Development Officer to help get paid projects for the shed.[These are conditions needed to conform to when we seek new business].

Shed work - Immediate projects to incorporate after the completion of the shed.

+ A key part of the shed organisation and development is storing materials.We need floor space.

+ Power tools will be checked for safe use by our resident sparkie.

By separation, tools will grouped into A] ones we keep and use. B] Ones that we can sell. [C ones to be taken to waste disposal.

+ Someone is needed to catalogue and store our tools and supplies.This can be a shared duty.

+ We need members who are experienced in various trades and all kinds of equipment to design and conduct induction sessions for less experienced members.

Shed Layout

We can start the shed layout, as we now know what equipment we will be obtaining.As the equipment is being brought and put in place the social, work, and storage areas will be defined and laid out.

Where to from here.

When things appear to be disorganised the simple reason for this is that the plan is too hard to formulate.....when everything keeps changing on a regular basis.

The committee has done a lot of work that is generally unseen by the members as it is mostly performed away from the shed.

Grant applications do not write themselves and certain processes need to be carried through which,as has been evidenced, can take up to three months to finalise.

Projects require communication and, occasionally, selling our services.Again, this can happen away from the shed.

Marketing

Marketing is simple. Find the right product or service, then the right buyer for that product and you have a sale.

The simple question is what product or service will we sell? .....We seem to be on the right track with our products and services provided so far without a physical shed to operate from.But we have had to endure a number of complaints from residences next door or nearby to our temporary project operations venues.

We suspect the right products and services will continue to reveal themselves as the activities progress and doubly so when the physical shed is completed.

The most important thing we need to build is a solid community of men.

Selling the Shed.

Thank you for buying a hat or shirt or badge and supporting our and the communities men's

shed.We have a committee that is actively promoting the men's shed and with products such as have been mentioned these can help provide funds and assist in promoting this much needed facility

FUTURE PLANS..... The reality is that right now it is not to make fixed plans for the immediate future because we are still growing and developing.

There is no magic formula that fixes everything.We should be flexible and ready to take advantage of opportunities as they present themselves.

PRELIMINARY BUDGET ESTIMATES FOR SBCMS 2018-2019

DESCRIPTION OF EXPENSE	amount per mth	annual
council & establishment fees		$3500 .00
public liabiliy & volunteers insurance		$942.00
WAMS membership		$60.00
phone		$100.00
power & water		$400.00
miscellaneous		$1000.00
	Total	$6002.00

ESTIMATED INCOME

membership fees		$1200.00
morning tea income estimations	average $30.00 p/wk	$480.00
Freycinet project		$2000.00
outside projects		$3000.00
product sales [markets]		$1000.00
sales and raffles of donated products		$1000.00
sales of donated items e.g.tools etc		$200.00
		total $8880.00
	Budgeted surplus	**$2878.00**

7

11.0 ADMINISTRATION REPORT

11.1 CHRISTMAS/NEW YEAR CLOSURE 2018
CM00016

Author
Executive Assistant

Disclosure of Any Interest
Disclosure of Interest:
Nature of Interest:

Moved Cr Ridgely
Seconded Cr Cowell

Council Resolution
That the:

1. **Council's administration office and depot close for the Christmas/New Year period from close of business Friday 21 December 2018 to Tuesday 1 January 2019 inclusive;**
2. **Shark Bay World Heritage Discovery and Visitor Centre be closed on 25 December 2018 and 1 January 2019; and**
3. **Denham Refuse Site be:**
   a. **Closed on Tuesday 25 December 2018;**
   b. **Closed on Wednesday 26 December 2018; and**
   c. **Closed on Tuesday 1 January 2019.**

5/0 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 Tuesday 25 December 2018, Boxing Day Wednesday 26 December 2018 and Tuesday 1 January 2019.

Comment

Administration Office and Depot

It is recommended that the office and depot be closed from the close of business Friday 21 December 2018 and reopen on Wednesday 2 January 2019 which results in closure for 7 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
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 Tuesday 25 December 2018 and Wednesday 26 December 2018 and again on Tuesday 1 January 2019.

The refuse site is normally closed on Wednesdays and Thursdays and therefore there would be three days, that being Tuesday 25 December, Wednesday 26 December 2018, and Tuesday 1 January 2019.

Legal Implications

There are not legal impactions 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 2018

11.2 WAR ON WASTE REQUEST
WM00006

Author
Chief Executive Officer

Disclosure of Any Interest
Nil

Moved Cr Capewell
Seconded Cr Ridgley

Council Resolution
That Council consider the request from the War On Waste group and provide direction to the administration as to the preferred future use of the old stables situated on Reserve 13491.

5/0 CARRIED

Moved Cr Capewell
Seconded Cr Ridgley

Council Resolution
That Council request the administration to undertake further research to establish the costs to refurbish the old stables for the purposes of static museum display only

5/0 CARRIED

Background

The War on Waste Op Shop that was previously located at 23 Knight Terrace have had to close the business due to the owner requiring the premises and Ms Laura Tomlinson on behalf of the group has submitted a request (attached) for Council to consider allowing the group to utilise the old stables at 10 Denham Road.

Reserve 13491 Crown Land and is vested in the Shire with a current purpose of community centre and is leased to the Shark Bay Community Resource Centre for a period of 10 years expiring on 1 December 2022 with an option of a further 10 years

Comment

The old stables are situated on Reserve 13491 and the buildings on the reserve are not separately identified on the lease document.

The Shire maintained the responsibility for the maintenance of the old jail and the stables, even though they are situated on the leased reserve.

This anomaly may need to be rectified and be noted on the lease documentation.

The construction of the Arts Studio on the Reserve was part of the funding application for the refurbishment of the old police station that is now the Shark Bay Community Resource Centre.

The stables are in a rundown state and need refurbishment to either be utilised as a static museum or as a shop as requested by the War on Waste group.

There is limited parking and any use of the stables as a shop with persons in attendance may require the Shark Bay Community Resource Centre to make available their facilities and occur additional costs, including but limited to power, water and toilet facilities.

Any utilisation of the premises would also need to be discussed and have the support of the Shark Bay Community Resource Centre committee given any possible impacts upon their operations.

It would assist the administration prior to undertaking a full cost estimate on the building for Council to provide guidance as to what the Council determines the preferred future use of the building will be.

Legal Implications
The War on Waste group are not constituted and as such do not have any formal structure and insurance at this stage.

The reserve is leased to the Shark Bay Community Resource Centre and whilst they are not utilising the stables any agreement to use the building and/or reserve would require the agreement of the lessee.

Policy Implications
There are no policy implications relevant to this report.

Financial Implications
The old Stables will need an allocation of funds in the 2019/2020 budget for repairs and any upgrading that the Council considers necessary in line with its proposed use.

As a guide the Council refurbished the old jail in line with its heritage values over the 2015/2016 and 2016/2017 years at a cost of $25,750.

Strategic Implications
There are no strategic implications relevant to this report.

RISK MANAGEMENT
There are no Risk Management implications relevant to this report

Voting Requirements
Simple majority required**.**

Signature

Chief Executive Officer *P Anderson*

Date of Report 17 October 2018

RECEIVED
15 OCT 2018
SHIRE OF SHARK BAY

Laura Tomlinson

War on Waste Op Shop

0428 810 727

Dear Councillors,

The Shark Bay War on Waste (WoW) Op Shop would like to put forward a request to use the old Police Stables – 10 Denham Rd - behind the Art Shed, as a space for the Op Shop.

Thanks to Mehalah we have had the use of the space next to her little shop for the past year. Mehalah now requires this room and we are in search of a new home. Since opening the Op Shop we have provided a service to the community that was previously missing. The Op Shop has reduced land fill at the tip. It's been a place where young and old, locals and visitors alike can come to either have a chat or find a wide range of items at a minimal cost that aren't already available for sale in the local shops.

The WoW Op Shop has made numerous donations to the local community - Emergency services, kids sporting and activity groups, as well as numerous other local non-for-profit groups. WoW has provided compostable cups, plates, bowls and cutlery to several local events including the fishing fiesta, High Tea, Speedway and Rendezvous Festival.

We have held stalls at festival markets and at the Hamelin Pool Science Fair. This exposure has led to other towns and School Groups taking up their own War on Waste initiatives. We have also worked with local and visiting groups to help raise Environmental awareness.

The WoW Op Shop has initiated the 'Boomerang Bags' in town. Made form recycled materials these have been made available at both supermarkets and have reduced the need for plastic bags dramatically. Several other businesses have gone a step further by replacing coffee cups with bio-degradable cups and reducing straw use or replacing them with paper straws.

We are aware that there is a lot of work to be done to ensure that the proposed building is safe and in a suitable condition. We also understand and embrace the need to maintain the buildings integrity and heritage. We would love to showcase the building as part museum – emphasising the buildings history and part Op Shop. It would be great for locals and visitors alike to visit the site and learn of the buildings history as well as have an opportunity to visit the Op Shop. Perhaps as part of the tourist trail.

It would be a shame to lose the Op Shop which has come to play such an important part in the local community, as well being an attraction for visitors.

Yours Sincerely

Laura Tomlinson

(On behalf of the War on Waste Op Shop)

11.3 REVIEW OF REGISTER OF DELEGATIONS
CM00039

Author
Executive Assistant

Disclosure of Any Interest
Nil

Moved Cr Ridgley
Seconded Cr Capewell

Council Resolution
That Council adopt the changes to the Delegations to the Chief Executive Officer due to the updated Town Planning Scheme No. 4, attached in this report in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and the *Local Government Act 1995.*
5/0 CARRIED BY ABSOLUTE MAJORITY

Background

Previous delegations granted by Council to the Chief Executive Officer were in accordance with Clause 11.3.1 of the Shire of Shark Bay Local Planning Scheme No 3 ('Scheme 3').
The delegation register needs to be updated due to the following:

a) Scheme No 3 is no longer operative as a new Shire of Shark Bay Local Planning Scheme No 4 was gazetted on the 1 October 2018.

b) The Councils ability to delegate authority to the Chief Executive Officer is now under the 'Deemed provisions for local planning schemes' contained in the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations 2015').

The deemed provisions automatically apply to every local government scheme area.
Clause 83 of the Regulations deals with delegated authority and states:

'(1) The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme other than this power of delegation.
(2) A resolution referred to in subclause (1) must be by absolute majority of the council of the local government.
(3) The delegation must be in writing and may be general or as otherwise provided in the instrument of delegation.

New Delegation for Council consideration
Clause 61 of the 'Deemed provisions for local planning schemes' contained in the Regulations 2015 outlines development that is exempt from the need for planning approval.

The Shire has discretion under Clause 61(2)(d) to exempt development from planning approval where it is a '*temporary use which is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period*'.

Currently all proposed exemptions are referred to a formal Council meeting, and examples have included mobile traders seeking to operate for a limited time period.

There may be situations where it may be beneficial for the Shire Chief Executive Officer to have the ability to exempt temporary uses from the need for planning approval, such as where there is short term use with great community or economic benefit, or in an emergency situation.

As such, it is proposed to include a new delegation listed as No 6 in the deleted register table. It is not proposed to include mobile traders in the delegation, and all new proposals involving mobile traders will still be referred to Council.

Section 5.42 of the ***Local Government Act 1995*** (the Act) provides that a Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in Section 5.43. Any decision to make, amend or revoke a delegation is to be by an absolute majority - see Section 5.45(1) (b) below.

5.45. Other matters relevant to delegations under this Division

(1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 –

(b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.

The Register of Delegations is required to be reviewed once every financial year, which was reviewed at the Ordinary Council meeting held on the 29 August 2018 as required by Section 5.46(2) of the Act.

Comment

The purpose of this review is to consider the changes in the Town Planning Scheme from Scheme No. 3 to Scheme No 4. All other delegations have not changed from the August 2018 Ordinary Council meeting.

All delegations have been reviewed to ensure format consistency with other Shire documents (such as Policies) and with a view to ensuring consistency with references to statutory references and any changes to relevant legislation that describes the power or duty being delegated.

Legal Implications

Section 5.46 of the ***Local Government Act 1995*** states that -

(1) The Chief Executive Officer is to keep a register of the delegation made under this Division to the Chief Executive Officer and to the employees.

(2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

(3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise

of the power or the discharge of the duty.

Policy Implications

The Current Policy Manual adopted by Council at the Ordinary Council meeting held on the 27 August 2014, item 1.7 Instrument of Delegation (2) States: "When powers and duties are delegated by the Council to the Chief Executive Officer the Instrument of Delegation be signed by the President or the person presiding".

Financial Implications

There are no financial implications relative to this report.

Strategic Implications

There are not Strategic Implications related to this report.

Risk Management
This is a low risk item to Council.

Voting Requirements

Absolute Majority Required

Signatures

Chief Executive Officer	*P Anderson*
Date of Report	4 October 2018

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT Part 2 - Constitution of local government	Audit Committee	To the Chief Executive Officer	Scope, conditions or Limitations
2.8 (1)(f)	Representing the Shire - President liaises with the CEO on the local government's affairs and the performance of its functions		✓	The President and Chief Executive Officer may decide suitable functions for Council to meet and show hospitality to official visitors
2.8	Representing the Shire - use of Shire logo		✓	Chief Executive Officer may approve applications from all groups for the use of the Shire logo on promotional material, provided that the words "Shire of" must not be included for commercial use or products.
	Part 3 - Functions of local government			
3.22(1)	A local government that causes damage through the performance of its function must pay compensation to the owner or occupier		✓	
3.25(1)	A local government may give an occupier a notice requiring them to do something to the land if it is specified in Schedule 3.1. The local government must also inform the owner if the occupier is not the owner		✓	
3.26(2)	In order to make a person comply with a notice, a local government may do anything it considers necessary to achieve the purpose for which the notice was given		✓	
3.26(3)	A local government may continue to undertake works that are not carried out by the owner or occupier and recover the costs as a debt		✓	
3.27(1)	A local government may go onto private land in the circumstances prescribed in Schedule 3.2 and carry out works, even if it does not have the consent of the owner		✓	
3.31(2)	After a local government has given notice, it may authorise a person to enter land, premises or thing without consent, unless the owner or occupier has objected to the entry		✓	
3.34(1)	A local government may enter land in an emergency without notice or consent		✓	
3.40A(1)	Local government may authorise a person to remove and impound an abandoned vehicle wreck		✓	
3.40A(4)	Local government may declare that a vehicle is an abandoned vehicle wreck		✓	
3.47(1)	The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43		✓	
3.47(2)	The local government may sell or otherwise dispose of any vehicle that has not been collected within 2 months of a notice having been given under section 3.40(3) or 7 days of a declaration being made that a vehicle is an abandoned vehicle wreck		✓	

3.47(2a)	The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in section 3.47(2b) of the date a notice is given under sections 3.42(1)(b) or 3.44		✓	
3.47A(1)	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass		✓	
3.48	If goods are removed or impounded under section 3.39 and the offender is convicted, the local government may recover any expenses incurred in removing and impounding the goods		✓	
3.50(1)	A local government may close a thoroughfare to vehicles, wholly or partially, for a period not exceeding 4 weeks		✓	
3.50(1a) and 3.50(4)	A local government may, after providing public notice of its intention and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding 4 weeks		✓	
3.50A	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare		✓	
Functions & General Reg 6(3)	A local government may, by local public notice, revoke an order under regulation 6(1) that closed a thoroughfare or alter it to make it less restrictive		✓	
3.51(3)	Before fixing, altering or realigning a public thoroughfare or draining water onto adjoining land, the local government must give notice of its proposal, invite submissions and consider those submissions		✓	
3.53(3)	If an unvested facility lies within 2 or more districts, the local governments concerned can agree on its control and management	✓	✓	
3.54(1)	A local government may do anything it could do under the Parks and Reserves Act 1895 if it were a Board appointed under that Act, to control and manage any land reserved under the Land Act 1933 and vested in or placed under the control and management of the local government	✓	✓	
3.57(1)	A local government must invite tenders before it enters into a contract for goods or services with a value of $150,000 or more (Functions and General Reg 11)	✓ Limited	✓	
Functions & General Reg 14 (2a)	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepted tenders	✓	✓	
Functions & General Reg 18 (4) & (5)	A local government must consider any tender that has not been rejected and decide which one to accept. It may decline to accept any tender	✓ Limited	✓	

Functions & General Reg 20	A local government may, with the approval of the tenderer, make a minor variation in a contract for goods or services before it enters the contract with the successful tenderer	✓ Limited	✓	
Functions & General Reg 20 (2)	If the successful tenderer does not want to accept the contract with the variation or the local government and the tenderer cannot reach agreement, the local government can select the next most appropriate tenderer	✓ Limited	✓	
Functions & General Reg 21 (1)	A local government may seek expressions of interest before entering the tender process	✓ Limited	✓	
Functions & General Reg 23 (3)	A local government must consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services	✓ Limited	✓	
Functions & General Reg 24E(1)	Where a local government intends to give a regional price preference the local government is to prepare a regional price preference policy	✓	✓	
Functions & General Reg 24E(4)	A local government cannot adopt a regional price policy until the local government has considered submissions received	✓	✓	
Nil	To make variation in the goods or services required, after it has entered into a contract for the supply of the goods or services required subject to such variations in the contract as may be agreed with the contractor.		✓	Approval of variations necessary to achieve the outcome of the scope of the project and within the adopted budget of the project
3.58(2)	A local government can only dispose of property to the highest bidder at public auction or the most suitable public tender		✓	
3.58(3)	A local government can dispose of property by private treaty but must follow the process set out in section 3.58(3)		✓	
	Part 4 - Elections and other polls			
	Part 5 – Administration	✓		
5.18	A local government must review all delegations made to a committee		✓	
5.27(2)	General meeting of electors to be held on a day selected by a local government but not more than 56 days after the local government accepts the annual report for the previous financial year	✓	✓	
5.37(1)	A local government may designate any employee to be a senior employee		✓	
Admin Reg 18(D)	A local government is to consider, accept or reject a review of the CEO's performance		✓	
		✓		

5.50(1)	A local government must prepare a policy for employees whose employment is finishing, setting out the circumstances in which the local government would pay a gratuity and how that gratuity would be assessed, and give local public notice of the policy	✓	✓	
5.50(2)	A local government may make a payment to an employee whose employment is finishing, that is in addition to the amount set out in its policy, provided that local public notice of the payment is given		✓	
5.53(1)	A local government must prepare an annual report for each financial year	✓	✓	
5.56	A local government is to prepare a plan for the future	✓	✓	
Admin Reg 19C(4)	A local government is to review its current plan for the future every 2 years	✓	✓	
Admin Reg 29A(2)	Information prescribed as confidential but that, under 5.95(7), may be available for inspection if a local government so resolves	✓	✓	
5.98(2)(b)	A local government may approve expenses which are to be reimbursed to its councillors, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement [subject to section 5.98(3)]	✓	✓	
5.98(4)	A local government may approve the reimbursement to a council member of an approved expense, either generally or in a particular case	✓	✓	
5.100(2)	A local government may decide to reimburse expenses to committee members who are not council members or employees	✓	✓	
5.103(2)	A local government must review its code of conduct within 12 months of every ordinary elections day		✓	
	Part 6 – Financial Management	✓		
Financial M'gment Reg 19(1)	A local government must establish and document internal control procedures to ensure control over investments		✓	
6.7(2) Financial M'gment Reg 12(1)	To make payments from the municipal fund or the trust fund for the performance of functions and exercise of powers	✓	✓	(i) Payment of salaries up to the amount required to meet the Council's employee entitlements obligations; (ii) All other payments not to exceed $150,000 unless approved by Tender process; (iii) In accordance with Council policies and adopted budget; and (iv) Payment within the scope of Budgeted project and within the adopted budget of the project.

6.9(4)	A local government may transfer money held in trust for 10 years to its municipal fund, but must repay it to a person who establishes a right to the repayment, together with any interest earned on the investment	✓	✓	
6.12(1)(b)	A local government may waive or grant concessions in relation to any amount of money or write off any amount of money that it is owed to the local government [subject to section 6.12(2)]	✓	✓	
6.12(3)	The local government may determine what conditions apply to the granting of a concession		✓	
6.14(1)	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the Trustees Act 1962		✓	
6.49	A local government may make an agreement with a person to pay their rates and service charges		✓	
6.50(1) and 6.50(2)	A local government may determine the due date that rates and charges become due, but which date cannot be sooner than 35 days after the date noted on the rate notice		✓	
6.56(1)	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction		✓	
6.60(2)	A local government may give notice (to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the local government in satisfaction of the rate or service charge)		✓	
6.60(3)	If a local government gives notice to a lessee, under section 6.60(2), the local government must give a copy of the notice to the lessor	✓	✓	
6.60(4)	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee		✓	
6.64(1)	If any rates or service charges have remained unpaid for at least 3 years, a local government may take possession of the land and hold the land against a person having an estate or interest in the land, and may lease or sell the land or subject to transfer it to the Crown or itself 5.43(d)	✓	✓ subject to 5.43 (d)	
6.64(3)	A local government may lodge a caveat in respect of any land for which rates and service charges are outstanding	✓	✓	
6.71(1)	If a local government is unable to sell land under Part 6 Division 6 Subdivision 6 within 12 months, it may transfer the land to the Crown or itself subject to	✓	✓ subject to 5.43 (d)	
6.74(1)	A local government may apply in the prescribed form to the Minister to have land revested in the Crown if it is rateable vacant land and rates or service charges in respect of it have remained unpaid for at least 3 years	✓	✓	
Financial M'gment Reg 77(3)	Financial A local government must consider any objections it receives in relation to a reinvestment under regulation 77	✓	✓	

6.76(5)	The local government must consider any objections to the rates record and may disallow or allow the objection either wholly or in part		✓	
6.76(6)	The local government is to provide the person with notice of its decision		✓	
7.12A(3)	A local government is to examine the auditor's report, under section 7.9(1) and any report under section 7.9(3), and must determine if any matters raised by the report require action and ensure that appropriate action is taken Audit		✓	
7.12A(4)	A local government must prepare a report on any action taken in response to an auditor's or section 7.9(3) report, and provide it to the Minister Audit	✓	✓	
	Part 8 – Scrutiny of the affairs of local governments	✓		
8.14(3)	A local government must give the Minister advice of what things it has done or will do to comply with an enquiry report from the Minister or a person authorised by the Minister, within 35 days of receiving the report		✓	
8.23(4)	A local government must give the Minister advice of what things it has done, or will do, to comply with an Inquiry Panel's report within 35 days of receiving the report, or give its comment on a recommendation to dismiss the council		✓	
	Part 9 – Miscellaneous provisions			
9.6(5)	The local government must give the person who made the objection notice of how it was disposed of and reasons why	✓	✓	
9.10(1) & (2)	The local government may appoint persons or classes of persons to be authorised to perform certain functions and must issue them with a certificate stating they are authorised		✓	
9.60(4)	A local government is to administer any regulation made under section 9.60 as if it were a local law	✓	✓	
9.56	Certain persons protected from liability for wrongdoing - legal costs indemnification		✓	Where there is a need for the provision of urgent legal services before an application can be considered by Council, the Chief Executive Officer may give an a authorisation to the value of $5,000 provided that: (1) where it is the Chief Executive Officer who is seeking urgent financial support for legal services, the Council shall deal with the application; and (2) subject to any other conditions Council may set in its policy regarding costs indemnification for legal representation.
6.76(5)	The local government must consider any objections to the rates record and may disallow or allow the objection either wholly or in part		✓	
6.76(6)	The local government is to provide the person with notice of its decision		✓	

	Schedule 2.1 – Provisions about creating, changing the boundaries of, and abolishing districts			
11(2)	Any local governments affected by an order made under clause 2.1 are to negotiate any adjustment or transfer between them of property, rights and liabilities	✓	✓	
	Schedule 2.2 – Provisions about wards and representation	✓		
8	The council must have regard to community of interests, physical and topographical features, demographic trends, economic factors and the ratio of councillors to electors in respect of considerations about wards		✓	
9	When a ward review is complete, the local government must prepare a report for the Advisory Board and may propose the making of an order under clauses 2.2(1), 2.3(3) or 2.18(3)		✓	
	Schedule 6.1 – Provisions relating to the phasing – in of valuation			
	Schedule 6.2 – Provisions relating to lease of land where rates or service charges unpaid			
1(1)	A local government may lease the land with any conditions for a term that does not exceed 7 years	✓	✓ subject to 5.43 (d)	
	Schedule 6.3 - Provisions relating to the sale or transfer of land where rates or service charges are unpaid			
1(4)	The local government must appoint a time at which the land may be offered for sale by public auction, not less than 3 months and not more that 12 months from the service of the notice under clauses 1(1) or 1(2)	✓	✓	
2(3)	The local government must give the Registrar of Titles or the Registrar of Deeds a memorial of the Statewide notice		✓	
4(1)	A local government may transfer or convey to the purchaser of the land an indefeasible estate in fee simple		✓ subject to 5.43 (d)	
	Town Planning Scheme No. 4			
	Planning and Development (Local Planning Schemes) Regulations 2015 , Deemed provisions for local planning schemes, Part 10, Schedule 2 (*'the Regs 2015'*)			
Clause 79 of the Regs 2015	That Council authorise the Chief Executive Officer to enter and inspect any building or land for the purposes of ascertaining whether the local planning scheme is being cmplied with		✓	
Clause 82(1) of the Regs 2015	That Council grant delegated authority to the Chief Executive Officer to issue deemed refusal letters for applications where an application is deemed refused in accordance with Clause 75(2) of the Planning and Development (Local Planning Schemes) Regulations 2015		✓	

Clause 82(1) of the Regs 2015	That Council grant delegated authority to the Chief Executive Officer to determine an application for planning approval where it is established prior to, or at, an Ordinary Council meeting that the minimum number of Councillors needed for a quorum will not be available to vote on an application at a scheduled Council meeting (due to absence or planned declaration of interest).		✓	1. The use is a 'P' or 'D' use under the Shire of Shark Bay Local Planning Scheme No. 4 ('the Scheme'); or 2. The proposed use or development is ancillary to existing development; or 3. For residential development, the application complies with the 'deemed to comply' requirements of the Residential Design Codes or satisfies the 'Design Criteria' of the Residential Design Codes ; and 4. The application generally complies with the Scheme with no major variations to setback, site coverage or car parking requirements; and 5. The use or development complies with any relevant Local Planning Policy. This delegation must not be exercised the Delegated officer where: a) The development entails a variation to the Scheme or Residential Design Codes that is considered by the Delegate to be significant; b) The Delegate considers the development will have the potential to negatively impact on the amenity of the locality; c) The height of the development exceeds two storeys;
Clause 82(1) of the Regs 2015	Conditions Continued			d) A written objection has been lodged during a formal advertising period; e) The Delegate considers an application should be advertised for public comment and no advertising has been conducted; f) Development proposals are considered by the Delegate to have a strategic impact and as a result involve issues in which Council has a direct interest; g) The estimated cost of development exceeds $500,000.00; h) The development is located in a Special Use zone; and i) The Delegate considers the proposal has potential to negatively impact on World Heritage values.

Clause 82(1) of the Regs 2015	That Council grant delegated authority to the Chief Executive Officer to determine if development approval is not required for a temporary use which is not in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period, in accordance with Clause 61(2)(d) of the Planning and Development (Local Planning Schemes) Regulations 2015.			This delegation must not be exercised by the Delegated officer where: a) The proposal is for a mobile trader; b) The Delegate considers the development will have the potential to negatively impact on the amenity of the locality; c) A written objection has been lodged during a formal advertising period; d) The Delegate considers an application should be advertised for public comment and no advertising has been conducted; e) Development proposals are considered by the Delegate to have a strategic impact and as a result involve issues in which Council has a direct interest; f) The Delegate considers the proposal has potential to negatively impcat on World Heritage values.
	Dog Act 1976			
10AA (2)	The delegation must be in writing		✓	

10AA (3)	The delegation may expressly authorise the delegate to further delegate the power or duty		✓	
10AA (4)	A local government's chief executive officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms or the delegation unless the contrary is shown		✓	
10AA (5)	Nothing in the section limits the ability of a local government's chief executive officer to perform a function through an officer or agent		✓	
10AB (1)	The Chief Executive Officer of a local government is to keep a register of: (a) delegations made under section 10AA(1); and (b) further delegations made under the authority of a delegation made under section 10AA(1).		✓	
10AB (2)	At least once every financial year - (a) delegations made under section 10AA(1); and (b) further delegations made under the authority of a delegation made under section 10AA(1), are to be reviewed by the delegator.			
	Cat Act 2011		✓	
Section 3	A local government may approve in writing an operator of a cat management facility		✓	
Section 9	A local government may grant, renew or refuse an application for cat registration		✓	
Section 9(5)	A local government may require an applicant to give documents or information relating to registration, within a specified time of not more than 21 days and may require information to be verified by statutory declaration		✓	
Section 10	A local government may cancel the registration of a cat		✓	
Section 11	A local government is to issue a registration number, certificate and tag, including a replacement certificate or tag		✓	
Section 12	A local government must keep a cat register		✓	
Section 13	A local government must notify the owner of cat the outcome of a decision		✓	
Section 26	A local government may issue a cat control notice		✓	
Section 37	A local government may grant, renew or refuse an approval to breed application		✓	
Section 37(3)	A local government may require an applicant to give document or information relating to a breeder application, within a specified time of not more than 21 days and may require information to be verified by statutory declaration		✓	
Section 38	A local government may cancel an approval to breed		✓	
Section 39	A local government must issue a certificate to an approved breeder		✓	
Section 40	A local government must notify the person affected by the decision in writing of the outcome		✓	
Section 42	A local government is to administer local laws		✓	

Section 47	A CEO needs to keep a register of delegations		✓	
Section 48	A local government may appoint, in writing, authorised persons		✓	
Section 49	A local government may recover the costs of having to destroy a cat		✓	
Section 37, reg 22	A local government may refuse an application to breed if the applicant has had an infringement in the past 12 months		✓	
	Health Act 2016			
Section 21(1)(b)(i)	A power or duty conferred or imposed on an enforcement agency may be delegated if the enforcement agency is a local government, to the chief executive officer of the local government.		✓	Refer Ordinary Council meeting held on the 19 December 2016 Item 15.1 for delegation authority

11.4 ORDINARY COUNCIL MEETING DATES FOR 2019
CM00016

Author
Executive Assistant

Disclosure of Any Interest
Nil

Moved Cr Bellottie
Seconded Cr Laundry

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 2019 Ordinary meetings:

January 2019 – No ordinary meeting of Council to be held;
February 2019 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;
March 2019 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;
April 2019 – Wednesday 24 Commencing at 3.00 pm in Council Chambers;
May 2019 – Wednesday 29 Commencing at 3.00 pm in Council Chambers;
June 2019 – Wednesday 26 Commencing at 3.00 pm in Council Chambers;
July 2019 – Wednesday 31 Commencing at 3.00 pm in Council Chambers;
August 2019 – Wednesday 28 Commencing at 3.00pm in Council Chambers;
September 2019–Wednesday 25 Commencing at 3.00 pm in Council Chambers;
October 2019 – Wednesday 30 Commencing at 3.00 pm in Council Chambers;
November 2019 –Wednesday 27 Commencing at 3.00 pm in Council Chambers; and
December 2019 – Tuesday 17 Commencing at 3.00 pm in Council Chambers.

5/0 CARRIED

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 2019 for consideration and approval:

January 2019 – No ordinary meeting of Council to be held;
February 2019 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;
March 2019 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;
April 2019 – Wednesday 24 Commencing at 3.00 pm in Council Chambers;
May 2019 – Wednesday 29 Commencing at 3.00 pm in Council Chambers;
June 2019 – Wednesday 26 Commencing at 3.00 pm in Council Chambers;
July 2019 – Wednesday 31 Commencing at 3.00 pm in Council Chambers;
August 2019 – Wednesday 28 Commencing at 3.00 pm in Council Chambers;
September 2019–Wednesday 25 Commencing at 3.00 pm in Council Chambers;
October 2019 – Wednesday 30 Commencing at 3.00 pm in Council Chambers;
November 2019 –Wednesday 27 Commencing at 3.00 pm in Council Chambers; and
December 2019 – Tuesday 17 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 2019 meeting be held on Tuesday 17 December in lieu of 25 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 only financial implication is the travel costs associated with all members of Council and Council staff traveling to the Council meeting site in August 2019.

Strategic Implications
There are no Strategic Implications association with this report.

Risk Management
This is a low risk item to Council.

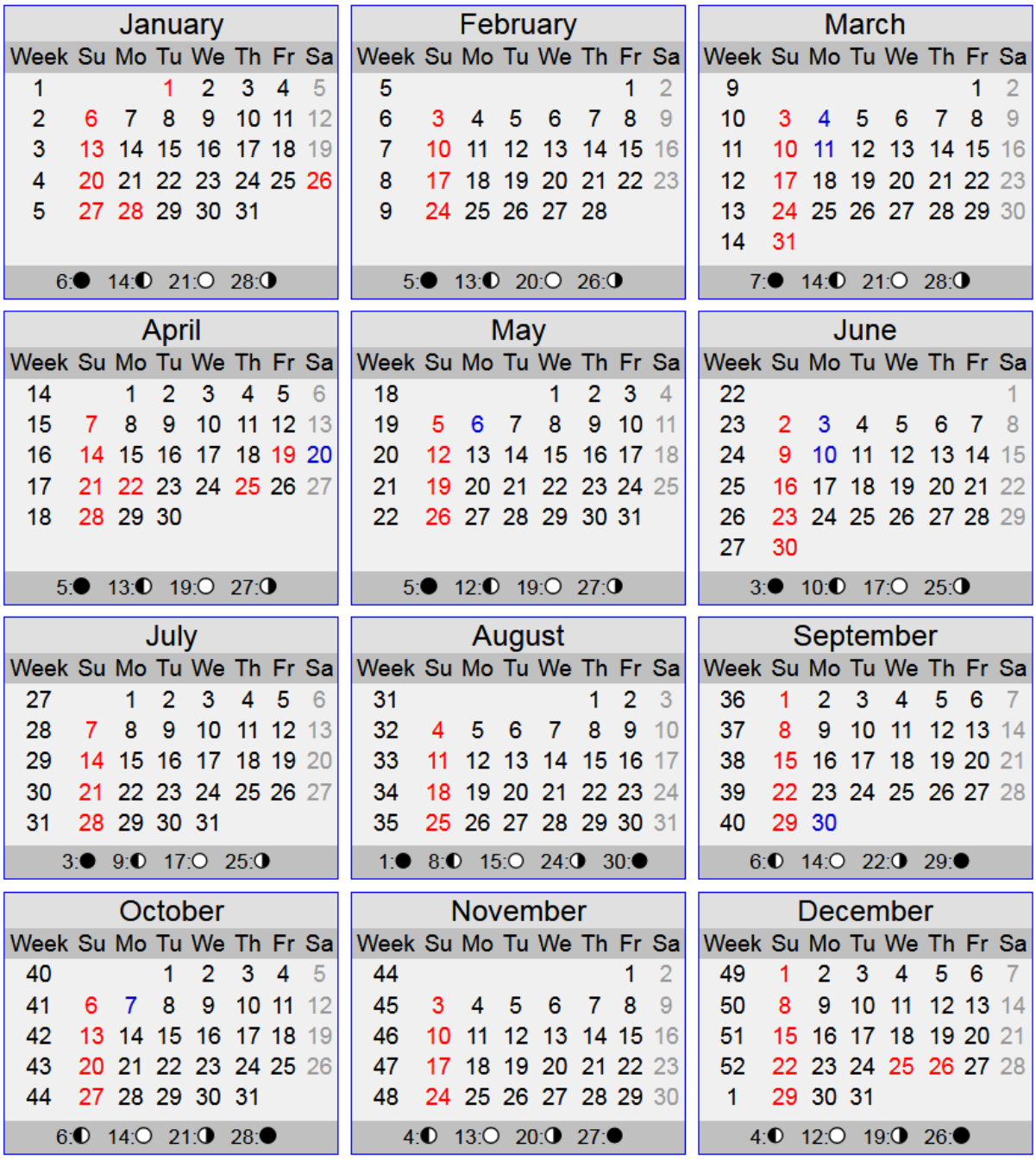
Voting Requirements
Simple Majority Required

Signatures

Chief Executive Officer *P Anderson*

Date of Report 23 October 2018

Calendar for Year 2019 (Australia)



January

Week	Su	Mo	Tu	We	Th	Fr	Sa
1			1	2	3	4	5
2	6	7	8	9	10	11	12
3	13	14	15	16	17	18	19
4	20	21	22	23	24	25	26
5	27	28	29	30	31		

6:● 14:◐ 21:○ 28:◑

February

Week	Su	Mo	Tu	We	Th	Fr	Sa
5						1	2
6	3	4	5	6	7	8	9
7	10	11	12	13	14	15	16
8	17	18	19	20	21	22	23
9	24	25	26	27	28		

5:● 13:◐ 20:○ 26:◑

March

Week	Su	Mo	Tu	We	Th	Fr	Sa
9						1	2
10	3	4	5	6	7	8	9
11	10	11	12	13	14	15	16
12	17	18	19	20	21	22	23
13	24	25	26	27	28	29	30
14	31						

7:● 14:◐ 21:○ 28:◑

April

Week	Su	Mo	Tu	We	Th	Fr	Sa
14		1	2	3	4	5	6
15	7	8	9	10	11	12	13
16	14	15	16	17	18	19	20
17	21	22	23	24	25	26	27
18	28	29	30				

5:● 13:◐ 19:○ 27:◑

May

Week	Su	Mo	Tu	We	Th	Fr	Sa
18				1	2	3	4
19	5	6	7	8	9	10	11
20	12	13	14	15	16	17	18
21	19	20	21	22	23	24	25
22	26	27	28	29	30	31	

5:● 12:◐ 19:○ 27:◑

June

Week	Su	Mo	Tu	We	Th	Fr	Sa
22							1
23	2	3	4	5	6	7	8
24	9	10	11	12	13	14	15
25	16	17	18	19	20	21	22
26	23	24	25	26	27	28	29
27	30						

3:● 10:◐ 17:○ 25:◑

July

Week	Su	Mo	Tu	We	Th	Fr	Sa
27		1	2	3	4	5	6
28	7	8	9	10	11	12	13
29	14	15	16	17	18	19	20
30	21	22	23	24	25	26	27
31	28	29	30	31			

3:● 9:◐ 17:○ 25:◑

August

Week	Su	Mo	Tu	We	Th	Fr	Sa
31					1	2	3
32	4	5	6	7	8	9	10
33	11	12	13	14	15	16	17
34	18	19	20	21	22	23	24
35	25	26	27	28	29	30	31

1:● 8:◐ 15:○ 24:◑ 30:●

September

Week	Su	Mo	Tu	We	Th	Fr	Sa
36	1	2	3	4	5	6	7
37	8	9	10	11	12	13	14
38	15	16	17	18	19	20	21
39	22	23	24	25	26	27	28
40	29	30					

6:◐ 14:○ 22:◑ 29:●

October

Week	Su	Mo	Tu	We	Th	Fr	Sa
40			1	2	3	4	5
41	6	7	8	9	10	11	12
42	13	14	15	16	17	18	19
43	20	21	22	23	24	25	26
44	27	28	29	30	31		

6:◐ 14:○ 21:◑ 28:●

November

Week	Su	Mo	Tu	We	Th	Fr	Sa
44						1	2
45	3	4	5	6	7	8	9
46	10	11	12	13	14	15	16
47	17	18	19	20	21	22	23
48	24	25	26	27	28	29	30

4:◐ 13:○ 20:◑ 27:●

December

Week	Su	Mo	Tu	We	Th	Fr	Sa
49	1	2	3	4	5	6	7
50	8	9	10	11	12	13	14
51	15	16	17	18	19	20	21
52	22	23	24	25	26	27	28
1	29	30	31				

4:◐ 12:○ 19:◑ 26:●

Holidays and Observances:

1 Jan New Year's Day	21 Mar Harmony Day	6 May May Day (Northern Territory)	7 Oct Labour Day (ACT, NSW, SA)
26 Jan Australia Day	19 Apr Good Friday	6 May Labour Day (Queensland)	11 Nov Remembrance Day
28 Jan 'Australia Day' observed	20 Apr Holy Saturday (Most regions)	3 Jun Western Australia Day (Western Australia)	24 Dec Christmas Eve
4 Mar Labour Day (Western Australia)	21 Apr Easter Day (All)	10 Jun Queen's Birthday (Most regions)	25 Dec Christmas Day
11 Mar Labour Day (Victoria)	22 Apr Easter Monday	30 Sep Queen's Birthday (Western Australia)	26 Dec Boxing Day (Most regions)
11 Mar Eight Hours Day (Tasmania)	25 Apr ANZAC Day (All)	7 Oct Queen's Birthday (Queensland)	31 Dec New Year's Eve

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 Capewell

Council Resolution
That the cheques and electronic payments as per the attached schedules of accounts for payment totalling $561,300.36 be accepted.

5/0 CARRIED

Comment
The schedules of accounts for payment covering -

Municipal fund credit card direct debits for the month of September 2018 totalling $4,162.33

There were no Municipal fund account cheque numbers for September 2018

Municipal fund direct debits to Council for the month of September 2018 totalling $32,543.07

Municipal fund account electronic payment numbers MUNI 23862 to 23890, 23920 to 23969 and 23973 to 24008 totalling $265,941.76

Municipal fund account for September 2018 payroll totalling $179,271.00

No Trust fund account cheque numbers were issued for September 2018

Trust fund Police Licensing for September 2018 transaction number 181903 totalling $22,624.65 and

Trust fund account electronic payment numbers 23970 to 23972, 24009 to 24012 and 24062 to 24091 totalling $56,757.55

The schedule of accounts submitted to each member of Council on 26 October 2018 has been checked and are fully supported by vouchers and invoices. All vouchers and invoices have been duly certified as to the receipt of goods and services and the cost of goods and services received.

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

POLICY IMPLICATIONS
There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS
The payments listed have been disbursed throughout the month.

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

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

Voting Requirements
Simple Majority Required

Signature

Author	*A Pears*
Chief Executive Officer	*P Anderson*
Date of Report	19 October 2018

SHIRE OF SHARK BAY – CREDIT CARD PERIOD
SEPTEMBER 2018

CREDIT CARD TOTAL $4,162.33

CEO

DATE	NAME	DESCRIPTION	AMOUNT
23/08/2018	Regional Express Direct	Airfare L.Tomlinson – DOT Police Licensing Course PO 7779	680.60
23/08/2018	Regional Express Direct	Airfare Auditors – I.Astuti and K.W.Choo PO 7778	1091.38
3/09/2018	City of Greater Geraldton	Geraldton Parking – CEO car service and windscreen replacement	4.00
3/09/2018	Ibis Styles Geraldton	Geraldton Accommodation – CEO car service and windscreen replacement	169.60
10/09/2018	Shire of Shark Bay	Change of number plate for vehicle sale 46SB PO 7830	26.85

$1,972.43

EMFA

DATE	NAME	DESCRIPTION	AMOUNT
7/09/2018	Regional Express Direct	Airfare M.McCarthy – Rendezvous Festival PO 7813	815.50
7/09/2018	Shark Bay Bakery	Farewell A.Phillipps – Morning tea	65.00
9/09/2018	Burswood Car Rentals	Car Hire L.Tomlinson – DOT Police Licensing Course PO 7796	552.25
13/09/2018	Shire of Shark Bay	Staff Promotional Shirts – Rendezvous Festival PO 7842	100.00

$1,532.75

EMCD

DATE	NAME	DESCRIPTION	AMOUNT
16/08/2018	National Film & Sound	SBDC Merchandise	147.70
18/08/2018	Bunnings	Plants for Rendezvous Festival	65.00
24/08/2018	Oz 3D Zen Promotional	3D Glasses for SBDC HMAS Sydney Exhibition	357.50
27/08/2018	Parties in Packages PL	Rendezvous Festival Materials PO 7786	86.95

$657.15

SHIRE OF SHARK BAY – DIRECT DEBITS
SEPTEMBER 2018

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD14591.1	02/09/2018	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	Payroll deductions	-3624.71
DD14591.2	02/09/2018	MACQUARIE SUPER ACCUMULATOR	Payroll deductions	-422.65
DD14591.3	02/09/2018	PRIME SUPERANNUATION	Superannuation contributions	-248.68
DD14591.4	02/09/2018	AMP SUPERANNUATION	Payroll deductions	-424.99
DD14591.5	02/09/2018	AUSTRALIAN ETHICAL SUPERANNUATION	Payroll deductions	-394.27
DD14591.6	02/09/2018	CBUS SUPER	Superannuation contributions	-208.09
DD14591.7	02/09/2018	SUN SUPERANNUATION	Payroll deductions	-373.46
DD14591.8	02/09/2018	MTAA SUPERANNUATION	Superannuation contributions	-391.74
DD14591.9	02/09/2018	AUSTRALIAN SUPER	Payroll deductions	-1376.09
DD14607.1	16/09/2018	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	Payroll deductions	-3666.65
DD14607.2	16/09/2018	MACQUARIE SUPER ACCUMULATOR	Payroll deductions	-422.65
DD14607.3	16/09/2018	PRIME SUPERANNUATION	Superannuation contributions	-248.68
DD14607.4	16/09/2018	AMP SUPERANNUATION	Payroll deductions	-427.49
DD14607.5	16/09/2018	AUSTRALIAN ETHICAL SUPERANNUATION	Payroll deductions	-484.27
DD14607.6	16/09/2018	CBUS SUPER	Superannuation contributions	-208.08
DD14607.7	16/09/2018	SUN SUPERANNUATION	Payroll deductions	-373.46
DD14607.8	16/09/2018	MTAA SUPERANNUATION	Superannuation contributions	-382.66
DD14607.9	16/09/2018	AUSTRALIAN SUPER	Payroll deductions	-1357.60
DD14615.1	26/09/2018	VIVA ENERGY AUSTRALIA	VIVA FUEL	-170.40
DD14626.1	30/09/2018	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	Payroll deductions	-3837.42
DD14626.2	30/09/2018	MACQUARIE SUPER ACCUMULATOR	Payroll deductions	-422.66
DD14626.3	30/09/2018	PRIME SUPERANNUATION	Superannuation contributions	-224.72
DD14626.4	30/09/2018	AMP SUPERANNUATION	Payroll deductions	-415.01

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD14626.5	30/09/2018	AUSTRALIAN ETHICAL SUPERANNUATION	Payroll deductions	-394.27
DD14626.6	30/09/2018	CBUS SUPER	Superannuation contributions	-208.09
DD14626.7	30/09/2018	SUN SUPERANNUATION	Payroll deductions	-373.46
DD14626.8	30/09/2018	MTAA SUPERANNUATION	Superannuation contributions	-412.16
DD14626.9	30/09/2018	AUSTRALIAN SUPER	Payroll deductions	-1319.19
DD14591.10	02/09/2018	BT SUPER FOR LIFE	Superannuation contributions	-1148.05
DD14591.11	02/09/2018	HOSTPLUS PTY LTD	Superannuation contributions	-1048.45
DD14591.12	02/09/2018	GUILD SUPER	Superannuation contributions	-219.37
DD14591.13	02/09/2018	AMP SUPERLEADER	Superannuation contributions	-174.87
DD14591.14	02/09/2018	ESSENTIAL SUPER	Superannuation contributions	-402.19
DD14591.15	02/09/2018	WESTPAC SECURITIES ADMINISTRATION LTD	Superannuation contributions	-208.08
DD14607.10	16/09/2018	BT SUPER FOR LIFE	Superannuation contributions	-1142.98
DD14607.11	16/09/2018	HOSTPLUS PTY LTD	Superannuation contributions	-1033.36
DD14607.12	16/09/2018	GUILD SUPER	Superannuation contributions	-219.37
DD14607.13	16/09/2018	AMP SUPERLEADER	Superannuation contributions	-158.24
DD14607.14	16/09/2018	ESSENTIAL SUPER	Superannuation contributions	-415.12
DD14607.15	16/09/2018	WESTPAC SECURITIES ADMINISTRATION LTD	Superannuation contributions	-208.08
DD14626.10	30/09/2018	BT SUPER FOR LIFE	Superannuation contributions	-1278.38
DD14626.11	30/09/2018	HOSTPLUS PTY LTD	Superannuation contributions	-1071.89
DD14626.12	30/09/2018	GUILD SUPER	Superannuation contributions	-219.37
DD14626.13	30/09/2018	AMP SUPERLEADER	Superannuation contributions	-196.82
DD14626.14	30/09/2018	ESSENTIAL SUPER	Superannuation contributions	-376.77
DD14626.15	30/09/2018	WESTPAC SECURITIES ADMINISTRATION LTD	Superannuation contributions	-208.08
			TOTAL	**$32,543.07**

SHIRE OF SHARK BAY – MUNI EFT
SEPTEMBER 2018
EFT 23862-23890, 23920-23969, 23973-24008

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23862	03/09/2018	STATE LIBRARY OF WA	ANNUAL FEE FOR LOST AND DAMAGED LIBRARY BOOKS	-220.00
EFT23863	03/09/2018	ATC MIDWEST APPRENTICE & TRAINEESHIP	TRAINEE WAGES - THOMAS MORONEY WEEK 13 AUG 18	-225.46
EFT23864	03/09/2018	GRIFFIN VALUATION ADVISORY	2018 PROFESSIONAL VALUATION ADVISORY – INFRASTRUCTURE ASSETS	-9683.25
EFT23865	03/09/2018	AUSCOINSWEST	SBDC MERCHANDISE	-1128.60
EFT23866	03/09/2018	BUNNINGS BUILDING SUPPLIES PTY LTD	VELSHEDA/GALLA MAINTENANCE, PAINT SUPPLIES FOR TOWN MAINTENANCE, WORKSHOP CONSUMABLES	-743.94
EFT23867	03/09/2018	BATTERY MART	P146 BATTERY, P143 WATER PUMP	-917.40
EFT23868	03/09/2018	DARREN CAPEWELL	CROSSOVER 38B HARTOG CRES - A1132	-828.75
EFT23869	03/09/2018	REFUEL AUSTRALIA (FORMERLY GERALDTON FUEL COMPANY)	BULK ENGINE OIL AND HYDRAULIC OIL	-2070.22
EFT23870	03/09/2018	TOLL IPEC PTY LTD	FREIGHT - LIBRARY, SBDC, P151, P174 AND BRING CENTRE	-710.04
EFT23871	03/09/2018	INDEPENDENCE STUDIOS PTY LTD	SBDC MERCHANDISE	-1403.65
EFT23872	03/09/2018	JON GALL PHOTOGRAPHY	RENDEZVOUS FESTIVAL PHOTOGRAPHY	-800.00
EFT23873	03/09/2018	JASON SIGNMAKERS	BRING CENTRE SIGN	-649.00
EFT23874	03/09/2018	MCLEODS BARRISTERS AND SOLICITORS	LEGAL REPRESENTATION LETTER FOR ANNUAL FINANCIAL AUDIT	-176.00
EFT23875	03/09/2018	MOWMASTER TURF EQUIPMENT	PP076 MOWER BLADES	-480.70
EFT23876	03/09/2018	MURRAY VIEWS	SBDC MERCHANDISE	-640.20
EFT23877	03/09/2018	PASCAL PRESS	SBDC MERCHANDISE	-892.98
EFT23878	03/09/2018	PROFESSIONAL PC SUPPORT	SBDC COMPUTER REMOTE ACCESS	-77.00
EFT23879	03/09/2018	RICHARD CLAUDE MORONEY	SBDC RUBBISH REMOVAL AND CLEANUP	-50.00
EFT23880	03/09/2018	STATEWIDE BEARINGS	PP076 BEARINGS	-44.00
EFT23881	03/09/2018	SHARK BAY COMMUNITY RESOURCE CENTRE	RENDEZVOUS FESITVAL FLYER PRINTING	-806.60
EFT23882	03/09/2018	NORTHERN GLASS	PENSIONER UNIT 4 REPAIRS	-198.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23883	03/09/2018	SCIENCE AND NATURE PTY LTD	SBDC MERCHANDISE	-640.57
EFT23884	03/09/2018	SHIRE OF SHARK BAY - MUNI	GYM CARD DEPOSIT - JANINE STANDEN T339 – REINSTATEMENT OF PREVIOUSLY FORFEITED GYM CARD TRANSFERRED TO MUNICIPAL FROM THE TRUST ACCOUNT	-20.00
EFT23885	03/09/2018	SHOPS FOR SHOPS	SBDC MERCHANDISE BAGS AND SHELVING	-360.50
EFT23886	03/09/2018	TELSTRA CORPORATION LTD	SHIRE PHONE CHARGES AUG 18	-1890.78
EFT23887	03/09/2018	TOURISM COUNCIL	SBDC TOURISM TRAINING X 2 STAFF	-260.00
EFT23888	03/09/2018	TRUCKLINE PARTS CENTRE	P146 PLUGS AND CONNNECTORS	-99.05
EFT23889	03/09/2018	TELEMALL AUDIO COMMUNICATIONS	MESSAGES ON HOLD SEPT-NOV 2018	-366.30
EFT23890	03/09/2018	WURTH AUSTRALIA PTY LTD	WORKSHOP CONSUMABLES – TURN SIGNAL AND BRAKE LIGHT BULBS	-480.02
EFT23920	10/09/2018	TREMOR EARTHMOVING	EAGLE BLUFF ROAD - 50 TONNES CRUSHED LIMESTONE	-2475.00
EFT23921	10/09/2018	REBECCA STANLEY	REIMBURSEMENT FESTIVAL SHIRTS	-32.00
EFT23922	10/09/2018	ASHDOWN INGRAM	P146 BATTERY CABLES AND TERMINALS LUG KIT	-372.08
EFT23923	10/09/2018	AIR LIQUIDE	RENTAL OF CYLINDERS - WORKSHOP	-68.90
EFT23924	10/09/2018	ATC MIDWEST APPRENTICE & TRAINEESHIP	TRAINEE WAGES THOMAS MORONEY- WEEK BEGINNING 27 AUG 18	-112.73
EFT23925	10/09/2018	BOOKEASY AUSTRALIA PTY LTD	BOOKINGS AUGUST 2018 COMMISSION	-1052.74
EFT23926	10/09/2018	BURTON TILING MAINTENANCE & RENOVATIONS	PENSIONER UNITS - REPAIR HOLE IN WALL FROM WATER LEAK.	-530.75
EFT23927	10/09/2018	CHRISTINE MARGARET BOND	REIMBURSE POLICE CLEARANCE – SBDC EMPLOYEE	-54.30
EFT23928	10/09/2018	DAVRIC AUSTRALIA PTY LTD	SBDC MERCHANDISE	-253.22
EFT23929	10/09/2018	EUPHORIUM CREATIVE	RENDEZVOUS FESTIVAL MC	-1155.48
EFT23930	10/09/2018	ETCHED GLASS DESIGN	SBDC MERCHANDISE	-1463.00
EFT23931	10/09/2018	EVOLUTION SOUND PRODUCTIONS	RENDEZVOUS FESTIVAL - PART PAYMENT SUPPLY SOUND PRODUCTION	-4000.00
EFT23932	10/09/2018	DENHAM IGA X-PRESS	SHIRE – AUGUST MONTHLY ACCOUNT	-1056.06
EFT23933	10/09/2018	SHARK BAY SUPERMARKET	SHIRE - AUGUST MONTHLY ACCOUNT	-1042.15
EFT23934	10/09/2018	REFUEL AUSTRALIA (FORMERLY GERALDTON FUEL COMPANY)	DEPOT BULK FUEL	-13367.48

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23935	10/09/2018	GERALDTON HYDRAULICS	P161 WASHER & BEARINGS, P178 HYDRAULIC COUPLING, EXCAVATOR NEW HYDRAULIC LINE	-404.46
EFT23936	10/09/2018	GERALDTON LOCK AND KEY SPECIALISTS	DEPOT PADLOCKS AND SEMI RESTRICTED KEYS CUT	-489.00
EFT23937	10/09/2018	GERALDTON PARTY HIRE	HIRE OF ROUND TABLES FOR RENDEZVOUS FESTIVAL	-150.00
EFT23938	10/09/2018	GASCOYNE REGIONAL BUSINESS AWARDS	BRONZE SPONSORSHIP - GASCOYNE REGIONAL BUSINESS AWARDS	-500.00
EFT23939	10/09/2018	HITS RADIO PTY LTD	RENDEZVOUS FESTIVAL RADIO ADVERTISING	-1559.80
EFT23940	10/09/2018	TOLL IPEC PTY LTD	FREIGHT - GERALDTON HYDRAULICS	-25.03
EFT23941	10/09/2018	ILLION SOLUTIONS	DEBT RECOVERY - RATES	-5.50
EFT23942	10/09/2018	JIMCAT SERVICES	RENDEZVOUS FESTIVAL ENTERTAINMENT - PARALLEL 26	-300.00
EFT23943	10/09/2018	J & T FREIGHT	FREIGHT- JUPPS, TOTAL UNIFORMS, TILES & STONE, PURCHER AND PAINT N QUIP	-796.30
EFT23944	10/09/2018	JOMAC SANDALWOOD	SBDC MERCHANDISE	-348.15
EFT23945	10/09/2018	MOMAR AUSTRALIA PTY LTD	HYDROCLEAN FOR DEPOT AND WORKSHOP CONSUMABLES	-1222.10
EFT23946	10/09/2018	MCLEODS BARRISTERS AND SOLICITORS	LEGAL COSTS - LOT 3 NORTH COASTAL HIGHWAY	-3271.29
EFT23947	10/09/2018	MIAM MIAM	RENDEZVOUS FESTIVAL TRAVEL AND ACCOMMODATION	-500.00
EFT23948	10/09/2018	MARKETFORCE PTY LTD	DESIGN AND PRODUCE STYLE GUIDE FOR SHARK BAY DESTINATION BRAND	-4548.50
EFT23949	10/09/2018	PURCHER INTERNATIONAL P/L	P146 MATERIALS	-270.60
EFT23950	10/09/2018	PAINT N QUIP	LONG LIFE ROAD MARKING WHITE 20LT	-491.04
EFT23951	10/09/2018	PERTH STITCHINGS	SBDC MERCHANDISE	-1870.00
EFT23952	10/09/2018	LYONS ENTERPRISES-SHARK BAY CAR HIRE	MEDICAL STAFF CAR HIRE AUGUST 2018	-799.62
EFT23953	10/09/2018	WINC AUSTRALIA PTY LIMITED	SHIRE PHOTOCOPIER MAINTENANCE AGREEMENT CHARGES – AUGUST 2018	-624.43
EFT23954	10/09/2018	SHARK BAY COMMUNITY RESOURCE CENTRE	AUGUST 2018 MANAGEMENT OF SHARK BAY RECREATION CENTRE	-4073.75
EFT23955	10/09/2018	SHARK BAY CLEANING SERVICE	RUBBISH BAGS FOR LITTER COLLECTION	-260.70
EFT23956	10/09/2018	1616 SALT CO. PTY LTD	SBDC MERCHANDISE	-2193.60
EFT23957	10/09/2018	MCKELL FAMILY TRUST	MONTHLY-RUBBISH COLLECTION	-11366.28

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23958	10/09/2018	STATE LAW PUBLISHER	ADVERTISING - RATES	-103.95
EFT23959	10/09/2018	SAFE MASTER SAFETY PRODUCTS	RECERTIFICATION OF HEIGHT SAFETY SYSTEM FOR SBDC AND RECREATION CENTRE	-2158.20
EFT23960	10/09/2018	SHIRE OF SHARK BAY - MUNI	SB PROPERTIES – MONTHLY RUBBISH CHARGES	-11780.00
EFT23961	10/09/2018	SUNPRINTS CLOTHING COMPANY	SBDC MERCHANDISE	-4930.75
EFT23962	10/09/2018	TELSTRA CORPORATION LTD	1300 PHONE CHARGES SBDC	-30.26
EFT23963	10/09/2018	TRAFFIC FORCE	RENDEZVOUS FESTIVAL TRAFFIC MANAGEMENT PLAN	-638.00
EFT23964	10/09/2018	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES, LOCAL PLANNING SCHEME REVIEW, HAMELIN POOL STRUCTURE PLAN	-7858.13
EFT23965	10/09/2018	TPG TELECOM PTY LTD	INTERNET CHARGES SBDC - SEPT 18	-108.90
EFT23966	10/09/2018	TOTALLY WORKWEAR	EMBROIDERY CHARGE FOR DEPOT UNIFORMS	-7.74
EFT23967	10/09/2018	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	C.COWELL WALGA CONFERENCE BREAKFAST FEE	-50.00
EFT23968	10/09/2018	WA RESTORATION CO PTY LTD	PART PAYMENT RECORD RESTORATION DUE TO STORM DAMAGE – TO BE REIMBURSED VIA LGIS INSURANCE	-4458.09
EFT23969	10/09/2018	WOODLANDS DISTRIBUTORS AND AGENCIES PTY LTD	DOG TIDY DISPENSER BAGS	-392.70
EFT23973	18/09/2018	SHIRLEY MAY GERATY	RENDEZVOUS FESTIVAL GRANT FOR SHARK BAY CRAFTERS - REIMBURSMENT FOR MATERIALS	-1997.01
EFT23974	18/09/2018	GERALDTON TOYOTA	P176 WINDSCREEN REPLACEMENT	-2086.47
EFT23975	18/09/2018	ASHDOWN INGRAM	PP060 ALTERNATOR	-216.70
EFT23976	18/09/2018	AUSTRALIA POST	POSTAGE FEES AUGUST 2018	-144.96
EFT23977	18/09/2018	ATC MIDWEST APPRENTICE & TRAINEESHIP	TRAINEE WAGES – THOMAS MORONEY WEEK BEGINNING 3 SEPT 18	-112.73
EFT23978	18/09/2018	BATTERY MART	LITTLE LAGOON BBQ BATTERIES	-63.80
EFT23979	18/09/2018	BURTON TILING MAINTENANCE & RENOVATIONS	WATERPROOF FLOORING PHARMACY - LABOUR	-1001.00
EFT23980	18/09/2018	BRIDGESTONE SERVICE CENTRE	MULTI TYRE ROLLER TYRES	-1520.00
EFT23981	18/09/2018	EMMA ELAINE CRAIG	REIMBURSEMENT FOR CONFERENCE – MEALS AND TAXI	-146.97
EFT23982	18/09/2018	FIRE & EMERGENCY SERVICES AUTHORITY OF WA	2018/19 EMERGENCY SERVICE LEVY	-60547.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23983	18/09/2018	FACEPAINTING MAGIC	RENDEZVOUS FESTIVAL FACE PAINTING	-1123.80
EFT23984	18/09/2018	FAR WEST ELECTRICAL	SHIRE OFFICE ELECTRICAL REPAIRS, SBDC FIRE ALARM FAULT, PENSIONER UNIT INVESTIGATION AFTER WATER LEAK	-1293.50
EFT23985	18/09/2018	HORIZON POWER	AUGUST STREET LIGHTING	-3411.80
EFT23986	18/09/2018	HORIZON POWER	ELECTRICITY SHIRE PREMISES	-7253.17
EFT23987	18/09/2018	TOLL IPEC PTY LTD	FREIGHT SBDC MERCHANDISE	-73.06
EFT23988	18/09/2018	JAMIE BURTON	REIMBURSEMENT FOR TRAVEL AND PARKING - WALGA CONFERENCE	-1545.38
EFT23989	18/09/2018	JTAGZ PTY LTD	DOG AND CAT REGISTRATION TAGS FOR 3 YEARS & LIFE	-354.20
EFT23990	18/09/2018	KICK SOLUTIONS	SBDC RENDEZVOUS FESTIVAL MERCHANDISE	-1112.00
EFT23991	18/09/2018	LINDA BUTTERLY	REIMBURSEMENT RENDEZVOUS FESTIVAL ITEMS AND SBDC MERCHANDISE	-310.95
EFT23992	18/09/2018	LANDGATE (WA LAND INFORMATION AUTHORITY)	GRV VALUATION COSTS AUGUST 2018	-25.20
EFT23993	18/09/2018	LEAH WHITMORE	SOCIAL MEDIA ROADWISE COMPETITION - 3RD PRIZE WINNER	-200.00
EFT23994	18/09/2018	MIDWEST FIRE PROTECTION SERVICE	SBDC FIRE FIGHTING SYSTEM MAINTENANCE	-502.04
EFT23995	18/09/2018	TRUE VALUE HARDWARE	AUGUST 2018 MATERIALS	-1123.86
EFT23996	18/09/2018	M&M ENTERTAINMENT	RENDEZVOUS FESTIVAL ENTERTAINMENT	-200.00
EFT23997	18/09/2018	PROFESSIONAL PC SUPPORT	ADOBE ACROBAT PRO INSTALLATION DEBTORS COMPUTER	-346.50
EFT23998	18/09/2018	RAY WHITE REAL ESTATE SHARK BAY	RENT UNIT 6/34 HUGHES ST - OCT 2018	-1191.66
EFT23999	18/09/2018	SHARK BAY HOTEL MOTEL	ACCOMMODATION RENDEZVOUS FESTIVAL ENTERTAINERS	-1050.00
EFT24000	18/09/2018	SHARK BAY NEWSAGENCY	COPY PAPER FOR SHIRE OFFICE AND SBDC	-599.25
EFT24001	18/09/2018	SHARK BAY CLEANING SERVICE	CLEAN 16A SUNTER PLACE	-284.90
EFT24002	18/09/2018	SHAYE GELDER	SOCIAL MEDIA ROADWISE COMPETITION – 1ST & 2ND PRIZE WINNER	-800.00
EFT24003	18/09/2018	SHIRE OF SHARK BAY - MUNI	GYM CARD DEPOSIT – SYLVIA WOOD T170 – REINSTATEMENT OF PREVIOUSLY FORFEITED GYM CARD TRANSFERRED TO MUNICIPAL FROM THE TRUST ACCOUNT	-20.00
EFT24004	18/09/2018	TELSTRA CORPORATION LTD	MOBILE PHONE CHARGES - CDO AND REFUSE SITE	-55.50

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24005	18/09/2018	TALIS	DRAFT FAIR VALUATION REPORT FOR ROAD INFRASTRUCTURE	-7150.00
EFT24006	18/09/2018	WOODLANDS DISTRIBUTORS AND AGENCIES PTY LTD	DOG BAG DISPENSER UNITS	-743.60
EFT24007	18/09/2018	WATER TECHNOLOGY PTY LTD	DENHAM TOWNSITE COASTAL HAZARD RISK MANAGEMENT & ADAPTATION PLAN	-12541.98
EFT24008	21/09/2018	AUSTRALIAN TAXATION OFFICE	PAYROLL DEDUCTIONS AND BAS FOR AUGUST 2018	-32307.00
			TOTAL	**$265,941.76**

SHIRE OF SHARK BAY – TRUST TRANSACTION
SEPTEMBER 2018
TRUST POLICE LICENSING TRANSACTION # 181903

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
181903	30/09/2018	COMMISSIONER OF POLICE	POLICE LICENSING SEPTEMBER 2018	-22624.65
			TOTAL	**$22,624.65**

SHIRE OF SHARK BAY – TRUST EFT
SEPTEMBER 2018

EFT 23970-23972, 24009-24012, 24062-24091

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23970	18/09/2018	CONSTRUCTION TRAINING FUND	INV-03435-DOH1K9	-121.50
EFT23971	18/09/2018	DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY	BUILDING LEVY 145 DAMPIER RD DENHAM PERMIT 3297	-141.65

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23972	18/09/2018	SHIRE OF SHARK BAY - MUNI ACCOUNT	CTF LEVY COLLECTION FEE 145 DAMPIER RD	-26.50
EFT24009	26/09/2018	DAVID HORSLEY	GYM CARD DEPOSIT REFUND	-20.00
EFT24010	26/09/2018	JORDAN SAMWELL	GYM CARD DEPOSIT REFUND	-20.00
EFT24011	26/09/2018	RYAN EYRE	GYM CARD DEPOSIT REFUND	-20.00
EFT24012	26/09/2018	REBECCA PAVEY	GYM CARD DEPOSIT REFUND	-20.00
EFT24062	30/09/2018	MAC ATTACK FISHING CHARTERS	BOOKEASY SEPTEMBER 2018	-1564.00
EFT24063	30/09/2018	SHARK BAY AVIATION	BOOKEASY SEPTEMBER 2018	-5023.00
EFT24064	30/09/2018	BLUE DOLPHIN CARAVAN PARK	BOOKEASY SEPTEMBER 2018	-2575.50
EFT24065	30/09/2018	BAY LODGE MIDWEST OASIS	BOOKEASY SEPTEMBER 2018	-2709.68
EFT24066	30/09/2018	BLUE LAGOON PEARLS	BOOKEASY SEPTEMBER 2018	-382.00
EFT24067	30/09/2018	HOWARD COCK	BOOKEASY SEPTEMBER 2018	-335.52
EFT24068	30/09/2018	SHARK BAY COASTAL TOURS	BOOKEASY SEPTEMBER 2018	-3669.60
EFT24069	30/09/2018	DENHAM SEASIDE CARAVAN PARK	BOOKEASY SEPTEMBER 2018	-565.84
EFT24070	30/09/2018	EXMOUTH DIVE CENTRE	BOOKEASY SEPTEMBER 2018	-722.50
EFT24071	30/09/2018	EXMOUTH ESCAPE RESORT	BOOKEASY SEPTEMBER 2018	-935.00
EFT24072	30/09/2018	HARTOG COTTAGES	BOOKEASY SEPTEMBER 2018	-1500.40
EFT24073	30/09/2018	HINCHY PUBLICATIONS	BOOKEASY SEPTEMBER 2018	-44.32
EFT24074	30/09/2018	HAMELIN POOL CARAVAN PARK AND TOURIST CENTRE	BOOKEASY SEPTEMBER 2018	-112.20
EFT24075	30/09/2018	HERITAGE RESORT	BOOKEASY SEPTEMBER 2018	-792.00
EFT24076	30/09/2018	INTEGRITY COACH LINES (AUST) PTY LTD	BOOKEASY SEPTEMBER 2018	-167.53
EFT24077	30/09/2018	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	BOOKEASY SEPTEMBER 2018	-9526.88
EFT24078	30/09/2018	MONKEYMIA WILDSIGHTS	WILDSIGHTS SEPTEMBER 2018	-3421.00
EFT24079	30/09/2018	NANGA BAY RESORT	BOOKEASY SEPTEMBER 2018	-212.50
EFT24080	30/09/2018	WA OCEAN PARK PTY LTD	BOOKEASY SEPTEMBER 2018	-3569.15
EFT24081	30/09/2018	OCEANSIDE VILLAGE	BOOKEASY SEPTEMBER 2018	-555.00
EFT24082	30/09/2018	SHARK BAY SCENIC QUAD BIKE TOURS	BOOKEASY SEPTEMBER 2018	-1785.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24083	30/09/2018	RAC TOURISM ASSETS P/L T/A MONKEY MIA DOLPHIN RESORT	BOOKEASY SEPTEMBER 2018	-1033.12
EFT24084	30/09/2018	SHARK BAY DIVE AND MARINE SAFARIS	BOOKEASY SEPTEMBER 2018	-1636.25
EFT24085	30/09/2018	SHARK BAY HOTEL MOTEL	BOOKEASY SEPTEMBER 2018	-187.00
EFT24086	30/09/2018	SHARK BAY 4WD TOURS	BOOKEASY SEPTEMBER 2018	-2057.00
EFT24087	30/09/2018	SHARK BAY COTTAGES	BOOKEASY SEPTEMBER 2018	-1298.70
EFT24088	30/09/2018	SHIRE OF SHARK BAY - MUNI ACCOUNT	SBDC BOOKING COMMISSIONS SEPTEMBER 2018	-7206.73
EFT24089	30/09/2018	JOHN MCDONALD -SUNSET VIEW ACCOMMODATION	BOOKEASY SEPTEMBER 2018	-714.00
EFT24090	30/09/2018	TRADEWINDS SEAFRONT APARTMENTS	BOOKEASY SEPTEMBER 2018	-1056.00
EFT24091	30/09/2018	WULA GURA NYINDA ECO ADVENTURES	BOOKEASY SEPTEMBER 2018	-1030.48
			TOTAL	**$56,757.55**

12.2 FINANCIAL REPORTS TO 30 SEPTEMBER 2018
CM00017

Author
Executive Manager Finance and Administration

Disclosure of Any Interest
Nil

Moved Cr Ridgley
Seconded Cr Cowell

Council Resolution
That the monthly financial report to 30 September 2018 as attached be received.
5/0 CARRIED

Comment
As per the requirements of Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government Accounting (Financial Management) Regulations 1996*, the following monthly financial reports to **30 September 2018** are attached.

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 19 October 2018

SHIRE OF SHARK BAY

MONTHLY FINANCIAL REPORT

For the Period Ended 30 September 2018

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

TABLE OF CONTENTS

Compilation Report	
Monthly Summary Information	
Statement of Financial Activity by Program	
Statement of Financial Activity By Nature or Type	
Statement of Capital Acquisitions and Capital Funding	
Note 1	Significant Accounting Policies
Note 2	Explanation of Material Variances
Note 3	Net Current Funding Position
Note 4	Cash and Investments
Note 6	Receivables
Note 7	Cash Backed Reserves
Note 8	Capital Disposals
Note 9	Rating Information
Note 10	Information on Borrowings
Note 11	Grants and Contributions
Note 12	Trust
Note 13	Capital Acquisitions

SHIRE OF SHARK BAY
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 30 September 2018

	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Operating Revenues		$	$	$	$	%	
Governance		58,800	57,824	3,257	(54,567)	(94.37%)	▼
General Purpose Funding - Rates	9	1,303,336	1,293,252	1,382,393	89,141	6.89%	▲
General Purpose Funding - Other		1,005,532	249,368	251,281	1,913	0.8%	▲
Law, Order and Public Safety		84,987	35,374	5,018	(30,356)	(86%)	▼
Health		1,550	390	1,363	973	249.44%	▲
Housing		102,610	25,758	34,063	8,305	32.2%	▲
Community Amenities		308,548	225,323	241,357	16,034	7.12%	▲
Recreation and Culture		235,476	59,853	115,933	56,080	93.7%	▲
Transport		470,644	211,885	250,262	38,377	18.1%	▲
Economic Services		796,087	259,093	196,570	(62,523)	(24.1%)	▼
Other Property and Services		35,000	8,751	11,182	2,431	27.8%	▲
Total Operating Revenue		**4,402,570**	**2,426,871**	**2,492,680**	65,810	2.71%	
Operating Expense							
Governance		(323,208)	(221,830)	(90,064)	131,767	(59.4%)	▲
General Purpose Funding		(122,234)	(30,569)	(29,120)	1,449	(4.7%)	▲
Law, Order and Public Safety		(385,432)	(120,788)	(74,406)	46,381	(38.4%)	▲
Health		(76,922)	(19,488)	(11,891)	7,597	(39.0%)	▲
Housing		(196,115)	(53,537)	(41,255)	12,282	(22.9%)	▲
Community Amenities		(748,751)	(199,058)	(137,984)	61,074	(30.7%)	▲
Recreation and Culture		(2,244,626)	(601,596)	(304,816)	296,780	(49.3%)	▲
Transport		(1,777,877)	(424,458)	(278,758)	145,700	(34.3%)	▲
Economic Services		(1,191,491)	(393,678)	(257,374)	136,304	(34.6%)	▲
Other Property and Services		(34,750)	(38,612)	71,550	110,161	(285.3%)	▲
Total Operating Expenditure		**(7,101,406)**	**(2,103,612)**	**(1,154,117)**	949,495	(45.1%)	
Funding Balance Adjustments							
Add back Depreciation		2,018,120	508,655	0	(508,655)		
Adjust (Profit)/Loss on Asset Disposal	8	112,389	0	0	0		
Adjust Provisions and Accruals		10,000	0	0			
Net Cash from Operations		**(558,327)**	**831,913**	**1,338,563**	**506,650**		
Capital Revenues							
Grants, Subsidies and Contributions	11	481,298	153,437	168,312	14,875	9.7%	▲
Proceeds from Disposal of Assets	8	288,636	0	0	0		
Total Capital Revenues		**769,934**	**153,437**	**168,312**	14,875	9.7%	
Capital Expenses							
Land Held for Resale							
Land and Buildings	13	(141,355)	(71,352)	(1,164)	70,188	98.37%	▲
Infrastructure - Roads	13	(555,227)	(88,842)	(80,776)	8,066	9.1%	▼
Infrastructure - Public Facilities	13	(804,066)	(4,066)	(7,412)	(3,346)	(82.3%)	▼
Infrastructure - Streetscapes	13	0	0	0	0	0.0%	▲
Infrastructure - Footpaths	13	(50,000)	(30,000)	(46,980)	(16,980)	(56.6%)	▼
Infrastructure - Drainage	13	0	0	0	0		▲
Plant and Equipment	13	(766,138)	(23,685)	(2,233)	21,452	90.6%	▲
Furniture and Equipment	13	(15,000)	(15,000)	0	15,000	0.0%	▲
Total Capital Expenditure		**(2,331,786)**	**(232,945)**	**(138,565)**	94,380	40.5%	
Net Cash from Capital Activities		**(1,561,852)**	**(79,508)**	**29,747**	**109,255**	**137.41%**	
Financing							
Proceeds from Loans		800,000	0	0	0		
Transfer from Reserves	7	680,745	680,744	680,744	0	0.0%	
Repayment of Debentures	10	(84,414)	(26,039)	(26,039)	0	0.0%	
Transfer to Reserves	7	(769,544)	(541,291)	(541,291)	0	0.0%	
Loans to Community Groups		0	0	0	0	0.0%	
Net Cash from Financing Activities		**626,787**	**113,414**	**113,414**	**0**	(0.0%)	
Net Operations, Capital and Financing		**(1,493,392)**	**865,819**	**1,481,724**	**615,905**	(71.14%)	▲
Opening Funding Surplus(Deficit)	3	**1,493,392**	**1,493,392**	**1,493,392**	**0**		
Closing Funding Surplus(Deficit)	3	**0**	**2,359,211**	**2,975,116**	**615,905**	26.11%	▲

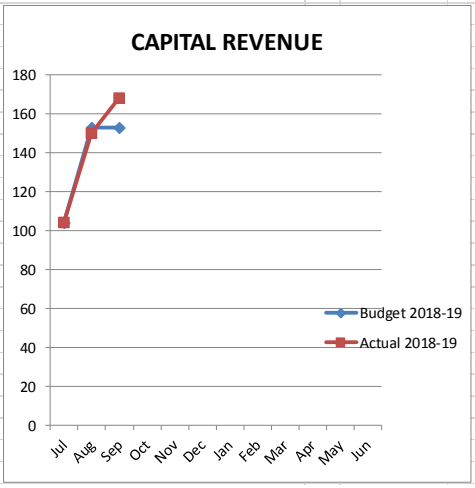
Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.
Refer to Note 2 for an explanation of the reasons for the variance.

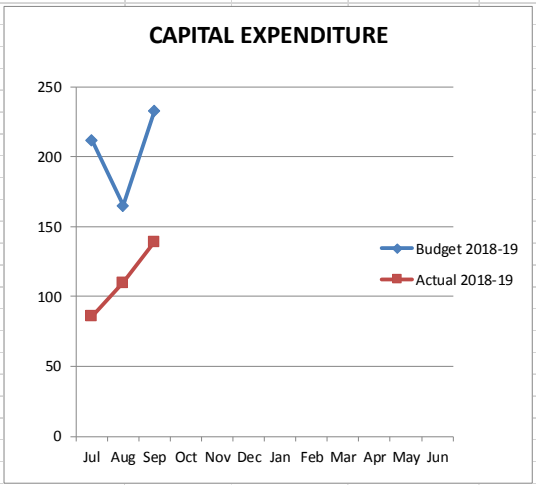
SHIRE OF SHARK BAY
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 30 September 2018

	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)
Operating Revenues		$	$	$
Rates	9	1,303,336	1,293,252	1,382,393
Operating Grants, Subsidies and Contributions	11	1,411,893	463,392	476,194
Fees and Charges		1,462,040	572,796	580,684
Interest Earnings		49,155	11,272	13,175
Other Revenue		161,146	71,159	40,234
Profit on Disposal of Assets	8	15,000	15,000	0
Total Operating Revenue		**4,402,570**	**2,426,871**	**2,492,680**
Operating Expense				
Employee Costs		(2,243,191)	(595,762)	(490,819)
Materials and Contracts		(2,142,455)	(764,358)	(467,975)
Utility Charges		(190,175)	(49,307)	(21,760)
Depreciation on Non-Current Assets		(2,018,120)	(508,655)	0
Interest Expenses		(24,755)	(1,340)	(1,178)
Insurance Expenses		(156,026)	(92,367)	(93,241)
Other Expenditure		(199,295)	(91,824)	(79,144)
Loss on Disposal of Assets	8	(127,389)	0	0
Total Operating Expenditure		**(7,101,406)**	**(2,103,612)**	**(1,154,117)**
Funding Balance Adjustments				
Add back Depreciation		2,018,120	508,655	0
Adjust (Profit)/Loss on Asset Disposal	8	112,389	0	0
Adjust Provisions and Accruals		10,000	0	0
Net Cash from Operations		**(558,327)**	**831,913**	**1,338,563**
Capital Revenues				
Grants, Subsidies and Contributions	11	481,298	153,437	168,312
Proceeds from Disposal of Assets	8	288,636	0	0
Total Capital Revenues		**769,934**	**153,437**	**168,312**
Capital Expenses				
Land Held for Resale				
Land and Buildings	13	(141,355)	(71,352)	(1,164)
Infrastructure - Roads	13	(555,227)	(88,842)	(80,776)
Infrastructure - Public Facilities	13	(804,066)	(4,066)	(7,412)
Infrastructure - Streetscapes	13	0	0	0
Infrastructure - Footpaths	13	(50,000)	(30,000)	(46,980)
Infrastructure - Drainage	13	0	0	0
Plant and Equipment	13	(766,138)	(23,685)	(2,233)
Furniture and Equipment	13	(15,000)	(15,000)	0
Total Capital Expenditure		**(2,331,786)**	**(232,945)**	**(138,565)**
Net Cash from Capital Activities		**(1,561,852)**	**(79,508)**	**29,747**
Financing				
Proceeds from Loans		800,000	0	0
Transfer from Reserves	7	680,745	680,744	680,744
Repayment of Debentures	10	(84,414)	(26,039)	(26,039)
Transfer to Reserves	7	(769,544)	(541,291)	(541,291)
Loans to Community Groups		0	0	0
Net Cash from Financing Activities		**626,787**	**113,414**	**113,414**
Net Operations, Capital and Financing		**(1,493,392)**	**865,819**	**1,481,725**
Opening Funding Surplus(Deficit)	3	**1,493,392**	**1,493,392**	**1,493,392**
Closing Funding Surplus(Deficit)	3	**0**	**2,359,211**	**2,975,117**

SHIRE OF SHARK BAY
STATEMENT OF CAPITAL ACQUSITIONS AND CAPITAL FUNDING
For the Period Ended 30 September 2018

Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Amended Annual Budget	Variance (d) - (c)
		$	$	$	$	$	$
Land and Buildings	13	0	1,164	1,164	71,352	141,355	70,188
Infrastructure Assets - Roads	13	0	80,776	80,776	88,842	555,227	8,066
Infrastructure Assets - Public Facilities	13	7,412	0	7,412	4,066	804,066	(3,346)
Infrastructure Assets - Footpaths	13	46,980	0	46,980	30,000	50,000	(16,980)
Infrastructure Assets - Drainage	13	0	0	0	0	0	0
Infrastructure Assets - Streetscapes	13	0	0	0	0	0	0
Plant and Equipment	13	0	2,233	2,233	23,685	766,138	21,452
Furniture and Equipment	13	0	0	0	15,000	15,000	15,000
Capital Expenditure Totals		**54,392**	**84,173**	**138,565**	**232,945**	**2,331,786**	**94,380**





SHIRE OF SHARK BAY

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 September 2018

1. SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of Preparation

This report has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authorative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this budget are presented below and have been consistently applied unless stated otherwise.

Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this budget.

In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 16 to this budget document.

(b) Rounding Off Figures

All figures shown in this report, other than a rate in the dollar, are rounded to the nearest dollar.

(c) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.

Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

(d) Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

(e) Superannuation

The Council contributes to a number of Superannuation Funds on behalf of employees.

All funds to which the Council contributes are defined contribution plans.

SHIRE OF SHARK BAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(f) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

Bank overdrafts are shown as short term borrowings in current liabilities in the statement of financial position.

(g) Trade and Other Receivables

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

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(h) Inventories

General

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

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

Land Held for Resale

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.

Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.

Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

(i) Fixed Assets

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

Mandatory Requirement to Revalue Non-Current Assets

Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.

SHIRE OF SHARK BAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(j) Fixed Assets (Continued)

Land Under Control

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.

Initial Recognition and Measurement between Mandatory Revaluation Dates

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.

SHIRE OF SHARK BAY

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 September 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(j) Fixed Assets (Continued)

Revaluation

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.

Transitional Arrangement

During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.

Those assets carried at cost will be carried in accordance with the policy detailed in the ***Initial Recognition*** section as detailed above.

Those assets carried at fair value will be carried in accordance with the ***Revaluation*** Methodology section as detailed above.

Land Under Roads

In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.

Depreciation

The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.

SHIRE OF SHARK BAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

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	18 years
Footpaths	40 to 80 years
Drainage Systems	
- Drains and Kerbs	20 to 60 years
- Culverts	60 years
- Pipes	80 years
- Pits	60 years

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.

When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained surplus.

Capitalisation Threshold

Expenditure on items of equipment under $5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.

(k) Fair Value of Assets and Liabilities

When performing a revaluation, the Council uses a mix of both independent and management valuations using the following as a guide:

Fair Value is the price that Council would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.

SHIRE OF SHARK BAY

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 September 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(k) Fair Value of Assets and Liabilities (Continued)

As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.

To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).

For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.

Fair Value Hierarchy

AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:

Level 1

Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2

Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3

Measurements based on unobservable inputs for the asset or liability.

The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.

Valuation techniques

The Council selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Council are consistent with one or more of the following valuation approaches:

Market approach

Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.

SHIRE OF SHARK BAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(k) Fair Value of Assets and Liabilities (Continued)

Income approach

Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.

Cost approach

Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.

Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Council gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.

As detailed above, the mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.

(l) Financial Instruments

Initial Recognition and Measurement

Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

Classification and Subsequent Measurement

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost.

Amortised cost is calculated as:

(a) the amount in which the financial asset or financial liability is measured at initial recognition;
(b) less principal repayments and any reduction for impairment; and
(c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.

SHIRE OF SHARK BAY

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 September 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(l) Financial Instruments (Continued)

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) Financial assets at fair value through profit and loss

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.

(ii) Loans and receivables

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.

(iii) Held-to-maturity investments

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.

(iv) Available-for-sale financial assets

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.

(v) Financial liabilities

Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.

SHIRE OF SHARK BAY

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 September 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(l) Financial Instruments (Continued)

Impairment

A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a "loss event") having occurred, which has an impact on the estimated future cash flows of the financial asset(s).

In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.

In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.

For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.

Derecognition

Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.

Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

(m) Impairment of Assets

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.

Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.

SHIRE OF SHARK BAY

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 September 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(m) Impairment of Assets (Continued)

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

(n) Trade and Other Payables

Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

(o) Employee Benefits

Short-Term Employee Benefits

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

The Council's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Council's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Other Long-Term Employee Benefits

Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or 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.

SHIRE OF SHARK BAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(p) Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

(q) Provisions

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

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

(r) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Council's intentions to release for sale.

Shire of Shark Bay
EXPLANATION OF MATERIAL VARIANCES
For the Period Ended 30 September 2018

Note 2: EXPLANATION OF MATERIAL VARIANCES

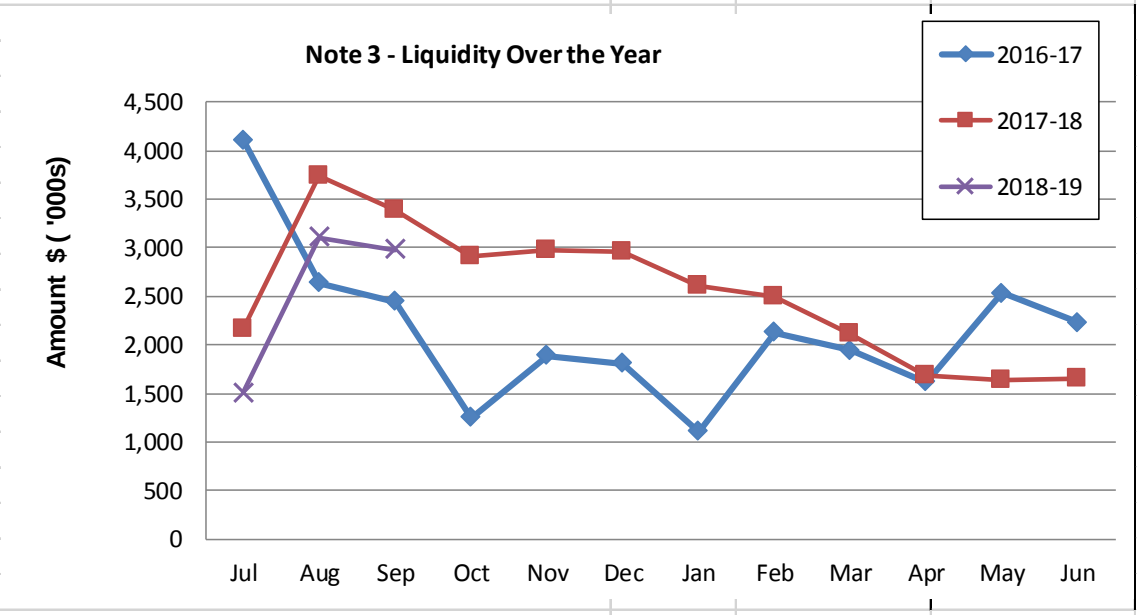
Reporting Program	Var. $	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	$	%			
Governance	(54,567)	(94.4%)	▼	Timing	Insurance Reimbursement and Timing of Sale of Assets to occur later than budget timing
General Purpose Funding - Rates	89,141	6.9%	▲	Permanent	Various Concessions have not been applied for Ie RAC, Yadgalah and MRAC
General Purpose Funding - Other	1,913	0.8%	▲	Timing	No Reportable Variance
Law, Order and Public Safety	(30,356)	(85.8%)	▼	Timing	CHRMAP Grant Funding budgeted to be received earlier
Health	973	249.4%	▲	Permanent	No Reportable Variance
Housing	8,305	32.2%	▲	Timing	Pensioner and 16A Sunter Rent Received in Advance
Community Amenities	16,034	7.1%	▲	Permanent	Increase in Refuse Removal and Refuse Site Fees compared to Budget
Recreation and Culture	56,080	93.7%	▲	Permanent	Increase in SBDC Sales and Entrance Fees compared to budget
Transport	38,377	18.1%	▲	Permanent	Additional Road Preservation Grant of $40K received
Economic Services	(62,523)	(24.1%)	▼	Timing	Variance due to MRWA Private Works budget timing
Other Property and Services	2,431	27.8%	▲	Timing	No Reportable Variance
Operating Expense					
Governance	131,767	(59.4%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised
General Purpose Funding	1,449	(4.7%)	▲	Permanent	No reportable variance.
Law, Order and Public Safety	46,381	(38.4%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised
Health	7,597	(39.0%)	▲	Timing	Overall underspend in expenses compared to budget
Housing	12,282	(22.9%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised
Community Amenities	61,074	(30.7%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised
Recreation and Culture	296,780	(49.3%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised and overall underspend
Transport	145,700	(34.3%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised and overall underspend
Economic Services	136,304	(34.6%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised
Other Property and Services	110,161	(285.3%)	▲	Timing	Depreciation not run until Audit 17/18 Finalised
Capital Revenues					
Grants, Subsidies and Contributions	14,875	9.7%	▲	Timing	Grant for CCTV not included in budget 18K
Proceeds from Disposal of Assets	0	0.0%	▲	Timing	No Reportable Variance
Capital Expenses					
Land and Buildings	70,188	98.4%	▲	Timing	No Housing or Depot Building Projects have commenced
Infrastructure - Roads	8,066	9.1%	▼	Timing	Eagle Bluff Road commenced earlier than anticipated in budget offset by Useless Loop Road yet to commence
Infrastructure - Public Facilities	(3,346)	(82.3%)	▼	Timing	Refuse and Recycling Project close to finalisation
Infrastructure - Footpaths	(16,980)	0.0%	▼	Timing	Expenditure on Footpaths commenced earlier than anticipated in budget
Plant and Equipment	21,452	90.6%	▲	Timing	Major Capital Plant purchases have not commenced
Financing					
Loan Principal	0	0.0%	▼	Timing	No reportable variance.

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

Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

Note 3: NET CURRENT FUNDING POSITION

	Note	30 September 2018	30 September 2017
		Positive=Surplus (Negative=Deficit)	
		$	$
Current Assets			
Cash Unrestricted	4	2,051,537	2,698,828
Cash Restricted	4	1,561,083	1,239,296
Receivables - Rates	6	1,108,419	784,472
Receivables -Other	6	97,088	73,703
Interest / ATO Receivable		18,157	13,896
Inventories		125,216	187,603
		4,961,501	4,997,798
Less: Current Liabilities			
Payables		(175,763)	(165,903)
Provisions		(249,539)	(203,734)
Royalties for Regions Funding		0	
		(425,302)	(369,637)
Less: Cash Reserves	7	(1,561,083)	(1,239,296)
Net Current Funding Position		**2,975,116**	**3,388,865**



Comments - Net Current Funding Position

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 September 2018

Note 4: CASH AND INVESTMENTS

		Interest Rate	Unrestricted $	Restricted $	Trust $	Total Amount $	Institution	Maturity Date
(a)	**Cash Deposits**							
	Municipal Bank Account	0.10%	419,320			419,320	Bankwest	At Call
	Reserve Bank Account	0.00%		6,083		6,083	Bankwest	At Call
	Telenet Saver	1.10%	631,417			631,417	Bankwest	At Call
	Trust Bank Account	0.00%			11,673	11,673	Bankwest	At Call
	Cash On Hand		800			800		On Hand
(b)	**Term Deposits**							
	Municipal Investment	2.35%	400,000			400,000	Bankwest	25/10/2018
	Municipal Investment	2.35%	600,000			600,000	Bankwest	27/12/2018
	Reserve Investment	2.35%		1,555,000		1,555,000	Bankwest	21/12/2018
	Total		2,051,537	1,561,083	11,673	3,624,293		

Comments/Notes - Investments

Surplus funds invested for terms conducive to cashflow requirements.

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

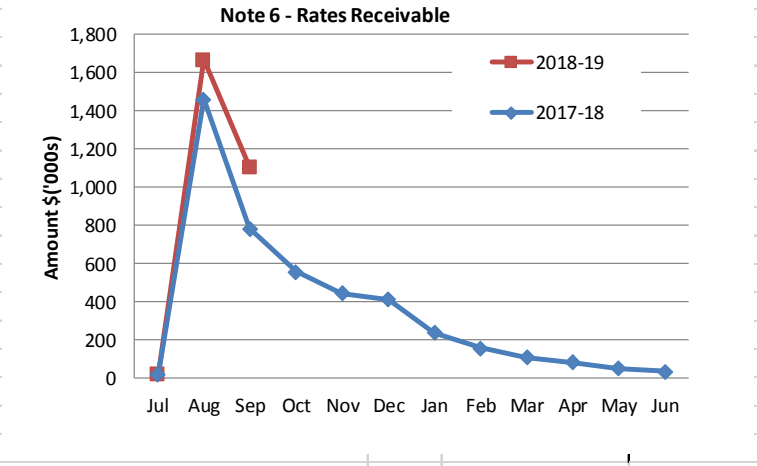
For the Period Ended 30 September 2018

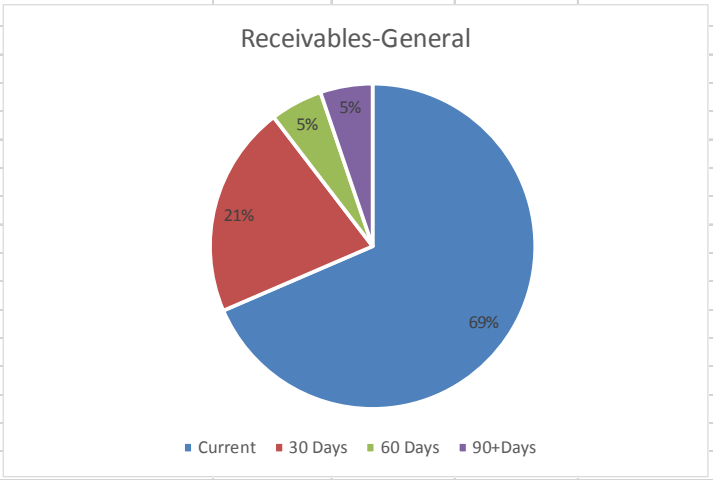
Note 6: RECEIVABLES

Receivables - Rates Receivable	30 September 2018	30 June 2018
	$	$
Opening Arrears Previous Years	36,578	25,814
Levied this year	1,680,151	1,288,212
Less Collections to date	(608,309)	(1,277,448)
Equals Current Outstanding	**1,108,419**	**36,578**
Net Rates Collectable	**1,108,419**	**36,578**
% Collected	35.43%	97.22%

Receivables - General	Current	30 Days	60 Days	90+Days
	$	$	$	$
Receivables - General	55,760	17,128	4,240	4,233
Total Receivables General Outstanding				**81,361**

Amounts shown above include GST (where applicable)



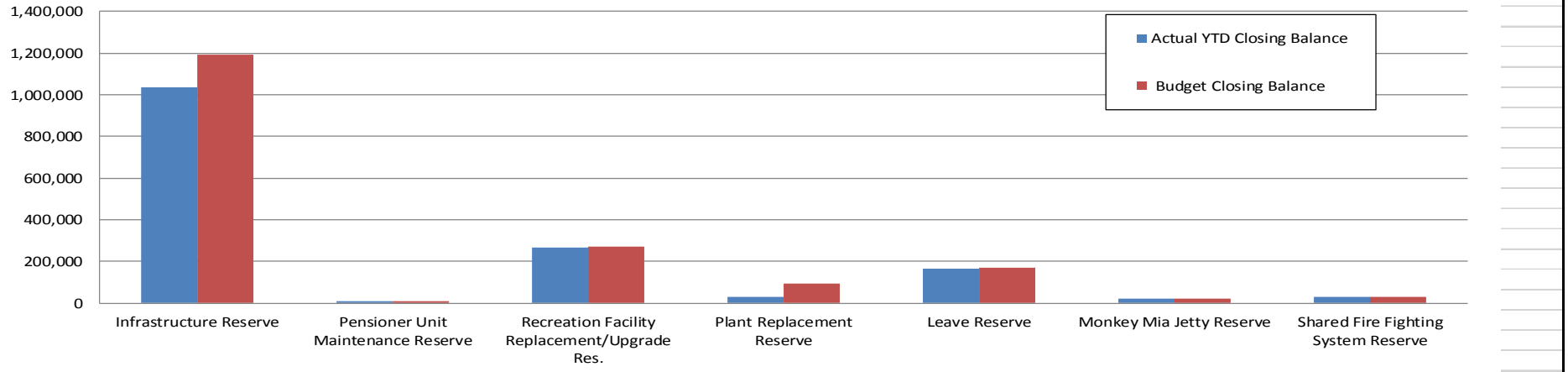


Comments/Notes - Receivables Rates
No major issues at this time

Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

Note 7: Cash Backed Reserve

2018-19 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	1,075,755	13,500	1,791	218,577	74,606	(114,606)	(114,606)	1,193,226	1,037,546
Pensioner Unit Maintenance Reserve	10,748	15	2	25,000	25,000	(25,000)	(25,000)	10,763	10,750
Recreation Facility Replacement/Upgrade Res.	264,546	6,250	827	0				270,796	265,373
Plant Replacement Reserve	165,608	1,100	172	468,227	404,591	(541,139)	(541,138)	93,796	29,233
Leave Reserve	133,402	2,000	269	33,900	33,900	0		169,302	167,571
Monkey Mia Jetty Reserve	21,586	400	57	0	0	0		21,986	21,643
Shared Fire Fighting System Reserve	28,891	575	76	0	0	0		29,466	28,967
	1,700,536	**23,840**	**3,194**	**745,704**	**538,097**	**(680,745)**	**(680,744)**	**1,789,335**	**1,561,083**



Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 September 2018

Note 8 CAPITAL DISPOSALS

Actual YTD Profit/(Loss) of Asset Disposal					Annual Budget YTD 30 09 2018		
Cost	Accum Depr	Proceeds	Profit (Loss)		Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance
$	$	$	$	**Plant and Equipment**	$	$	$
				Governance			
			0	CEO Vehicle	(10,111)	0	10,111
				EMFA Vehicle	9,000	0	(9,000)
				EMCD Vehicle	6,000	0	(6,000)
0	0	0	0		4,889	0	(4,889)
				Transport			
				Dual Cab Ute Works Manager	(8,262)		8,262
				Dual Cab Ute Town	(10,568)		10,568
				Dual Cab Ute Country	(11,046)		11,046
				Ride on Lawn Mower	1,025		(1,025)
				Town Loader	(65,885)		65,885
				Multi Tyred Rubber Roller	0		0
				Vibration Roller	(22,542)		22,542
0	0	0	0		(117,278)	0	117,278
0	**0**	**0**	**0**		**(112,389)**	**0**	**112,389**

Comments - Capital Disposal/Replacements

Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

Note 9: RATING INFORMATION RATE TYPE	Rate in $	Number of Properties	Rateable Value $	Rate Revenue $	Interim Rates $	Back Rates $	Total Revenue $	2018/19 Budget Rate Revenue $	2018/19 Budget Interim Rate $	2018/19 Budget Back Rate $	2018/19 Budget Total Revenue $
Differential General Rate											
GRV Residential	0.098885	309	3,681,102	365,446			365,446	364,005			364,005
GRV Commercial	0.101620	43	2,123,918	214,353			214,353	215,832			215,832
GRV Vacant	0.098885	17	331,334	32,764			32,764	32,763			32,763
GRV Rural Commercial	0.102773	5	304,200	31,264			31,264	31,264			31,264
GRV Industrial/Residential	0.109426	45	619,128	67,749			67,749	67,749			67,749
GRV Industrial/Residential Vacant	0.098885	2	17,100	1,691			1,691	1,691			1,691
GRV Rural Resort	0.108482	2	1,112,800	120,719			120,719	120,719			120,719
UV General	0.200085	7	1,150,738	238,613			238,613	230,245			230,245
UV Pastoral	0.137028	11	617,360	84,596			84,596	84,596			84,596
UV Mining	0.272901	1	6,990	1,969			1,969	1,908			1,908
UV Exploration	0.262395	8	601,023	162,797			162,797	157,705			157,705
Sub-Totals		450	10,565,693	1,321,960	0	0	1,321,960	1,308,477	0	0	1,308,477
Minimum Payment											
GRV Residential	850.00	59	443,150	51,000			51,000	50,150			50,150
GRV Commercial	850.00	17	93,832	14,450			14,450	14,450			14,450
GRV Vacant	850.00	84	274,870	70,550			70,550	71,400			71,400
GRV Rural Commercial	850.00	0	0				0	0			0
GRV Industrial/Residential	850.00	3	19,760	2,550			2,550	2,550			2,550
GRV Industrial/Residential Vacant	530.00	0	0				0	0			0
GRV Rural Resort	850.00	0	0				0	0			0
UV General	890.00	7	23,060	6230			6,230	6,230			6,230
UV Pastoral	890.00	0	0				0	0			0
UV Mining	890.00	1	596	890			890	890			890
UV Exploration	890.00	1	1,941	890			890	890			890
Sub-Totals		172	857,209	146,560	0	0	146,560	146,560	0	0	146,560
Excess Rates 17/18 and 18/19 Impact							(20,084)				(10,000)
Concessions							(101,967)				(179,221)
Amount from General Rates							**1,346,469**				**1,265,816**
Specified Area Rates							35,925				37,520
Totals							**1,382,393**				**1,303,336**

Comments - Rating Information

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 September 2018

10. INFORMATION ON BORROWINGS

(a) Debenture Repayments

Particulars	Principal 1-Jul-18	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			2018/19 Actual $	2018/19 Budget $	2018/19 Actual $	2018/19 Budget $	2018/19 Actual $	2018/19 Budget $
Loan 57 Monkey Mia Bore	165,022	0	15,050	30,406	149,972	134,616	1,493	7,114
Loan 53 - Staff Housing	22,333	0	10,988	22,333	11,345	0	35	440
Loan 56 - Staff Housing	46,707	0	0	17,860	46,707	28,847	(350)	2,758
Loan - Town Oval Bore	0	800,000	0	13,815	0	786,185	0	14,440
	234,062	800,000	26,039	84,414	208,023	949,648	1,178	24,752

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

Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

Note 11: GRANTS AND CONTRIBUTIONS

Program/Details	Grant Provider	Approval	2018-19 Original Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received/Invoiced	Not Received
		(Y/N)	$	$	$	$	$	$
GENERAL PURPOSE FUNDING								
Grants Commission - General	WALGGC	Y	719,551	0	719,551	0	179,888	539,663
Grants Commission - Roads	WALGGC	Y	215,001	0	215,001	0	53,750	161,251
LAW, ORDER, PUBLIC SAFETY								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Y	6,248	0	6,248	0	0	6,248
Grant FESA - SES	Dept. of Fire & Emergency Serv.	Y	34,740	0	34,740	0	0	34,740
Coastal Hazard Risk Management & Adaption Plan	WA Planning Commission	Y	32,500	0	32,500	0	0	32,500
RECREATION AND CULTURE								
Upgrade Town Hall Stage	Shark Bay Entertainers Contribution	Y	3,500	0	0	3,500	0	3,500
Upgrade Town Hall Stage	Lotteries Commission	Y	45,855	0	0	45,855	45,855	0
TRANSPORT								
Road Preservation Grant	State Initiative - Main Roads WA	Y	65,254	0	65,254	0	106,056	(40,802)
Useless Loop Road - Mtce	Main Roads WA	Y	330,000	0	330,000	0	132,000	198,000
Contributions - Road Projects	Pipeline	Y	8,600	0	8,600	0	0	8,600
Roads To Recovery Grant - Cap	Roads to Recovery	Y	199,878	0	0	199,878	0	199,878
RRG Grants - Capital Projects	Regional Road Group	Y	0	0	0	0	104,082	(104,082)
CCTV - Depot	Dept. of Industry, Innovation & Science	Y	0	0	0	0	6,125	(6,125)
CCTV - Monkey Mia	Dept. of Industry, Innovation & Science	Y		0	0	0	6,125	(6,125)
ECONOMIC SERVICES								
Support for Local Road Safety Activities	WALGA	Y	0	0	0	0	1,500	(1,500)
CCTV Foreshore	Dept. of Industry, Innovation & Science	Y	0	0	0	0	6,125	(6,125)
Destination Shark Bay Brand Development	Shark Bay Tourism Association	Y	0	0	0	0	3,000	(3,000)
		Y	0					
TOTALS			**1,661,127**	**0**	**1,411,894**	**249,233**	**644,506**	**1,016,621**
	Operating		1,411,894				476,194	
	Non-operating		249,233				168,312	
			1,661,127				644,506	

Comments - Operating and Non Operating Grants

Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2018

Note 12: TRUST FUND

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance 1 Jul 18	Amount Received	Amount Paid	Closing Balance 30-Sep-18
	$	$	$	$
CITF Levy	0	1,593	(903)	**691**
Library Card Bond	50	100	(100)	**50**
Bookeasy- Sales	0	172,806	(172,806)	**0**
Kerb/Footpath Deposit	4,300			**4,300**
Bond Key	2,300	480	(480)	**2,300**
Hall Bond	0	275	0	**275**
Police Licensing	2,063	84,390	(85,377)	**1,076**
Election Deposit	0			**0**
Marquee Deposit	0			**0**
Building Licence Levy	0	1,149	(675)	**473**
Road Reserve - Hughes Street	2,298	0		**2,298**
Tour Sales	0			**0**
Property Rental Bonds	1,820		(1,820)	**0**
Rates Unidentified Deposit	210			**210**
	13,041	**260,793**	**(262,160)**	**11,673**

CAPITAL WORKS PROGRAM 2018/19								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Land and Buildings								
Housing								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	1.1.2	CEO	(10,000)	(2,499)		2,499	0	
Staff Housing - 65 Brockman St	1.1.2	EMCD	(10,000)	(2,499)		2,499	0	
Staff Housing - 51 Durlacher St	1.1.2	EMFA	(10,000)	(2,499)		2,499	0	
Staff Housing - 80 Durlacher St	1.1.2	EMCD	(10,000)	(2,499)		2,499	0	
Pensioner Units Capital	1.1.3	EMCD	(25,000)	0	(1,164)	(1,164)	1,164	
Housing Total			**(65,000)**	**(9,996)**	**(1,164)**	**8,832**	**1,164**	
Recreation and Culture								
Denham Town Hall Stage Upgrade	2.2.1	EMCD	(56,355)	(56,355)	0	56,355	0	
Recreation and Culture Total			**(56,355)**	**(56,355)**	**0**	56,355	0	
Transport								
Depot- New Ablution	2.2.1	WKM	(20,000)	(5,001)	0	5,001		
Transport Total			**(20,000)**	**(5,001)**	**0**	5,001	0	
Land and Buildings Total			**(141,355)**	**(71,352)**	**(1,164)**	**70,188**	**1,164**	
Footpaths								
Transport								
Footpath Construction-Denham Footpath Plan	1.1.2	WKM	(50,000)	(30,000)	(46,980)	(16,980)		
Transport Total			**(50,000)**	**(30,000)**	**(46,980)**	**(16,980)**	**0**	
Footpaths Total			**(50,000)**	**(30,000)**	**(46,980)**	**(16,980)**	**0**	

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Furniture & Office Equip.								
Governance								
New IP Phone System	1.1.2	EMFA	(15,000)	(15,000)	0	15,000		
Governance Total			(15,000)	(15,000)	0	15,000	0	
Furniture & Office Equip. Total			**(15,000)**	**(15,000)**	**0**	**15,000**	**0**	
Plant , Equipment and Vehicles								
Governance								
CEO Vehicle	1.1.2	CEO	(70,000)		0	0		
EMFA Vehicle	1.1.2	EMFA	(35,000)		0	0		
EMCD Vehicle	1.1.2	EMCD	(35,000)		0	0		
Total Governance			**(140,000)**	**0**	**0**	**0**	**0**	
Transport								
Major Plant Items	1.1.2	WKM	(20,000)	(5,001)		5,001	0	
Dual Cab Ute - Works Manager	1.1.2	WKM	(55,000)			0	0	
Dual Cab Ute - Town	1.1.2	WKM	(45,000)			0	0	
Excavator	1.1.2	WKM	(31,138)	(18,684)	(2,233)	16,451	2,233	
Multi Tyred Rubber Roller	1.1.2	WKM	(170,000)			0	0	
Town Loader	1.1.2	WKM	(195,000)			0	0	
Ride on Lawn Mower	1.1.2	WKM	(45,000)			0	0	
Dual Cab Ute - Country	1.1.2	WKM	(45,000)			0	0	
Transport Total			**(606,138)**	**(23,685)**	**(2,233)**	**21,452**	**2,233**	
Denham Marine Facilities								
Boat Jinker Brake System Upgrade	1.1.2	WKM	(20,000)			0	0	
Denham Marine Facilities Total			**(20,000)**	**0**	**0**	**0**	**0**	
Plant , Equipment and Vehicles Total			**(766,138)**	**(23,685)**	**(2,233)**	**21,452**	**2,233**	

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Public Facilities								
Community Amenities								
Refuse Tip and Recycling	2.1.1	WKM	(4,066)	(4,066)	(7,412)	(3,346)		
Community Amenities Total			**(4,066)**	**(4,066)**	**(7,412)**	**(3,346)**	**0**	
Recreation And Culture								
Town Oval Bore	2.2.1	WKM	(800,000)	0	0	0	0	
Recreation And Culture Total			**(800,000)**	**0**	**0**	**0**	**0**	
Public Facilities Total			**(804,066)**	**(4,066)**	**(7,412)**	**(3,346)**	**0**	

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Roads (Non Town)								
Transport								
R2R Projects 18/19	1.1.1	WKM	(199,878)	0	0	0	0	
Useless Loop Road - RRG 18-19	1.1.1	WKM	(229,958)	(57,492)	0	57,492	0	
Eagle Bluff Road - RRG 17-18 C/F	1.1.1	WKM	(35,391)	(8,847)	(36,389)	(27,542)	36,389	
Eagle Bluff Road - RRG 18-19	1.1.1	WKM	(90,000)	(22,503)	(44,387)	(21,884)	44,387	
						0	0	
Transport Total			**(555,227)**	**(88,842)**	**(80,776)**	**8,066**	**80,776**	
Roads (Non Town) Total			**(555,227)**	**(88,842)**	**(80,776)**	**8,066**	**80,776**	
Capital Expenditure Total			(2,331,786)	(232,945)	(138,565)	94,380	84,173	

12.3 REFUSE DISPOSAL FEES- NON –RATEABLE PROPERTIES
FM00005 / P4380

Author
Chief Executive Officer

Disclosure of Any Interest
Nil

Moved Cr Capewell
Seconded Cr Laundry

Council Resolution
That Council consider the request from the Shark Bay State Emergency Service for a reduction in the Kerbside rubbish collection charge.

5/0 CARRIED

Moved Cr Capewell
Seconded Cr Ridgley

Council Resolution
That Council note that the Shark Bay State Emergency Services application and apply a charge for an commercial & industrial property at $420 per annum for the 2018/2019 financial year

5/0 CARRIED

Background

The Council in its budget deliberations for the 2018/2019 year introduced a new category of fees for commercial and industrial waste disposal and non-rateable properties.

These fees were introduced to address the overall subsidy that Council was contributing towards the operation of the waste and refuse operations by applying a different waste collection amount to properties that were of a commercial nature and therefore eligible for a tax offsets and properties that were currently exempt or could become exempt due to their charitable status from paying property rates.

The Charges applied in the 2018/2019 budget for the Kerbside rubbish collection service were

Domestic/Residential Properties	$364 per annum
Commercial or industrial Properties	$420 per annum
Non-Rateable Properties	$620 per annum

Correspondence (attached) has been received from the Shark Bay State Emergency requesting Council give consideration to a charging a concessional rate equivalent to the Domestic/Residential charge of $364 per annum for the kerbside rubbish collection.

Comment

As outlined in the correspondence the Shark Bay State Emergency Service is funded through the Department of Fire and Emergency Services through the Emergency Services Levy which is a contestable budget allocation.

The budget submission did include an allocation for the Shark Bay State Emergency Service unit to include rates (rubbish) and taxes in their annual costs, however as indicated the final budget allocation was reduced for the Shark Bay State Emergency Service and the Useless Loop State Emergency Service by $3,250.

The properties currently assessed as non-rateable properties are as follows

	Services	Charge
Police Station	1	$620
Police Station House	1	$620
Silver Chain	2	$1,240
Anglican Church & House	1	$620
Shark Bay Community Resource Centre	1	$620
Shark Bay School	5	$3,100
Shark Bay Bowling, Sport and Recreation Club	3*	$1,860
St Johns Ambulance	1	$620
Shark Bay State Emergency Services	1	$620

The Shark Bay Bowling, Sport and Recreation Club has requested the removal of two services due to a reduction in trade with possible reinstatement at a later date, this will be applied on a pro-rata basis.

The Shark Bay Community Resource Centre, Shark Bay Bowling, Sport and Recreation Club, St Johns Ambulance and State Emergency Services are all located on Reserves vested in the Council and the organisations are responsible for the payment of all other utilities, outgoings and maintenance associated with the properties.

Legal Implications

The *Local Government Act 1995* section 6.16 enables the Council to impose and recover a fee or charge for any goods or services it provides or proposes to provide.

The Council provides a kerbside rubbish collection and adopted by absolute majority the imposition of the fees for non-rateable properties in the 2018/2019 budget.

Section 6.12 of the *Local Government Act* also enables Council to waive or grant concessions in relation to any amount of money, or write off any amount of money.

The Health (Section 112(2) Prohibition) Regulations 2006 regulate the removal of house and trade refuse from premise as follows;

3. Prohibition on private rubbish collection

(1) A person must not undertake the execution of the regular removal of house and trade refuse or other rubbish from premises in a district except to the extent to which the local government or a contractor of the local government does not execute that removal and is not prepared and willing to execute or continue the execution of that removal.

Policy Implications
There are no policy implications relevant to this report.

Financial Implications
The additional fees for waste removal were introduced in the budget to ensure all properties were contributing towards the kerbside collection waste and to offset the losses incurred in undertaking the total waste removal and recycling service.

The granting a concession as requested by the Shark Bay State Emergency Services to only the domestic/residential charge would be a reduction of $256 on budgeted income.

Strategic Implications
There are no strategic implications relevant to this report.

RISK MANAGEMENT
There is a limited financial and social risk associated with the waiving or granting of concessions following the adoption of the Budget.

Voting Requirements
Simple majority required**.**

Signature

Chief Executive Officer *P Anderson*

Date of Report 17 October 2018

Shark Bay State Emergency Service

Dampier Road
PO Box 45
DENHAM WA 6537

0429 481218 - Duty Phone
0899483076 - Local HQ office

CEO Shire of Shark Bay
Knight Terrace
Denham WA 6537

Dear Paul

On behalf of the Shark Bay SES unit I am writing to request that the shire grant our unit a concessional rate for the kerb side rubbish collection charge. The unit only utilises the collection service about 4 times each year and even at last years rate level this amounted to approximately $80 per bin pick up. The unit did agree to using this service with the intention of saving our members an additional task of taking our bin to the tip when necessary. With the rate increasing from $320 last year to $640 this year, this has prompted us to think that this service is a luxury that we can do without.

Unit members are only too well aware of the budget constraints on the shire as they have to deal personally with increased charges etc. Like the shire, the unit has to look at all our expenditure and prioritise items into categories of affordability. As explained above, we can make a case based on convenience for members for a level of expenditure for a rubbish service at what is the shire charges for residential areas. Our other option is to accept a per bin charge at the tip as outlined in the shires list of fees and charges. Considering how little we use the service we can divert the money saved into more urgent needs of the unit such as building maintenance and training manuals

As you are aware, the shire is the responsible entity for administration of the unit funds and DFES makes the Shire a budget offer each year which is a low figure. In response, we produce a counter budget which the DFES finance department assesses. In that counter offer we itemise the items of anticipated expenditure by line item. Our budget counter offer for this financial year was for a total of $47250 for the 2 units in the shire. DFES responded by allocating $44000 of ESL funding via the local government grants scheme. In that budget response, we did indicate an amount for rubbish rates that was a bit on the "fat" side as they were anticipated to increase, but did not allow for the amount that eventuated. The two units in the shire did end up with a total of $3250 less than what we asked for.

I acknowledge the cooperation we receive from the shire staff when we are dealing with the financial side of operating our two units. I believe that I am viewed with some envy when I attend unit managers meetings when I speak about mutually beneficial procedures that have been established in this shire. I sincerely hope that a suitable arrangement can be arrived at in this case.

Regards

Joe McLaughlin
Shark Bay SES Unit manager
12th October 2018

Local Manager
Joe McLaughlin
0419 902 895

Admin Officer
Judy Britza
0429 672 063

12.4 REQUEST FOR RATES CONCESSION – YADGALAH ABORIGINAL CORPORATION
P4028 / RES33517

Author
Executive Assistant

Disclosure of Any Interest
Declaration of Interest: Cr Bellottie
Nature of Interest: Financial Interest as a member of the Yadgalah Aboriginal Corporation
Declaration of Interest: Cr Capewell
Nature of Interest: Financial Interest as Chairperson of the Yadgalah Aboriginal Corporation

With Cr Bellottie and Cr Capewell both having to leave the Council chamber following a Financial Interest Declaration leaving the meeting without a quorum, the President advised that the item will lay on the table until the Ordinary Council meeting scheduled to be held on the 28 November 2018

Officer Recommendation
That Council, in accordance with Section 6.47 of the *Local Government Act 1995*, grant a concession of 25% on the general rates for Assessment A4028 being property located at 9 Francis Road, Denham and owned by the Yadgalah Aboriginal Corporation on the basis that the land is not exclusively used for charitable purposes.
ABSOLUTE MAJORITY REQUIRED

Background
Council has received a request from the Yadgalah Aboriginal Corporation for a waiver of 25% of the general rates for the property located at 9 Francis Road, Denham. The rates on this property excluding Emergency Service Levy and Domestic Rubbish Charge are $4,132.87.

Comment
The Yadgalah Aboriginal Corporation has been established since 1984 and has been a registered charity since 2012.

The objectives of the Corporation are to:
(a) further the advancement and wellbeing of Aboriginals in Australia generally and in the Shark Bay area in particular;
(b) preserve and promote the culture and heritage of Aboriginal people;

(c) establish and maintain amenities for the benefit of Aboriginal people;

(d) advance the cause of cooperation and friendship between all Australian people, irrespective of their colour, race or belief;

(e) encourage and promote sporting, social and recreational activity amongst Aboriginal people;

(f) engage in business, hold shares, own real estate and other property, enter into partnerships to improve the economic situation of the Corporation and enhance employment prospects for its members.

Yadgalah Aboriginal Corporation promotes the cultural aspects of the Aboriginal people in the Shark Bay region. It provides both indigenous and non-indigenous people insight into the culture and history of the Aboriginal people who live within Shark Bay.

The Corporation is requesting a 25% rates waiver as a non-profit organisation and feel that the waiver of the annual rates would inject funds back into maintaining the Corporation.

The current rates total $4,954.33. This includes an amount of $215.48 for Emergency Service Levy which is a State Government Charge and therefore not able to be waived by Council and an amount of $420.00 for Commercial / Industrial rubbish charge.

Section 6.26 of the *Local Government Act 1995* sets out the requirements for land which is not rateable.

Section 6.26 (1) and (2) (g) state:

(1) Except as provided in this section all land within a district is rateable land.
(2) The following land is not rateable land –

….

(g) land exclusively used for charitable purposes.

On this basis, it seems fair that there should be some concession on the rates based on the proportion on the land used for charitable purposes.

Legal Implications

Section 6.26 defines what land is to be treated as non-rateable. Section 6.47 allows Council to grant a concession.

6.47. Concessions
Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.*

Policy Implications

There are no policy implications with this item.

Financial Implications

The amount of the concession at 25% would be $1,033.22. Emergency Service Levy charges and rubbish collection charges would still need to be paid by the Corporation.

Strategic Implications
There are no strategic implications with this item.

Risk Implications
This is a low risk item to Council.

Voting Requirements

Absolute Majority Required

Signatures

Chief Executive Officer *P Anderson*

Date of Report 23 October 2018

9

YADGALAH ABORIGINAL CORPORATION INC. SHARK BAY

RECEIVED
23 OCT 2018
SHIRE OF SHARK BAY

19th October 2018

Dear Paul

Yadgalah Aboriginal Corporation is a local Community Organization and would like to request that the Shire of Shark Bay support a 25% concession on our rates for the 2018/2019 financial year.

Our current rates amount to $3,921.11

We are not used for charitable purposes and are a non for profit Organization.

At the moment we provide a venue for:-

- a recreation facility
- monthly markets
- a venue for Work for the dole program

Thank you for your consideration.

Keith Capewell

Chairperson

Yadgalah Aboriginal Corporation

Email:yadgalah1@bigpond.com ABN: 58 501 822 442
9Francis Street Denham W.A. 6537 Po Box 61
ICN 278

12.5 RATES CONCESSION – ASSESSMENT # 4347
P4347

AUTHOR
Executive Manager Finance and Administration

DISCLOSURE OF ANY INTEREST
NIL

Moved Cr Ridgley
Seconded Cr Laundry

Council Resolution
That Council provide a concession of $10,623.81 for rates charged to RAC Parks and Resorts on Assessment 4347 being Lot 501 on P55359 to minimise the inequity of the property being valued as Unimproved Value instead of Gross Rental Value.

5/0 CARRIED BY ABSOLUTE MAJORITY

BACKGROUND
In 2015 RAC Tourism Assets Pty Ltd entered in a lease for the area adjacent to the existing Monkey Mia Dolphin Resort complex for the purposes of expanding and redeveloping the Resort. This land was 2 hectares of vacant land on Lot 501 P55359 and has been valued by Landgate as Unimproved Value (UV) with a value of $400,000.

COMMENT
The Monkey Mia Dolphin Resort is valued on the basis of GRV due to its predominant use as a tourist resort. The adjacent land, which has been leased to RAC Tourism Assets Pty Ltd, has been improved with an extension to the Resort and therefore should be valued on the same basis. It is expected that these two lots will be amalgamated for rating purposes in future.

In July 2018, Council made application to the Department of Local Government to change the method of valuation for this property from UV to GRV.

The Department of Local Government has approved the application for a change in the method of valuation effective 21 August 2018. Landgate set the GRV to $20,000 subject to Government Gazettal confirming change of method of valuation from Unimproved to Gross Rental Value which occurred 31 August 2018.

RAC received a rate notice for assessment 4347 of $80,034 based on a UV valuation. Landgate has advised that land designated for other uses other than residential use is assessed on the basis of five per cent (5%) of its total capital value.

As a result, it was budgeted that a concession be provided to RAC for $76,032 for 2018/2019 based on the UV property valuation and rate in the dollar, the rates for this property would have been $4,002.

The property has now been revalued GRV with the predominant land usage being resort, from the 21 August 2018, and an interim rate notice issued.

Therefore the UV rating is only applicable for 51 days from 1 July 2018 to 20 August 2018 making the rates on the property for this period $11,183.28 and a concession of $10,623.81, with the rates due on this portion of the year being $559.47.

The GRV resort rating will be charged from the 21 August 2018 for the last 314 days of the 2018/2019 year and will yield $1,868.30 making a total of $2,427.77 for the full year.

Rating	Rate/$	Rates	Concession	18/19 Rate	Days/Year	No of days	Rates Due	Total Due
UV								
$ 400,000.00	$ 0.200085	$ 80,034.00	$ 76,032.00	$ 4,002.00	365	51	$ 559.47	
GRV								
$ 20,000.00	$ 0.108482	$ 2,169.64	$ -	$ 2,169.64	365	314	$ 1,868.30	**$ 2,427.77**

LEGAL IMPLICATIONS

Section 6.47 of the Local Government Act 1995 permits Council to grant a concession in relation to a rate.

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.*

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The application of the concession of $10,623.81 for the 51 days has been included in the budget for 2018/2019 financial year.

There is a nett reduction of rates received of $1,574.23 on this assessment due to the GRV rate being applied, this will be addressed at the budget review.

STRATEGIC IMPLICATIONS

Outcome 4.1 The Shire is efficient in its operations, actively listens to the community and anticipates and responds to the community's needs.

RISK MANAGEMENT

This is a low risk item as the rate revenue from this assessment was not factored into the 2018/2019 budget.

VOTING REQUIREMENTS

Absolute Majority Required

SIGNATURES

Author D Oakley

Chief Executive Officer P Anderson

Date of Report 23 October 2018

18 September 2017

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

RAC
For the better

Dear Paul,

Request for Consideration of Rates Concession
(Lot 501 on P55359 – Monkey Mia Dolphin Resort Expansion Land).

The RAC has recently received a Rates Notice in respect of the above property.

The subject lot comprises approximately 2.0 hectares of vacant (unimproved) land situated adjacent to the existing Monkey Mia Dolphin Resort complex. The land is leased by *RAC Tourism Assets Pty Ltd* from the State of Western Australia and is intended to form part of the adjoining resort complex, post its redevelopment.

The purpose of this letter is to request Council's consideration of a rates concession in respect of Lot 501. This concession is requested to apply to the 2017/18 financial year.

Rates payable in respect of Lot 501 for the 2017/18 financial year total $77,703, applying the current rate in the dollar charge of 19.4257 cents (Unimproved Value – General) to the lots unimproved land value (ULV) of $400,000. This compares to rates payable in respect of Monkey Mia Dolphin Resort Lot 130 which total $110,663 based on a rate in the dollar of 10.3811 cents (GRV – Resort) and gross rental value (GRV) of $1,066,000.

On the basis that the existing Monkey Mia Dolphin Resort provides its own water, power & sewer infrastructure and this infrastructure will be extended to service Lot 501 in the near future, the rationale behind the application of the 'Unimproved Value – General' rating classification to Lot 501 is disputed.

The RAC respectfully requests Council's consideration of this matter.

Should you have any questions or wish to discuss this matter further, please feel free to contact Jemma Henderson on (08) 9436 4192.

Yours sincerely

Dean Massie
General Manager Operations – RAC Parks & Resorts

rac.com.au

18 September 2017

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

RAC
For the better

Dear Paul,

Request for Consideration of Rates Concession
(Lot 501 on P55359 – Monkey Mia Dolphin Resort Expansion Land).

The RAC has recently received a Rates Notice in respect of the above property.

The subject lot comprises approximately 2.0 hectares of vacant (unimproved) land situated adjacent to the existing Monkey Mia Dolphin Resort complex. The land is leased by *RAC Tourism Assets Pty Ltd* from the State of Western Australia and is intended to form part of the adjoining resort complex, post its redevelopment.

The purpose of this letter is to request Council's consideration of a rates concession in respect of Lot 501. This concession is requested to apply to the 2017/18 financial year.

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On the basis that the existing Monkey Mia Dolphin Resort provides its own water, power & sewer infrastructure and this infrastructure will be extended to service Lot 501 in the near future, the rationale behind the application of the 'Unimproved Value – General' rating classification to Lot 501 is disputed.

The RAC respectfully requests Council's consideration of this matter.

Should you have any questions or wish to discuss this matter further, please feel free to contact Jemma Henderson on (08) 9436 4192.

Yours sincerely

Dean Massie
General Manager Operations – RAC Parks & Resorts

rac.com.au

SHIRE OF SHARK BAY

PO Box 126, Denham WA 6537
65-67 Knight Tce, Denham WA 6537
ABN 76 409 342 873
Telephone: (08) 9948 1218 Fax: (08) 9948 1237
Office Hours: 8 am to 4pm Monday to Friday

RATE NOTICE

Financial Year 1 July 2017 to 30 June 2018

If any of the information on this notice is incorrect, please advise in writing

RAC TOURISM ASSETS PTY LTD
PO BOX 119
DENHAM WA 6537

CEO:	P ANDERSON
ASSESSMENT NO:	A4347
DUE DATE:	25.09.2017
Date of Issue:	21.08.2017
Valuation:	$400,000.00 - UV
Rating Category:	UV RATEABLE PROPER
Late Payment Interest:	11.0000
Minimum Rate:	$ 860.00

Property Address: LOT 501 MONKEY MIA ROAD
Lot/s: 501

DETAILS	RATE IN $ OR CHARGE/SERVICE	CURRENT	ARREARS	TOTAL
UV RATEABLE PROPERTY	19.4257	$77,702.80		$77,702.80
GST IS NIL				

SHIRE RATES

TOTAL DUE: $77,702.80

PAYMENT OPTIONS

ONE PAYMENT		$77,702.80	25.09.2017	**$77,702.80**	**DUE 25.09.2017**
NO COST					
TWO INSTALMENTS	1ST INST	$38,856.40	25.09.2017	**$38,856.40**	**DUE 25.09.2017**
OPTION COST $10.00	2ND INST	$38,856.40	29.01.2018		
	TOTAL	$77,712.80			
FOUR INSTALMENTS	1ST INST	$19,433.20	25.09.2017	**$19,433.20**	**DUE 25.09.2017**
OPTION COST $30.00	2ND INST	$19,433.20	27.11.2017		
	3RD INST	$19,433.20	29.01.2018		
	4TH INST	$19,433.20	02.04.2018		
	TOTAL	$77,732.80			

SHIRE OF SHARK BAY
P O Box 126, DENHAM WA 6537
E-mail: admin@sharkbay.wa.gov.au

Assessment No: **A4347**
Owner Name: RAC TOURISM ASSETS PTY LTD
Property Address: MONKEY MIA ROAD MONKEY MIA

PAYMENT METHODS

By Mail : Detach this slip and make your cheque payable to Shire of Shark Bay
In Person: Please present this account intact when making payment at the Shire office
By Credit Card: By Phone or Mail Details. **Direct Payment:** BSB 306-012
Account # 535 082 1 Ref Details: Your Assessment # and Surname.

ONE PAYMENT	$77,702.80
TWO INSTALMENTS	$38,856.40
FOUR INSTALMENTS	$19,433.20

TO BE RECEIVED BY 25.09.2017

20170817

13.0 TOWN PLANNING REPORT

13.1 PROPOSED CARETAKERS DWELLING – LOT 238 (28) VLAMINGH CRESCENT, DENHAM
P1314

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 Laundry
Nature of Interest: Financial Interest as has done the plans

Cr Laundry left the Council Chamber at 4.28pm

Moved Cr Ridgely
Seconded Cr Capewell

Council Resolution
That Council:

1. Approve the planning application No 24/2018 lodged for a caretakers dwelling on Lot 238 (28) Vlamingh Crescent Denham subject to the following conditions and footnotes:

(i) This building is approved as a 'caretakers dwelling' so shall only be occupied by a supervisor of the business operating on the same lot.

(ii) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.

(iii) Fencing or landscaping capable of screening the caretakers dwelling from the street shall be installed within 6 months from the issue of a Building Permit to the satisfaction of the Chief Executive Officer.

(iv) The office and storage area are not approved for habitation.

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

Footnote:

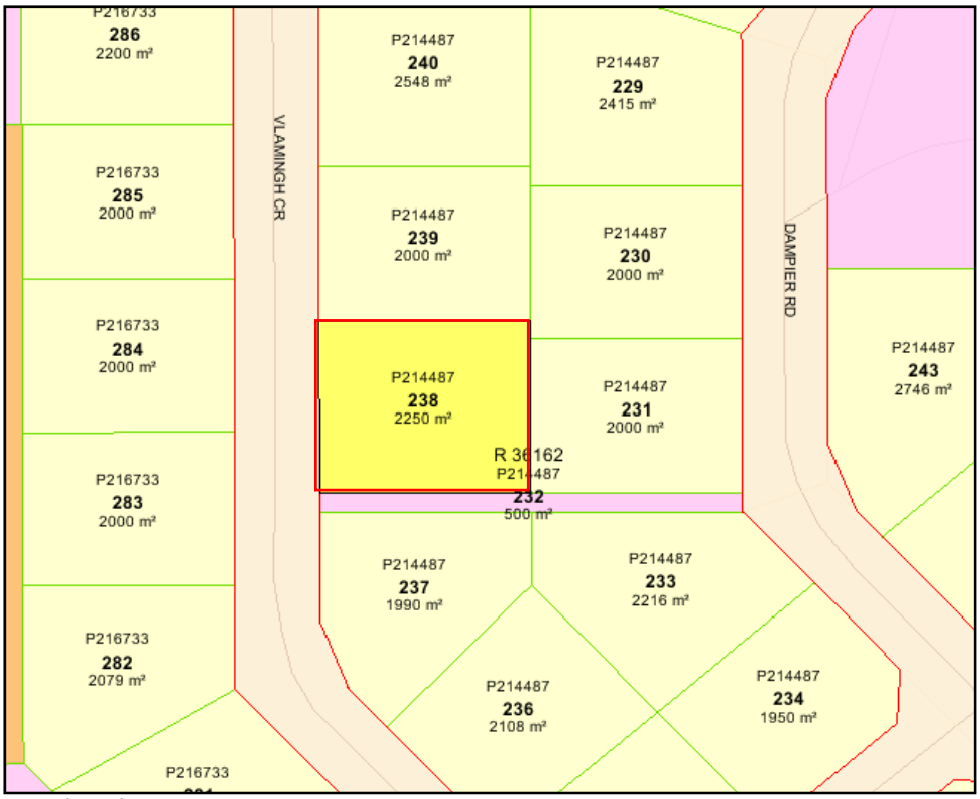
(a) The building shall not be placed on the lot until such time as the applicant has obtained a separate Building Permit approval.

4/0 CARRIED

Cr Laundry returned to the Council Chamber at 4.30 pm

BACKGROUND

The lot has an approximate area of 2250m^2, and contains an existing industrial shed – refer location plan below:



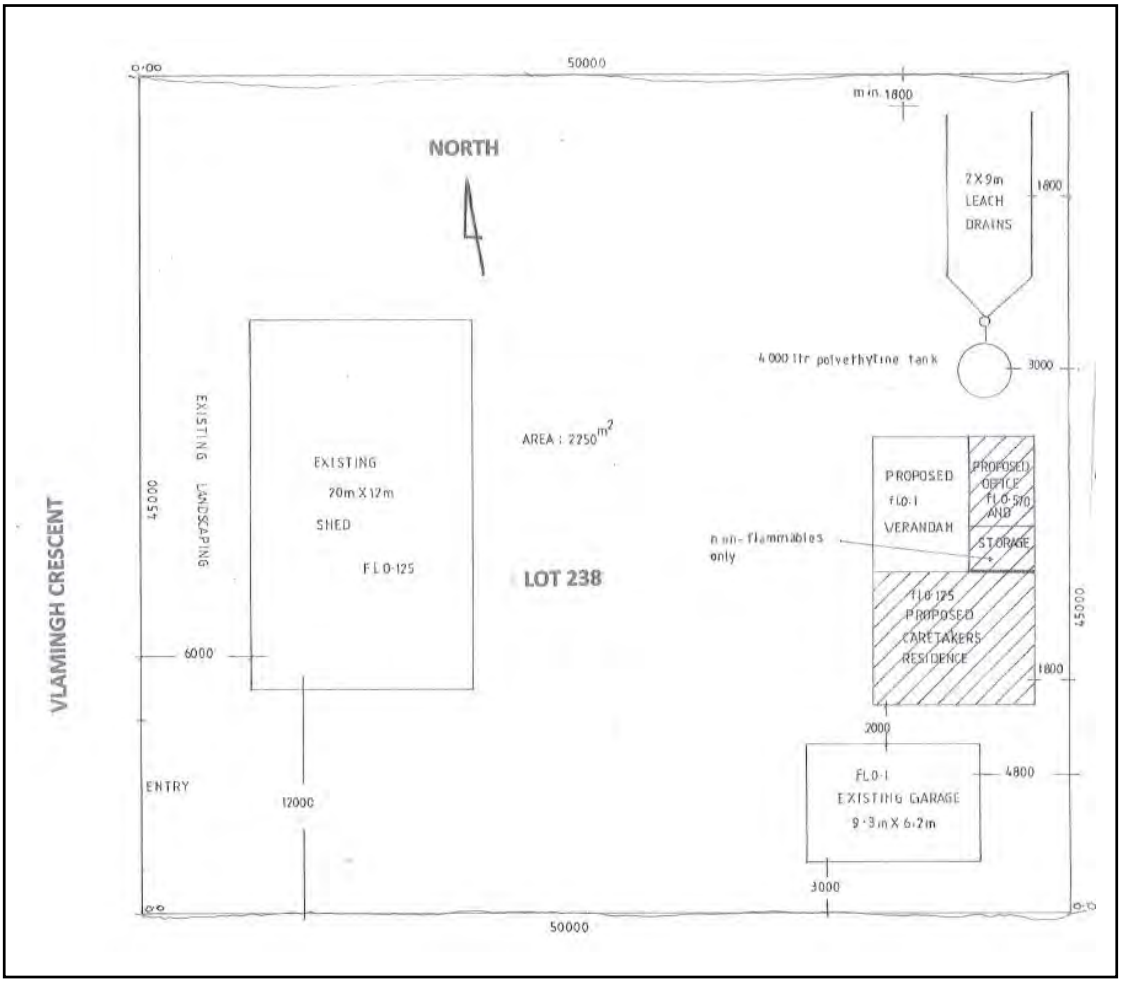
Location Plan

COMMENT

- *Description of Development*

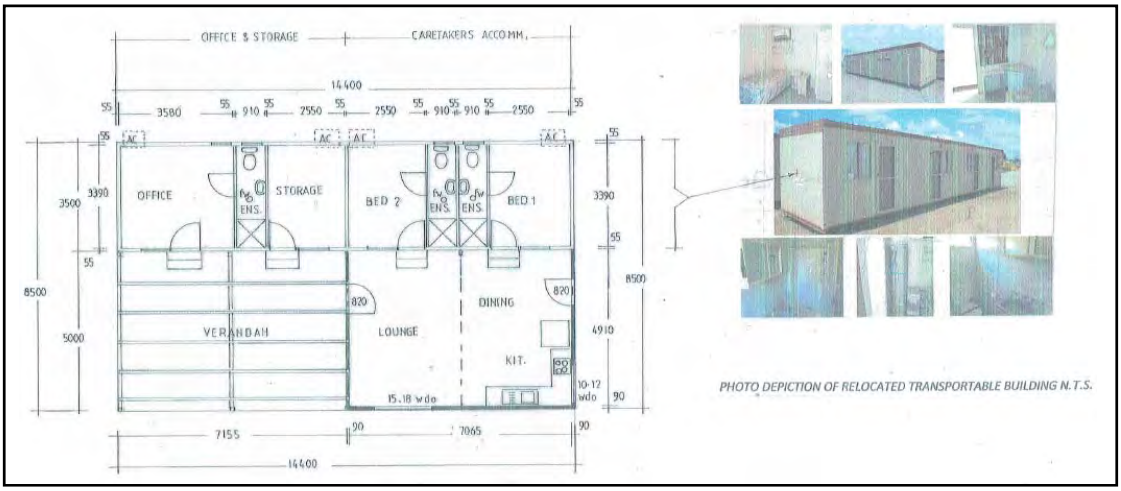
The owner proposes to utilise a transportable building (with an extension and verandah) as a caretakers dwelling, office and storage area in the rear eastern portion of Lot 238.

The building is proposed to be setback 1.8 metres from the rear boundary and be located behind the existing Industrial shed. A site plan is included overpage.



Site Plan

A photograph of the building and floor plan is included below.



- *Zoning and Landuse Permissibility*

Lot 238 is zoned 'General Industry' under the Shire of Shark Bay Local Planning Scheme No 4 ('Scheme 4').

A caretakers dwelling is a 'D' use in the General Industry zone under the 'Zoning Table' of Scheme 4, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

There are specific requirements for caretaker's dwellings under Clause 32.5.3 of Scheme 4 as summarised below.

Clause 32.5.3	TPI Comment
The provisions of this clause are to apply to all caretakers' dwellings in the General Industry Zone:	
(a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;	Complies. Lot 238 is developed.
(b) only one caretaker's dwelling is permitted on a lot; for the purposes of this clause 'lot' excludes a strata lot or survey-strata lot created under the Strata Titles Act 1985;	Complies. Only one dwelling is proposed.
(c) a caravan or park home is not permitted as a caretaker's dwelling for either permanent or temporary occupation;	Complies.
(d) a caretaker's dwelling is to be screened and/or fenced off from the street frontage of the lot to the satisfaction of the local government and wherever possible is to be sited at the rear of other buildings on the lot;	A condition can be imposed to require fencing to screen the caretakers dwelling from the street.
(e) a caretaker's dwelling is to have a total floor area that does not exceed 100 square metres measured from the external face of walls; and	Complies. The caretaker dwelling consisting of 2 bedrooms, living and a kitchen area has a floor area of 61.2m^2 and the office / storage has an area of 25.2m^2.
(f) open verandas may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in paragraph (e).	Complies. A verandah is proposed and it is open on 2 sides.

- *Setback Variation*

Clause 32.5.1 of Scheme 4 requires a 6 metre rear setback in the general Industry zone.

The setback is a requirement which Council has discretion to vary under Clause 34 of the Scheme however is to:

(a) Advertise the variation if it is likely to affect any owners or occupiers in the general locality:

(b) Be satisfied that the variation is appropriate having regard for general matters in Clause 67 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, such as amenity and relationship to surrounding development; and

(c) Be satisfied that the non compliance will not adversely affect any owners or occupiers in the general locality:

The rear setback variation simply allows for the existing area behind the industrial shed to be maximised. Town Planning Innovations is of the view that the setback variation will not have any impact on surrounding landowners.

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

The Western Australian Planning Commission released State Planning Policy 3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land declared as Bushfire Prone by the Commissioner of Fire and Emergency Services.

A portion of Lot 238 is within the declared bushfire prone area (pink area) however the caretakers dwelling is proposed to the rear outside of the bushfire prone area.

Source: Department of Fire and Emergency Services website

Accordingly no Bushfire Attack Level assessment is required.

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

A caretakers dwelling is defined as 'means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant.'

Planning and Development (Local Planning Schemes) Regulations 2015 –

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

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

POLICY IMPLICATIONS
Relevant state planning policy requirements are discussed in this report.

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

STRATEGIC IMPLICATIONS
There are no strategic implications relative to this report.

RISK MANAGEMENT
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	11 October 2018

13.2 PROPOSED SHELTERS / PATIOS – LOT 310 (1) STELLA ROWLEY DRIVE, DENHAM (DENHAM SEASIDE CARAVAN PARK)
P1053

AUTHOR
Liz Bushby Town Planning Innovations

DISCLOSURE OF ANY INTEREST
Declaration of Interest: Town Planning Innovations
Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of *Local Government Act 1995*

Moved Cr Ridgley
Seconded Cr Capewell

Council Resolution

That Council:

1. Approve the application lodged for shelters / patios on Lot 310 (1) Stella Rowley Drive, Denham (Denham Seaside Caravan Park) subject to the following conditions and footnotes:

(i) All development shall generally be in accordance with the approved plans.

(ii) 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) A planning consent is not an approval to commence any works. A separate building permit is required prior to commencement of any works.

(b) Significant portions of Lot 310 are within a Bushfire Prone Area declared by the Commissioner of Fire and Emergency Services.

A Bushfire Attack Level report by an accredited fire consultant is normally required for development in a bushfire prone area. The Shire has exempted the development from a BAL as it is minor, ancillary and does not increased the bushfire risk.

It is recommended that you view the fire mapping on the Department of Fire and Emergency Services website – www.dfes.wa.gov.au

2. Note that Lot 310 Stella Rowley Drive, Denham is within a declared bushfire prone area however exempt the applicant from providing a Bushfire Attack Level assessment for the following reasons:

- **An exemption for ancillary development is consistent with Western Australian Planning Bulletin 111/2016 which notes that it may not be practical to require a Bushfire Attack Level assessment if the proposal does not result in the intensification of development (or land use), does not result in an increase of residents or employees; or does not involve the occupation of employees on site for any considerable amount of time.**

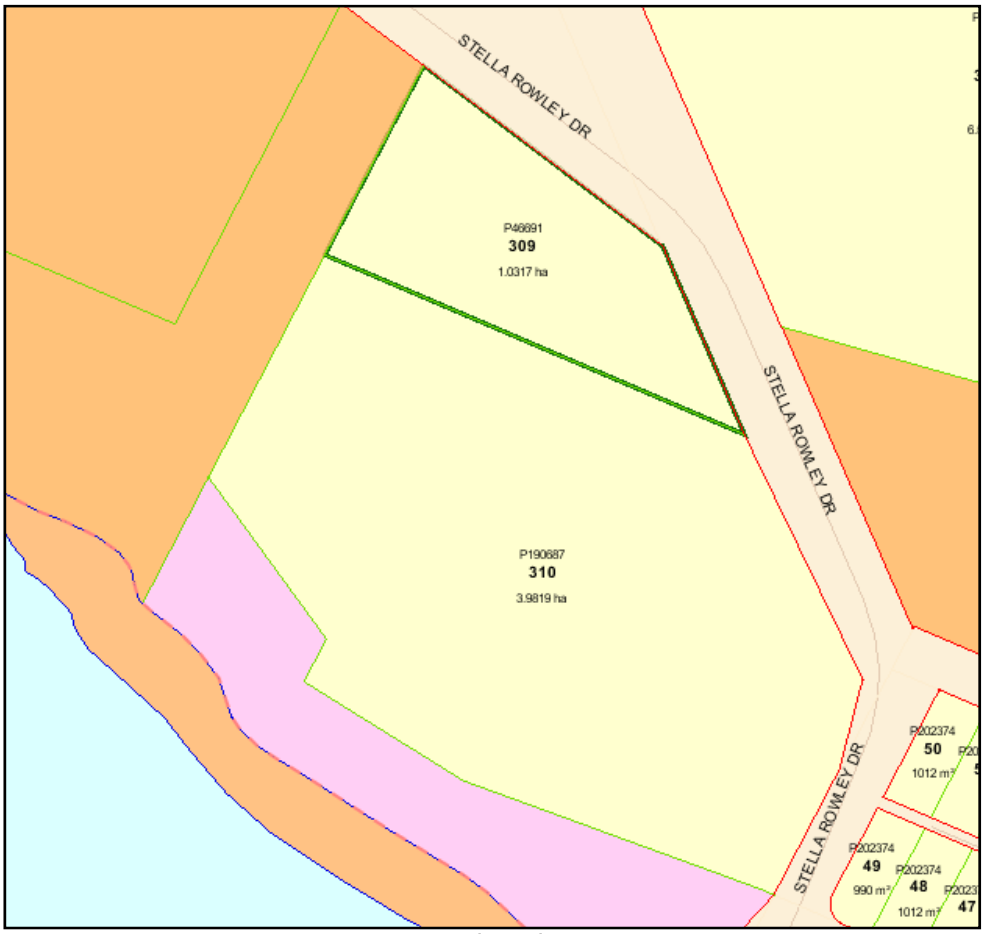
- **It is reasonable to apply the exemption to the shelters as they are ancillary to the existing caravan park and are minor development that will not significantly increase the bushfire risk.**

5/0 CARRIED

BACKGROUND

- ***Location***

The Denham Seaside Caravan Park is located on Lots 309 and 310 Stella Rowley Drive near the intersection with Knight Terrace.



Location Plan

- ***Zoning***

Lots 309 and 310 are zoned 'Special Use' No 1 under the Shire of Shark Bay Local Planning Scheme No 4 ('Scheme 4').

The Special Use zone allows for a caravan park, camping ground, holiday accommodation, tourist development and incidental shop.

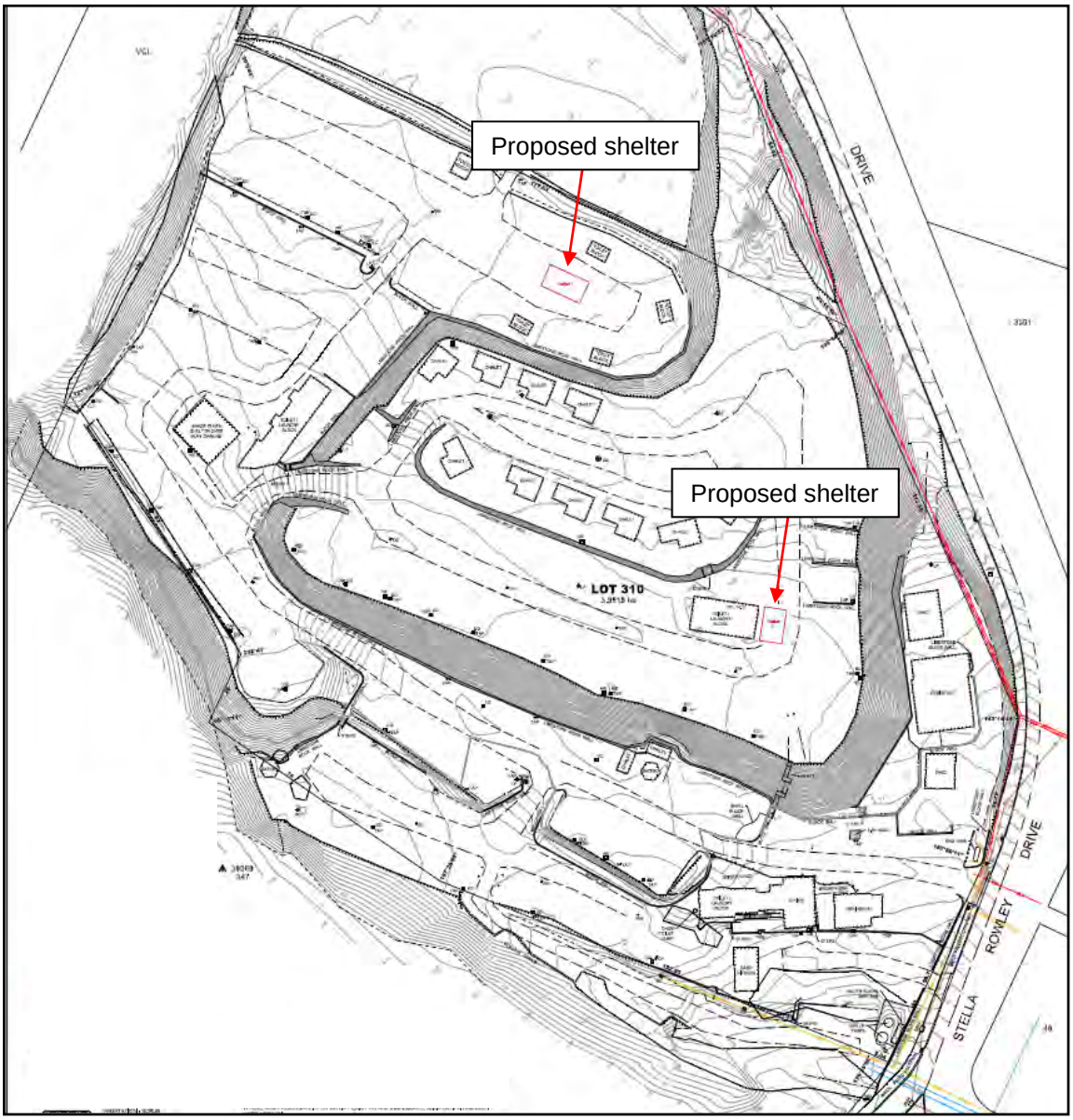
COMMENT

- ***Description of Proposed Development***

A planning application has been lodged for two outdoor shade shelters/ patios and both are contained with Lot 310. They will be available to guests for dining outside and will include BBQ facilities.

One shelter will measure 6 metres by four metres, and the other 7 metres by 4 metres.

The applicant has lodged a detailed site plan showing the shelter/ patio locations.



Site Plan

The proposed development is low scale, ancillary to the existing caravan park and will simply provide existing guests with sheltered outdoor areas. The application is generally supported.

- *Relevant State Planning Policy and Guidelines – Bushfire Prone Areas*

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

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

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

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Significant portions of Lot 310 are within the declared bushfire prone area (pink area).

The Western Australian Planning Commission released Planning Bulletin 111/2016 in October 2016 to clarify some of the requirements under the deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 and State Planning Policy 3.7.

The Planning Bulletin states that:

> *'Exemptions from the requirements of State Planning Policy 3.7 and the deemed provisions should be applied pragmatically by the decision maker. If the proposal does not result in the intensification of development (or land*

use), does not result in an increase of residents or employees; or does not involve the occupation of employees on site for any considerable amount of time, then there may not be any practicable reason to require a Bushfire Attack Level Assessment. Planning Bulletin 111/2016

The deemed provisions exempt renovations, alterations, extensions, improvements or repair of a building, and incidental uses (including outbuildings, verandas, unenclosed swimming pools, carports, patios and storage sheds). State Planning Policy 3.7 does not specify these exemptions, however where the proposal is exempt under the deemed provisions or local planning scheme and does not:

- *result in the intensification of development (or land use);*
- *result in an increase of residents or employees;*
- *involve the occupation of employees on site for any considerable amount of time; or*
- *result in an increase to the bushfire threat;*

the proposal may also be exempt from the provisions of State Planning Policy 3.7.'

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

- An exemption can be applied to incidental uses. The shelters are incidental to the existing predominant caravan park use;
- The shelters are non habitable;
- The development will not result in any intensification of land use or a significant increase in bushfire risk.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Shark Bay Local Planning Scheme No 4.

Regulation 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 known policy implications associated with this matter.

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

STRATEGIC IMPLICATIONS
There are no known strategic implications.

RISK MANAGEMENT
There are no known risks associated with the proposed development.

VOTING REQUIREMENTS
Simple Majority Required

SIGNATURES

Author	*L Bushby*
Chief Executive Officer	*P Anderson*
Date of Report	17 October 2018

13.3 PROPOSED CLEARING PERMIT FOR SHIRE COMMENT - LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND
P4281

AUTHOR
Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST
Declaration of Interest: Liz Bushby, Town Planning Innovations
Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of *Local Government Act 1995*
Declaration of Interest: Cr Cowell
Nature of Interest: Impartiality Interest as Executive Officer of Shark Bay World Heritage Advisory Committee

Moved Cr Ridgley
Seconded Cr Capewell

Council Resolution

That Council:

1. Note that the Department of Water and Environmental Regulation seeks the Shires comment on an application for a Clearing Permit and advice on existing planning approvals relative to Lot 304 Dirk Hartog Island.

2. Note that Department of Water and Environmental Regulation requested comments within 21 days however Town Planning Innovations has obtained written approval for an extension time to allow the matter to be considered at the October Council meeting.

3. Note that although there is an Officer Recommendation, three options as available to Council have been outlined in the body of this report.

4. Authorise the Chief Executive Officer to advise the Department of Water and Environmental Regulation as follows:

i. The Shire understands that The GO2 People are progressing revised plans for the development. The revised plans have substantially different floor plans and elevations than the designs approved in 2015.

ii. Revised Plans for building envelopes 17 and 23A were approved by Council in June 2018 under the existing 2015 planning approval.

Clearing of those two areas is therefore supported by the Shire as long as the locations are generally consistent with the revised approved plans.

iii. Despite the above, the Shire advised the GO2 People that they would need to lodge a new planning application for any revised plans for the remainder of the building envelopes.

The Shire's understanding is that The Go2 People do not intend to proceed with the designs approved in 2015, so a new planning approval needs to be lodged for revised designs and any different building envelope locations.

No new planning application has been lodged therefore the Shire does not support clearing of the remaining 4 areas. It is premature to clear in the absence of a planning approval.

iv. **The Minister for Planning recently approved a new Shire of Shark Bay Local Planning Scheme No 4 which requires any development on Lot 304 to be guided by a Local Development Plan. The issue of clearing can be examined holistically and in context of a Bushfire Management Plan as part of a future Local Development Plan and future planning application.**

v. **There is no approved Bushfire Management Plan or Bushfire Attack Level report for Lot 304. Any Shire support for a Clearing Permit should not be construed as any guarantee that the extent of clearing will meet the requirements of any future Bushfire Management Plan and / or Bushfire Attack Level assessments.**

vi. **One of the clearing areas is not consistent with the 2015 planning approval.**

5. **Authorise the Chief Executive Officer to provide relevant plans and Council reports to the Department of Water and Environmental Regulation.**

6. **Authorise the Chief Executive Officer to advise The GO2 People of the Council's decision and recommend that future clearing permits be lodged concurrently with any future Local Development Plan and / or planning applications.**

5/0 CARRIED

BACKGROUND

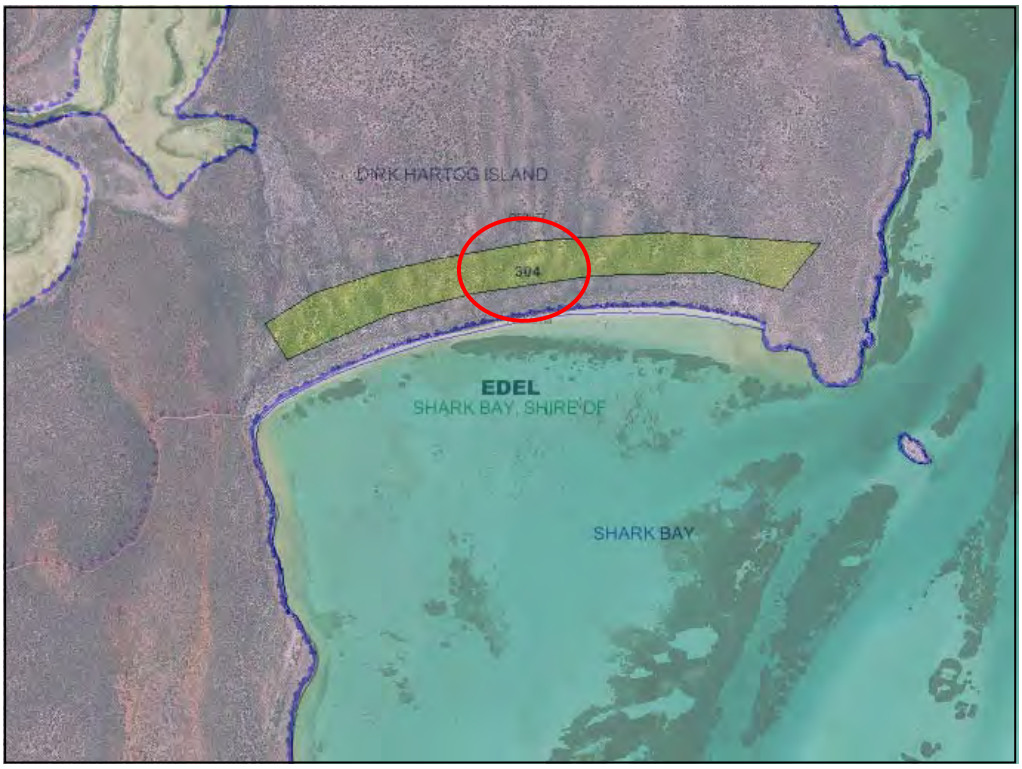
- ***Lot History***

There is a restrictive covenant on the Certificate of Title of Lot 304 which allows the land 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 covenant is to the benefit of the Minister for Lands under the Land Administration Act 1997.

- ***Location***

A location plan is included overpage for ease of reference.



- ***Ownership***

Lot 304 on Certificate of Title, Volume 2729, Folio 425 is owned by DHI Developments Pty Ltd, John Gardner, Leon Hodges and Verity Hodges.

- ***Zoning***

Lot 304 is zoned 'Special Use' under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme'), and is also contained within a Special Control Area (SCA) applicable to the Shark Bay World Heritage Property.

Special conditions apply to the Special Use zone for Lot 304 under Schedule B of the Scheme, including that prior to development a Local Development Plan shall be prepared in accordance with Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and address a number of matters such as a management plan, architectural quality, coastal setbacks, bushfire management, environmental report, and design guidelines.

- ***Summary of History***

1. The last planning approval issued by the Shire was for 8 short term accommodation and staff accommodation on the 3 August 2015. Conditions of the approval required lodgement of a revised site plans, and required development to substantially commence within 2 years.

2. A revised site plan was lodged and approved to meet the conditions of the 2015 planning approval – Attachment 1.

3. The development was not substantially commenced within the 2 year period, so the owner lodged a new application seeking modified conditions and an extension of time to commence development.

   The request was supported by Council, and modified conditions extended the time to commence development to the 31 July 2019.

   The plans approved in 2015 did not change, with the exception that the owner indicated the roofline may be altered.

4. The GO2 People are progressing revised plans for the development. The revised plans have substantially different floor plans and elevations than the designs approved in 2015.

   Revised Plans for building envelopes 17 and 23A were approved by Council in June 2018 under the existing planning approval.

   However the Shire advised the GO2 People that they would need to lodge a new planning application for any revised plans for the rest of the building envelopes.

5. No new planning application has been lodged at this time. Town Planning Innovation's understanding following discussions with The Go2 People is that they do not intend to proceed with the designs approved in 2015, so a new planning approval will be required for revised designs.

6. Scheme No 4 requires any development to be guided by a Local Development Plan. The Shire has advised Mr Geoff Wardle and The Go2 People of the new Scheme requirement in writing.

COMMENT

- ***Proposed Clearing Permit***

The Department of Water and Environmental Regulation has advised the Shire they have received an application from GO2 Building Pty Ltd to clear three hectares of native vegetation within Lot 304 on Dirk Hartog Island, for the purpose of constructing dwellings and associated fire hazard reduction areas.

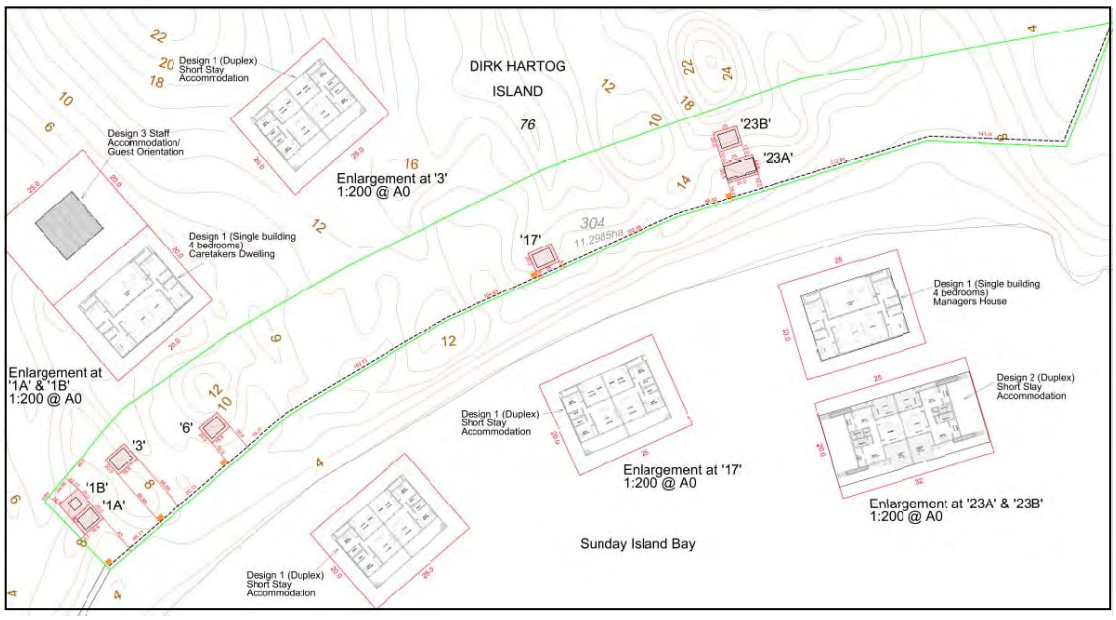
In accordance with sub-section 51E(4) of the *Environmental Protection Act 1986*, the Chief Executive Officer of Department of Water and Environmental Regulation considers that the Shire may have a direct interest in the application, and has invited the Shire to provide comment on the proposal.

In addition to any environmental issues, the Shire has been requested to advise if this proposal is consistent with the Shires Local Planning Scheme and whether any planning approvals are required. If planning approvals are required, Department of Water and Environmental Regulation seeks advice on whether an application has been received.

The application is to clear 6 areas – refer map overpage.

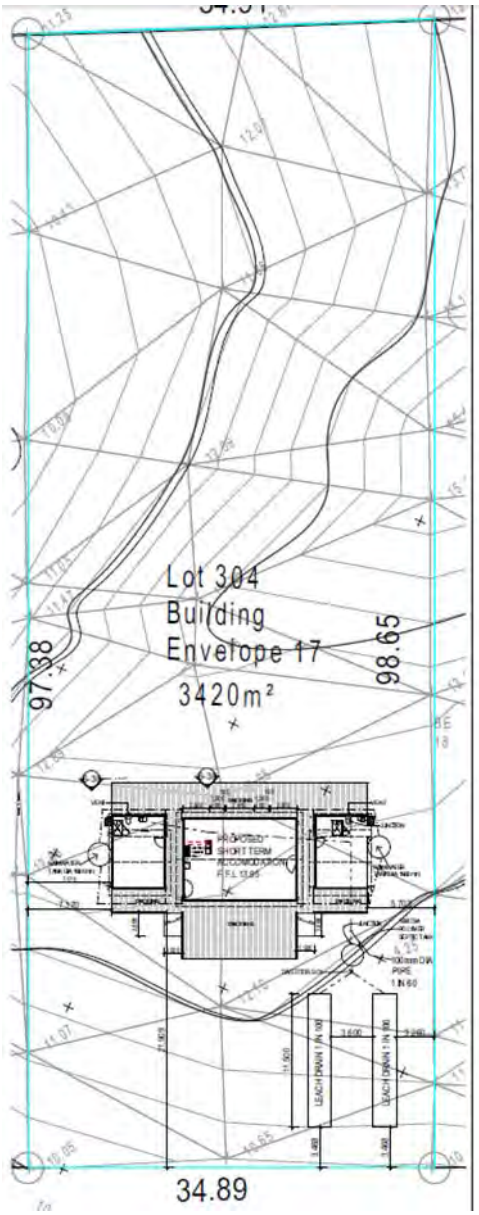
Proposed Clearing Permit areas in blue hatch – map provided by Department of Water and Environmental Regulations and marked up by Town Planning Innovations

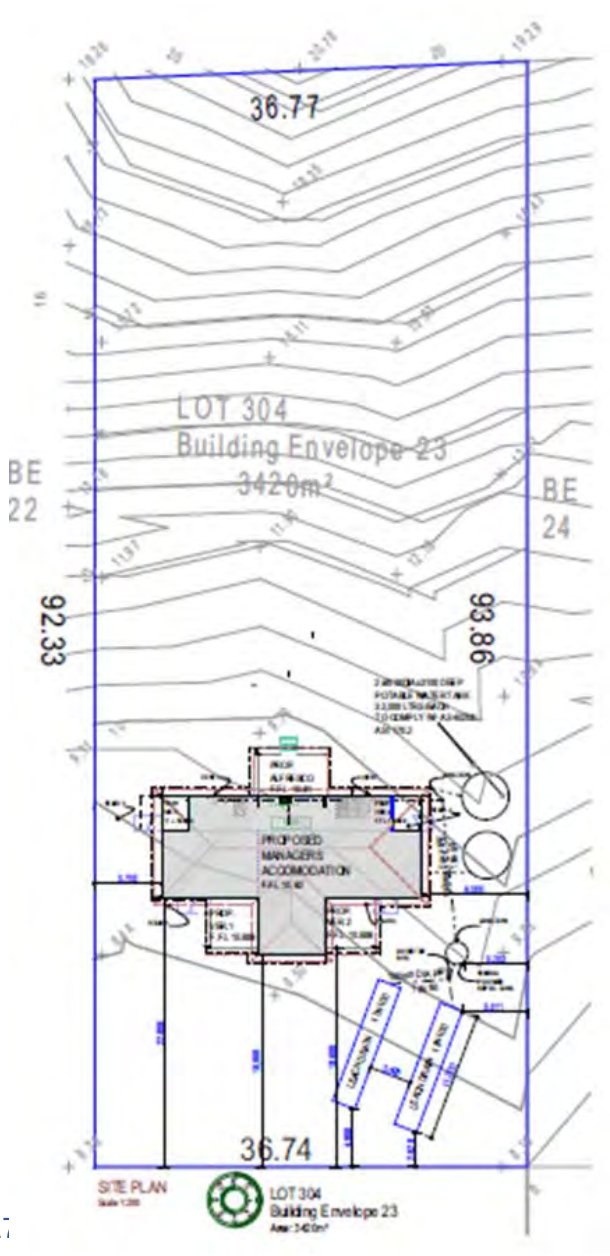
In comparison with the 2015 site plan, it appears the applicants seek to clear envelopes roughly correlating with building envelopes 1A, 3, 6, 17 and 23A. One envelope is additional to those approved in 2015.



Extract of 2015 site plan

Town Planning Innovations is supportive of two areas being issued with a clearing permit contingent on the setbacks generally being consistent with the revised plans approved by Council in July 2018 for envelopes 17 and 23A – refer plans overpage.





Approved Revised site plan Envelope 17

Town Planning Innovations does not recommend that the Shire support Clearing Permits for the other four areas for the following reasons:

(i) No planning approval has been granted for revised plans for the 4 other clearing areas. Council advised the applicant in July 2018 that a new planning application will need to be lodged as they intend to pursue revised plans for the development.

(ii) It is premature to support a clearing permit for areas in the absence of a new planning approval, and having regard that the Shire of Shark Bay Local Planning Scheme No 4 requires development to be guided by a Local Development Plan (with an environmental report).

Clearing can be examined holistically as part of the Local Development Plan and future planning application and in conjunction with a Bushfire Management Plan.

(iii) The GO2 People have advised they only intend to clear two areas until a new planning approval is secured, however the Shire has no control over timing for clearing.

A copy of the applicant's advice is included as Attachment 2.

Town Planning Innovations has verbally recommended that the applicant lodge clearing permit applications at the same time as any new planning application.

- ***Bushfire Management***

There is no approved Bushfire Management Plan or Bushfire Attack Level report for Lot 304.

A Bushfire Management Plan was prepared by DHI Developments Pty Ltd, and the Shire recently requested that they engage an accredited fire consultant to prepare a Bushfire Management Plan in accordance with State Planning Policy 3.7 and the associated Bushfire guidelines.

A Bushfire Attack Level report was lodged for envelope 17 however has not been approved by the Shire as it identified that development would be in Flame-Zone. Flame-zone is considered extreme risk – refer table below.

Bushfire attack level	Description of risk and levels of exposure
BAL – LOW	There is insufficient risk to warrant specific construction requirements.
BAL – 12.5	Risk of radiant heat is considered low. Primarily risk of ember attack.
BAL – 19	Risk is considered moderate. Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux between 12.5 and 19 kW m2.
BAL – 29	Risk is considered high. Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux between 19 and 29 kW m2.
BAL – 40	Risk is considered very high. Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of exposure to flames.
BAL – FZ	Risk is considered extreme. Direct exposure to flames from fire front in addition to heat flux and ember attack.

Source: Building Commissions website - www.commerce.wa.gov.au

The Department of Fire and Emergency Services did not accept the vegetation classifications provided in the Bushfire Attack Level report for envelope 11.

Town Planning Innovations is of the general understanding that clearing has to occur on site to reduce the Bushfire Attack Level.

It is recommended that Department of Water and Environmental Regulations and The GO2 People be advised that support for any Clearing Permit should not be construed as any guarantee that clearing will meet the requirements for any future Bushfire Management Plan and / or Bushfire Attack Level assessments.

- ***Options available to Council***

There are three options available to Council as detailed below:

OPTION 1 – REFUSE TO SUPPORT THE CLEARING PERMIT APPLICATION

Council may refuse to support the clearing permit on the basis that the new Scheme requires development to be guided by a Local Development Plan, and that there is no overall Bushfire Management Plan for the lot.

Town Planning Innovations does not recommend Option 1.

OPTION 2 – SUPPORT THE CLEARING PERMIT

Council may support the clearing permit for 6 areas on the basis that the planning approval issued in 2015 is still valid, that revised plans have been approved for 2 out of the 6 areas in July 2018, and that support for a permit at this stage may expedite bushfire management being addressed for any future planning application.

Town Planning Innovations does not support Option 2 for the reasons explained in the body of this report. In addition one of the clearing areas is not consistent with the 2015 planning approval.

OPTION 3 – SUPPORT THE CLEARING PERMIT FOR 2 AREAS

Town Planning Innovations supports Option 3 for the reasons explained in the body of this report. It is recommended that 2 clearing areas be supported as long as they are generally consistent with the revised envelopes (17 and 23) approved by Council in July 2018.

Town Planning Innovations is of the general understanding that Department of Water and Environmental Regulations usually do not issue clearing permits in the absence of a valid planning approval.

- ***World Heritage***

Town Planning Innovations has referred a copy of Department of Water and Environmental Regulation's advice to the Shark Bay World Heritage Advisory Committee and advised if they have comments they should lodge a submission directly to the Department.

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with the development.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications associated with the development.

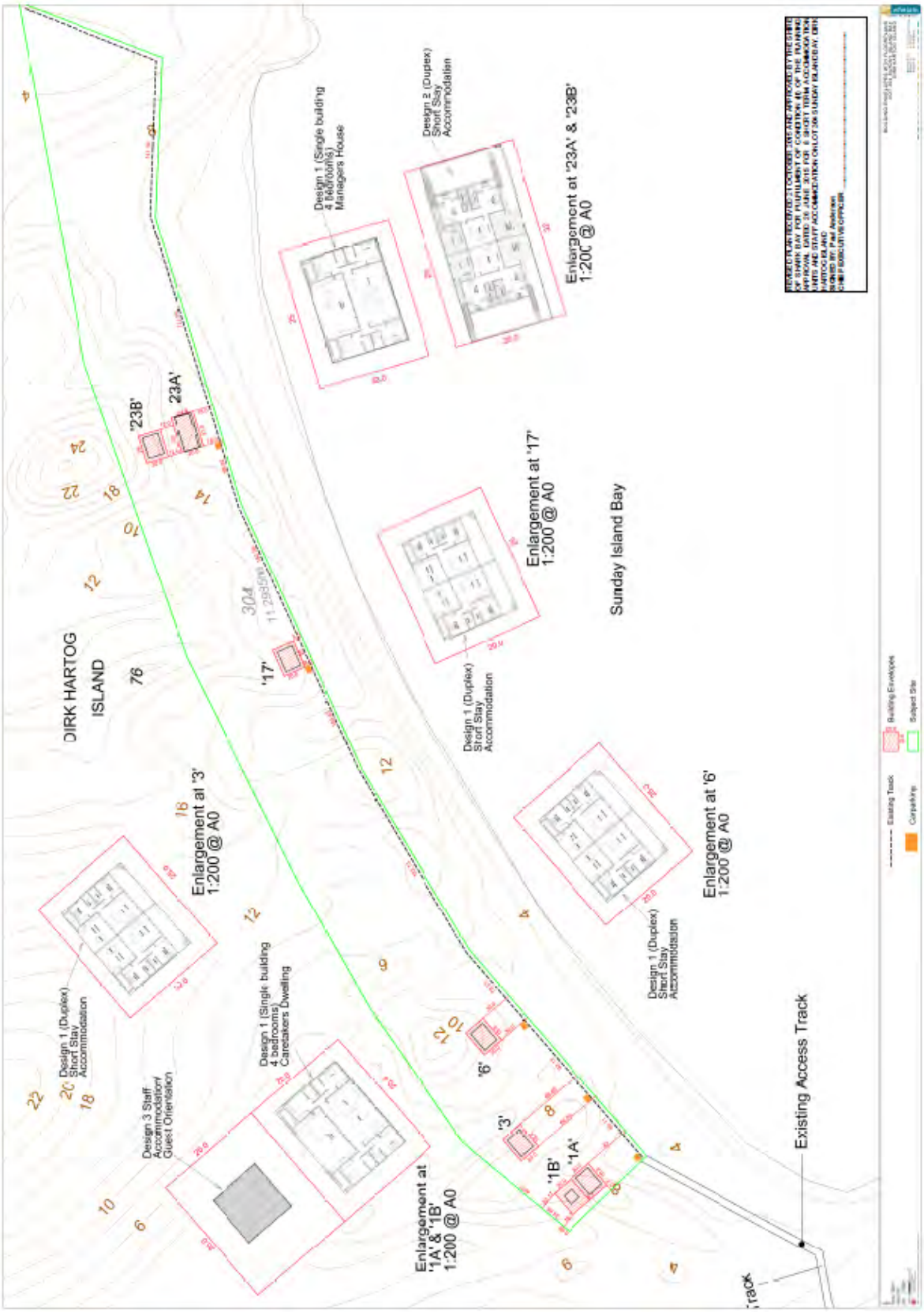
VOTING REQUIREMENTS

Simple Majority Required

Signatures

Author	*L Bushby*
Chief Executive Officer	*P Anderson*
Date of Report	10 October 2018

ATTACHMENT 1
SITE PLAN APPROVED IN 2015



ATTACHMENT 2

From: Chris Streat
To: liz; Gary Byrne
Cc: "Joanna Yorke"
Subject: RE: Urgent - Seek clarification on clearing permit application - TPI for Shire of Shark Bay - Lot 304 Dirk Hartog Island
Date: Friday, 5 October 2018 1:43:48 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image010.png

Hi Liz,

As discussed our intention when we made the application to DWER was to gain approval for all lots covered by the original DA as it is an extremely long process as you would be aware.

Our intention is not to clear any other envelope other than lot 17 and 23, when the new DA is approved we would already have the clearing permit in place.

I hope that this helps in your consideration.

Best Regards,

Chris Streat BL 14567 | Head of Building | Building

THE GO2 PEOPLE | RECRUITMENT BUILDING TRAINING

m 0422 121 663 | f (08) 6151 9225
e ChrisS@thego2people.com.au
QLD | NSW | VIC | WA

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13.4 PLANNING APPLICATION FOR SEA CONTAINERS TO BE USED FOR STORAGE AND ADVERTISING SIGNAGE – LOT 30 NORTH WEST COASTAL HIGHWAY, WANNOO
P2027

This item has previously been dealt with ref: page 13

13.5 SUBMISSION ON DECISION BY MINISTER FOR PLANNING: LOCAL PLANNING SCHEME NO. 4 – FREEHOLD LOTS DIRK HARTOG ISLAND
P4281

AUTHOR
Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST
Declaration of Interest: Liz Bushby, Town Planning Innovations
Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of *Local Government Act 1995*

Moved Cr Capewell
Seconded Cr Ridgley

Council Resolution

That Council:

1. **Note the email and letter received from Mr Wardle which is included as Attachment 1.**

2. **Authorise the Shire Chief Executive Officer to advise Mr Wardle as follows:**

   (i) The Shire supported flexibility under the Draft Local Planning Scheme No 4 to allow any future development or subdivision/strata on the freehold lots at Dirk Hartog Island to be guided by a Structure Plan endorsed by the Western Australian Planning Commission that addressed certain matters such as a management plan, architectural quality, design guidelines, environmental report and coastal setbacks.

   The Shire was aware that the final decision would be made by the Minister for Planning.

   (ii) The Shire is unaware of any legal mechanism under which the Minister for Planning has the power to review the decision in regards to Local Planning Scheme No 4.

   To implement any modification to Scheme No 4, the affected landowners would need to pursue a formal scheme amendment which would require support by the Western Australian Planning Commission and Minister for Planning.

The owners would need to liaise directly with State Planning to ascertain any available options, and it is considered likely that substantial justification would be required for any revised proposal such as environmental reports, a bushfire management plan and addressing relevant state planning policies.

(iii) The concerns expressed relate to a decision made at the state level, therefore the Shire will refer the matter to the Office of the Minister for Planning for a response.

3. Authorise the Shire Chief Executive Officer to write to the Office of the Minister for Planning as follows:

(i) The Shire has received a written submission from Mr Wardle however recognises there is no mechanism under which the Minister for Planning has the power to review her decision in regards to Local Planning Scheme No 4.

(ii) The Shire supported flexibility under the Draft Local Planning Scheme No 4 to allow any future development or subdivision/strata on the freehold lots at Dirk Hartog Island to be guided by a Structure Plan endorsed by the Western Australian Planning Commission that addressed certain matters such as a management plan, architectural quality, design guidelines, environmental report and coastal setbacks.

The Ministers decision is contrary to the Shires Local Planning Strategy which created an expectation by landowners as it was endorsed by the Western Australian Planning Commission.

(iii) As such, the Shire requests that the Minister for Planning provide a response to Mr Wardle's letter and an explanation as to the reasons for the Ministers decision on the Shire of Shark Bay Local Planning Scheme No 4 as pertinent to the freehold lots at Dirk Hartog Island.

4. Authorise the Shire Chief Executive Officer to write to the Office of the Minister for Tourism and:

(i) Provide background information and context of the Shire of Local Planning Strategy, the advertised Draft Local Planning Scheme No 4, Minister for Planning decision and concerns raised by Mr Wardle relating to Lot 304.

(ii) Request the Minister's view on Mr Wardle's concerns over the inconsistency of the Minister for Planning decision with the Tourism Planning Taskforce report.

4/1 CARRIED

BACKGROUND

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

The Shire of Shark Bay Local Planning Strategy included draft Scheme provisions proposed to apply to the freehold lots on Dirk Hartog Island.

The provisions proposed for Lots 303, 304 and 305 allowed flexibility for consideration of future subdivision or strata to be guided by an Outline Development Plan endorsed by the Western Australian Planning Commission. The Outline Development Plan was to address matters such as a management plan, adequate coastal setbacks, an environmental report, architectural quality, design guidelines, and a Foreshore Management Plan.

The Strategy was orientated towards future landuses allowing for a wide range of eco-tourism and tourism uses. Similar provisions were proposed for Lot 62.

The provisions proposed under Draft Local Planning Scheme No 4 were generally based on those contained in the Local Planning Strategy, as the Strategy had been endorsed by the Western Australian Planning Commission on the 2 September 2013.

The Draft Scheme was advertised for 90 days for public comment. As part of advertising material, an information sheet on the proposed changes for Dirk Hartog Island was referred to Dirk Hartog Island freehold lot owners – Attachment 2. The information sheet included a copy of the draft scheme provisions applicable to freehold lots at Dirk Hartog Island.

Advertising material included advice that the Draft Scheme 4 may be modified following public advertising, or as required by the Minister for Planning.

The Draft Scheme was adopted for final approval (with modifications) at the Ordinary Council meeting held on the 25 October 2017, and lodged to the Western Australian Planning Commission seeking endorsement by the Minister for Planning.

Mr Wardle lodged detailed submissions on Draft Scheme No 4. Hardcopies of all submissions were forwarded to the Western Australian Planning Commission.

The Minister for Planning has approved a new Local Planning Scheme No 4 which includes a number of modifications contrary to Councils recommendations.

The most relevant modifications approved by the Minister as they relate to Mr Wardle's submission and the freehold lots at Dirk Hartog Island are:

a) The Minister has decided not to support any subdivision of freehold lots at Dirk Hartog Island. Modification 139 included a statement that '*No subdivision of lots shall be permitted*'.

The reason provided was '*to align development control with the applicable restrictive covenants that apply to the lots and ensure that the intent of the Special Use zone remains consistent with Western Australian Planning Commission policy (ie, restrict permanent residential settlement).*'

b) The Special Use conditions for the freehold lots have been refined.

c) The Minister included a revised Environmental Report condition as follows:

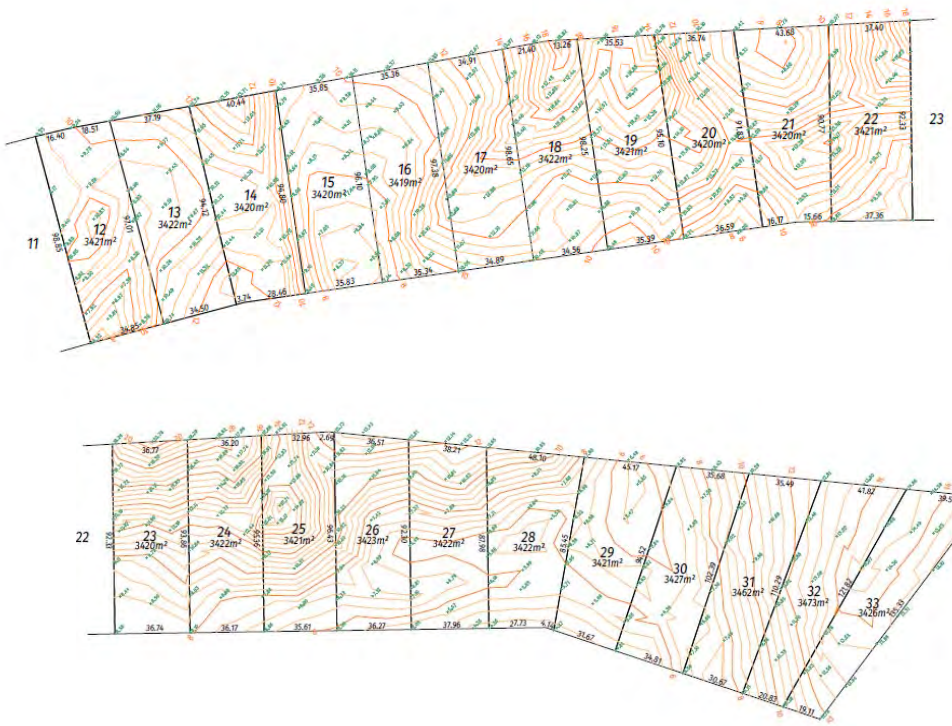
'An environmental report that demonstrates that the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. 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.'

In lieu of requiring a Structure Plan (which is to guide future subdivision) the Minister has instead supported provisions requiring a Local Development Plan to be prepared to guide future development.

- *Future Subdivision of freehold lots at Dirk Hartog Island*

The extent of landowners' aspirations for any subdivision or strata of freehold lots at Dirk Hartog Island are not known.

The GO2 people have been liaising with the Shire and Town Planning Innovations in preparation of compiling Building Permits for Lot 304. Proposed plans have indicated individual 'lot' numbers as opposed to building envelopes.



Town Planning Innovations has advised all parties who have contacted the Shire that Lot 304 is existing, has not been subdivided, and has no subdivision or strata approval.

There is a website for Lot 304 advertising '*the opportunity to own one of 33 short term accommodation and land packages*' - dirkhartogislanddevelopment.com.au.

The website includes 'Frequently Asked Questions' which in June 2018 stated that:

> '*application for separate freehold/strata title for each lot will be made by DHI Development Pty following the ratification of the Shire of Shark Bay Town Planning Scheme No 4 when the zoning will be changed from 'rural' to 'special purpose' and as included in the co-owners agreement*' – Attachment 3.

The website information has been revised and in September 2018 stated that:

> '*it is proposed that an application for separate freehold/strata title will be made by DHI Development Pty Ltd as part of a Tourism structuring following the ratification of the Shire of Shark Bay Town Planning Scheme No 4 when the zoning of the site will be changed from rural to special purpose and as included in the co-owners agreement. There is, however, no guarantee that such application will be approved*.'

This is included for Councillors information only.

COMMENT

- ***New submission by Mr Wardle***

Mr Wardle has lodged a written submission to the Shire raising objection to the Ministers decision and final form of the Shire of Shark Bay Local Planning Scheme No 4 ('Scheme 4') – Attachment 1.

Mr Wardle acknowledges that the Shire has not requested the modifications to Scheme 4, and has requested that the Shire write to the Minister for Planning and ask her to review her decision.

Mr Wardle expressed disappointment that the Ministers modifications has occurred after such extensive consultation was undertaken by the Shire as part of the scheme review process. He seeks Councils support to express the same disappointment to the Minister.

The main issues raised by Mr Wardle seem to be in relation to the Scheme 4 prohibition of subdivision on the Dirk Hartog Island freehold lots, the importance of subdivision / strata to finance tourism development, and lack of consultation with landowners.

In considering Mr Wardles request it is important for Councillors to note that:

a) The final form of Scheme 4 was always going to be determined by the Minister for Planning. This was made clear in Council reports and advertising.

b) There is no legislative avenue which allows the Minister for Planning to now review or change her decision.

c) The Scheme was gazetted on the 4 October 2018. Scheme No 4 is now legally operative and can only be changed through a formal scheme amendment process.

d) The Shires position and support for flexibility under Draft Scheme No 4 was clearly outlined in several Council Minutes, all of which were provided to the Western Australian Planning Commission.

Throughout the entire Scheme Review process, the Shire has been supportive of a flexible approach under Scheme No 4. The modifications being objected to by Mr Wardle are a direct result of a Ministerial decision.

Accordingly, it is recommended that Mr Wardle's' letter be referred to the Office of the Minister for Planning for a response.

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with the development.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Explained in the background section of this report.

VOTING REQUIREMENTS

Simple Majority Required

Signatures

Author	*L Bushby*
Chief Executive Officer	*P Anderson*
Date of Report	28 September 2018

ATTACHMENT # 1

From: Geoff Wardle <gwa04410@bigpond.net.au>
Sent: Thursday, 27 September 2018 11:35 AM
To: Paul Anderson <paul@sharkbay.wa.gov.au>
Subject: Letter dated September 21

Hi Paul

Just following up on our brief discussion with Cheryl

Obviously I am in a little shock upon receiving your letter.....

And I guess it's a longer journey now to reach any conclusions

I have attached a response and will obviously be examining any options available to us

I guess my main concern is ;-

1. as to whether yourself and the Council share my concerns and
2. whether you will support us in any possible action to remedy the imposition.....what that may be - I am unsure!!
3. Although a letter of support from Council to the Minister – now- would be appreciated if that was possible to be considered
4. In particular I am concerned that our lifelong homestead site Lot 62 which has been in existence for almost 150 years has been included in this same condition

I would appreciate if you were able to raise it at the next meeting of Council on Friday and I will also make direct contact with Councillors

Thanks
Regards
Geoff

Dirk Hartog Island
Discovered 1616

Shark Bay
Western Australia

AUSTRALIA'S MOST HISTORICAL SITE

Paul Anderson

CEO

Shire of Shark Bay

Knight Terrace

Denham 6537

Dear Paul

Your Letter dated 21 September received 26 September via email from Liz Bushby

Further to my brief meeting with yourself and Shire of Shark Bay President Cheryl I wish to place on record my disappointment and disillusionment with the contents of the above referred letter and its enclosures.

Over the many years of our involvement with Shark Bay we as a family have sincerely appreciated the support received from Councillors of the Shire of Shark Bay on a range of matters including among many- the freehold land at Dirk Hartog Island.

I appreciate that the imposition now included in the new Town Plan No 4, in regard to the freehold property on Dirk Hartog Island, was neither proposed, recommended or endorsed by the Shark Bay Council (advice from Liz Bushby).

As this amendment can be regarded as a rejection of the Shire's extensively consulted and considered recommendations concluded following – the transparent review of the previous Town Plan No 3 –

We ask for the Councils support- in writing to and requesting the Minister to review her decision and follow the recommendations concluded by the Shire after so many years of consultation- as at least a record of the Shires Councils supportive position in this regard.

A precedent such as this, **that denies the owner of freehold land the normal rights** that come with freehold property, without the opportunity of consultation and resolve, **could well be used to attack similar tourism designated freehold land in other parts of the Shire.**

Personally I am totally at a loss to understand the methodology and rationale for this change when a

* legal and valid consultation process has been followed by the Shire over an extended period of time in line with the requirements of the State Planning Authority

* at each stage in the process all government agencies- including planning- and the public at large were given the opportunity to comment and submit changes.

PERTH
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Email: gwa044108@bigpond.net.au
info@dirkhartogisland.com
Web: www.dirkhartogisland.com

ISLAND
Phone: 08 9948 1211
PO Box 107
North Fremantle WA 6159

400 YEAR ANNIVERSARY 2016

* to my knowledge at no time has there ever been any notification or suggestion that any normal expectations of the owners of freehold land would be denied .

* Lot 62 has been a 'freehold lot for almost 150 years and owned by our family for almost 50 years_____ this imposition **denies all of the rights** that up until this change were applicable with owning freehold land.

* the imposition – as justified by the Minister within your letter – has in fact "no proper planning purpose" since the covenants (as agreed with Minister MacTiernan some ten years ago), on the lot, have already fulfilled that requirement to restrict permanent residential settlement .

1 after some four years of consultation in regard to the Shires Scheme Review.... during which time we have patiently(with your advice) provided input and submissions we are presented with an amendment which can seriously restrict the ability to finance and develop tourism facilities on Dirk Hartog Island.

2 **This amendment effectively removes the very pillar – The Tourism Planning Taskforce Report** - that recognised the essential part that Strata or Green title subdivision plays in the successful development of Tourism assets in remote locations in Western Australia. (proposed and endorsed by Cabinet and then Minister MacTiernan in 2006 stating at the commencement of the report that:

a. The key principle identified is that a sustainable tourism industry, with its many inherent benefits requires tourism development to be undertaken for tourism purposes.
b. The report presents a significant reform of tourism planning in Western Australia
c. The report specifically identifies – the use of survey strata schemes and vacant lot strata schemes being preferred by the development sector over built strata schemes and the advantage of these schemes in allowing tourism development to be established with limited finance and low risk that can facilitate tourism development in locations where otherwise it may not be achieved- **provided it is properly managed**
d. 8.1.8 including recommendation 10 and 8.1.9 and recommendation 11 plus 8.1.10 and recommendation 12(enclosed) of the Tourism Planning Taskforce Report all specifically address tourism development using strata and green subdivision as a VALID method of funding tourism assets in remote locations.
e. At no point in the report is there a recommendation to prevent subdivision_____,to the contrary it is recognised as a valid method of funding and developing tourism infrastructure

We request the support of the Councillors of the Shire of Shark Bay... in writing to the Minister requesting a review of this amendment and disappointment in such an amendment being made in deference to the long and valid planning process that has already been undertaken and finalised.

Regards

Geoff Wardle

Hypermarket Pty Ltd

26 September 2018

Attachment to Mr Wardles Letter

8.1.8 Design principles for residential-no occupancy restriction components in tourism developments

The taskforce has identified a number of potential detrimental impacts from the introduction of residential components in tourism developments, and that these can in part be addressed through the design of a facility, and by limiting the extent and function of the residential component. In addition to, and in refinement of, these design principles it is acknowledged that a range of design responses will be developed by industry and local government and this is encouraged. These responses should be considered on merit and supported where consistent with these design principles and in achieving the maximum tourism benefit from the development. In many cases these design principles are also appropriate to 100 percent tourism developments in ensuring a tourism function and character is achieved.

In the following recommendation the residential component supported on appropriately zoned non-strategic tourism sites is termed residential-no occupancy restriction reflecting that the units primarily are a permanent or long-stay component of a tourism development, and may not necessarily provide a level of residential amenity that would be expected in a residential area. Consistent with this, the recommendation provides that such development is not required to comply with the *Residential Design Codes of Western Australia* to the extent necessary to meet the recommendations, further increasing the flexibility available in such projects.

Recommendation 10:

That the recommended SPP, Land Use Planning for Tourism introduce the following standard provisions for the development of residential-no occupancy restriction components in tourism developments through the specific zoning of these sites as tourist/accommodation or a like zone.

- *Where a tourism development is approved with a residential-no occupancy restriction component on land zoned appropriately, it comply with the following design and development principles:*
  - *Those areas of the site providing the highest tourism amenity, eg the beachfront, shall be retained for tourism purposes, and not designated for residential-no occupancy restriction units.*
  - *The location of all units on the site shall provide for ease of tourism access through the site and facilitate easy access to areas of high tourism amenity within or adjoining the site.*
  - *The maximum proportion of residential-no occupancy restriction units shall be such that the site retains a dominant tourism function and character, and shall be determined by the local government between zero and 25 per cent inclusive.*
  - *The maximum percentage of residential-no occupancy restriction units/development on the site shall comply with the following at all stages of the development of the site:*
    - *i) The proportion of residential-no occupancy restriction units relative to the total number of accommodation units on the site shall be equal to or less than the approved percentage.*
    - *ii) The site area occupied by the residential-no occupancy restriction units, and any areas designated for the specific use of the occupiers of those units, relative to the area occupied by the short-stay development shall be equal to or less than the approved percentage. In calculating the area occupied by the short-stay development, those facilities available for common use, such as reception and recreation facilities, shall be excluded from the calculation.*
    - *iii) Any individual residential-no occupancy restriction unit, and as a whole any residential-no occupancy restriction component of such a development shall be of a design and scale that it clearly is subsidiary to the tourism component of the development such that the tourism component remains dominant in all aspects.*
  - *All units in the development shall be designed primarily for tourist occupation,*

form part of an integrated complex and shall not be subject to compliance with the Residential Design Codes of Western Australia to the extent necessary to meet these requirements, unless specified under a planning scheme.

- *Design differentiation between tourism and residential-no occupancy restriction units within a complex shall be limited to that required to accommodate the various components of the tourism market.*
- *Residential-no occupancy restriction units may be concentrated in an area of the complex and provided with specific recreation and amenity facilities but shall be designed to enable management and use as an integrated part of the overall complex. In assessing the location of units, the potential for a residential-no occupancy restriction component to provide a transition between tourism development and surrounding residential uses should be taken into account.*
- *The development shall incorporate those facilities normally associated with tourist accommodation developments such as recreation, entertainment facilities and integrated management facilities.*

8.1.9 Subdivision of land zoned for tourism purposes

The taskforce assessment of land zoned for tourism purposes in coastal local government areas showed that such land generally makes up only a minor component of urban zoned land, with a majority of sites being relatively small at less than one hectare. Through its investigation, the taskforce received submissions on the need to provide tourist zoned sites of an adequate size to accommodate the development of sustainable tourism enterprises, ie sites that have the capacity to accommodate sufficient development to support management and provision of commercial and common facilities.

The number of tourism units in a development required to achieve this can range from less than 40 keys to more than 100 keys (the number of keys may be greater than the number of units), depending on the nature of the development, the location and target market. If a resort level of facility provision and management is to be achieved industry advice is that a development of more than 90 units generally would be required for a regional/coastal site. The area required to accommodate this number of units also can vary considerably between an urban-based site, where multi-storey development is appropriate, to a remote site where low-density development is required.

Review of a range of existing developments providing a minimum level of facilities and management presence showed that in a multi-storey format a development can be achieved on a site of less than one hectare. Where development was limited to a single or two storeys, a site area of more than 1.5 ha generally was required. Many resort developments occupy significantly greater areas of land, particularly where the character and style of the development is established internally. The ability to access sites large enough to accommodate this can be critical to the success of a development and is important to the tourism industry overall.

Applications for subdivision of tourist zoned land currently are assessed by the WAPC under general principles for the subdivision of land (WAPC Policy DC 1.1). This framework is considered deficient by the taskforce in providing adequate guidance for the determination of such proposals given the specific nature of tourism development. While it is not possible for assessment criteria at a State policy level to provide minimum lot sizes, they can provide for a more consistent tourism-responsive approach and increased direction to proponents. Where it is considered that minimum lot size criteria are required, these should be developed through the local planning strategy and included in the local planning scheme. The primary objective of the taskforce in developing the recommended criteria was to ensure the retention of the maximum potential for establishment of a sustainable tourism operation on a site, without restricting appropriate subdivision.

Recommendation 11:

That in the assessment of subdivision proposals for land zoned for tourism purposes, the WAPC shall refer any such application to Tourism WA with a request for comment and

shall have regard for that comment in its determination. In determining an application, it is recommended that the WAPC seek to ensure that the following objectives are met and, where these cannot be complied with, not approve the application:

- *the proposed lot(s) will be able to accommodate and provide the development flexibility necessary to facilitate development of a sustainable tourism facility consistent with the site's zoning and location and, where identified, its tourism function under an endorsed local planning strategy or tourism strategy;*
- *the retention or enhancement of the strategic value of the site for tourism purposes, including the relationship between individual lots and areas of high tourism amenity (such as the beachfront) and potential in accommodating current and future tourism demand;*
- *the accommodation of services, management and recreation facilities associated with development of the site without compromising the character, development flexibility or tourism amenity of the site; and*
- *where the zoning of the site provides for a restricted range of tourism uses, or a single use, the ability for all resultant lots to be developed sustainably consistent with that zoning.*

In assessing compliance with these objectives, it is recommended that the WAPC also consider:

- *any approved development proposal for the site that is consistent with, and supported by, the proposed subdivision; and*
- *whether the subdivision forms an integral part of the staged development of the site.*

8.1.10 Strata schemes: assessment and management conditions

Strata schemes are an important component in the funding of tourist accommodation developments and the taskforce has concluded that the continued use of such schemes is important for the industry, particularly in regional areas. There are identified risks in the use of such schemes in achieving sustainable tourism developments unless particular management requirements are met. These requirements are set out below. The primary requirements are for common management of tourism units within a development and that units are made available for tourism letting. This is designed to address issues of lock-up use of strata units and inadequate management and maintenance of facility standards, as has occurred under some current strata management arrangements.

For identified strategic sites, the recommendations require that all units are part of a common management and letting arrangement. Following detailed consideration of the strata issue, the taskforce concluded that such a management regime was necessary in maximising the tourism benefit from the State's best tourism sites. It is acknowledged that these management requirements will result in some schemes being considered managed investments under the *Corporations Act 2001* and that this has financial implications for the establishment and operation of these schemes. However, on balance, it was considered that these costs were outweighed by the benefits of fully integrated schemes.

In recognition of the development industry's request for increased flexibility in respect to strata management, and in providing some potential to operate developments as management rights schemes, the option of allowing flexibility for owners to opt out of common letting arrangements, while retaining common caretaking/management, has been provided for on non-strategic sites. The practical limitations in establishing on-site caretaking and management for small schemes also has been acknowledged with the option for this to be undertaken off site.

The use of strata schemes in the cabin and chalet zone is not supported as such proposals are considered inconsistent with the objectives of retaining a variety of tourist accommodation. The strata titling of cabin and chalet development on sites under other zonings may be supported where consistent with the planning scheme and subject to compliance with strata management requirements. No change is proposed in respect to the existing legislative prohibition of the strata titling of caravan parks.

The taskforce's preferred position on strata schemes is for subdivision to occur concurrent with, but not prior to development of tourism facilities. The recommendations provide for survey and vacant lot strata schemes to be supported subject to conditions requiring that practical construction issues, such as limiting the development period for a scheme or stage to two years, and management arrangements are addressed.

These conditions and assessment criteria will operate in addition to existing criteria under a local government town planning scheme or as set out elsewhere in these recommendations. Further information on issues to be addressed in the development of best practice management structures for the sustainable operation of tourism developments is contained in Appendix 5.

Recommendation 12:

That the recommended SPP, Land Use Planning for Tourism, provide additional criteria to WAPC Policy DC 1.3 (Strata Titles) for the assessment of strata applications for tourism developments to reflect the particular requirements for the sustainable operation of strata titled tourism facilities. Specifically, the amendments shall provide for the inclusion of the following criteria to be considered in the assessment of strata applications on land generally zoned for tourism purposes, and conditions to be imposed on approvals of tourism developments and tourism components of mixed use developments.

Assessment criteria

i) The development/site the subject of the application has a valid development approval issued by the local government, which demonstrates architectural and building standards consistent with an integrated tourism facility, and where development has been undertaken, it is consistent with that approval.

ii) Where development includes or is proposed to include a residential-no occupancy restriction component, it is consistent with the design guidelines (Recommendation 10) and the unit allocation is consistent with the maximum percentage determined for the site.

iii) Where a development the subject of the application is not fully constructed, it shall be demonstrated that any staging will include in each stage the common facilities required for that stage and demonstrate viable management potential in terms of the number of units constructed in each stage. In such developments, the construction and staging program shall be subject to conditions to minimise impacts of construction on operating stages of a development, and provide a specific time frame for construction of units and common facilities within each stage.

iv) The site is not a site within a "Caravan Park and Camping Ground", "Chalet and Cabin" or like zone under the local government town planning schemes or identified for such a purpose in the local planning strategy.

Conditions:

i) The management statement for the strata scheme shall establish a Schedule 1 by-law that requires as a minimum the establishment of a unit management agreement, lease or alternative arrangement between each owner of a tourism use strata unit, or the owners collectively, and a common facility manager/operator to provide for common on-site management of all such units for a minimum period of 25 years as a tourism facility. The management agreement, lease or alternative arrangement shall cover but not be limited to resort reception, security, maintenance, caretaking, refurbishment, marketing and other services required for the development to operate as a tourism facility. The management statement shall be approved by the relevant local government and the WAPC, in consultation with Tourism WA. The required by-law shall specify the inclusion of the following minimum requirements in the management agreement:

a) Termination of one facility manager/operator must be followed by the immediate appointment of a replacement manager/operator.

b) The facility management agreement between each unit owner/owners and

the facility manager/operator must bind successive unit owners.

c) Development refurbishment as required to maintain, or upgrade, the tourism standard of the facility is to be managed by the facility manager/operator on a development-wide basis through the establishment of a refurbishment reserve, or similar mechanism.

d) Entry to units, including by owners is controlled by the facility manager/operator with the management agreement providing that all tourism use units be available only for tourism use, including owners use, unless subject to maintenance.

e) Internal fixtures/fittings and décor in each tourism unit are to be provided and maintained to a specified consistent standard suitable to tourism letting of the units.

f) Owners of a unit in a strata scheme of greater than 20 strata units on a non-strategic tourism site may, as an alternative to common letting, enter into an agreement with a real estate agent or licensed travel agent of their choice, for letting of their unit only. Any such agreement or letting practice shall be consistent with the requirements of the facility management/operating agreement, excepting the common tariff structure, and at all times provide for the unit to be available for tourism letting.

g) For strata schemes consisting of 20 units or less, on-site management and reception facilities and operations are preferred but not required.

h) The facility manager/operator is to keep a written record of all bookings of each owner's unit and must notify the strata company in writing if it becomes aware of any person occupying the unit for a period exceeding three months in any 12 month period. On receipt of such notification, and in addition to its own compliance action, the strata company shall advise the local government within which the development is located of receipt of that notification.

i) It is preferred that management and reception facilities and manager's accommodation shall form part of the common property or be held by the corporate body. Where alternative arrangements are proposed, these shall ensure that management and reception facilities and associated manager's accommodation are subject to lease arrangements or ownership restrictions and disposal mechanisms linked to the facility management/operator function.

j) All recreation, servicing/support and common facilities are to be located on the common property and full use of all services and facilities are to be available for all guests regardless of the booking agent.

ii) Strata plans are to be specified with a Section 6 restriction of use limiting occupation to tourism purposes with an occupation restriction of a maximum of three months in any 12-month period

iii) Any changes to the management statement affecting the matters identified are to be approved by the WAPC in consultation with Tourism WA.

8.1.11 Zoning and town planning schemes

A local government scheme is a principal instrument for implementation of land use planning. A town planning scheme is a statutory instrument and once approved by the Minister and Gazetted has the same force and effect as the *Town Planning and Development Act 1928*. Among other things, a town planning scheme zones and reserves land within the scheme area and sets out the permissibility of land uses and development controls. In conjunction with the proposed SPP, Land Use Planning for Tourism, it is an important instrument for implementing the taskforce recommendations.

Part 4 of the *Model Scheme Text* provides for a town planning scheme to contain a zoning table, which indicates, subject to the provisions of the scheme, the uses permitted in the various zones. The permissibility of any use is determined by cross-reference between the rows listing use classes and the columns listing zones.

The symbols used in the cross-reference in the zoning table have the following meanings:

'P' means the use is permitted by the scheme providing the use complies with the relevant development standards and the requirements of the scheme;

'D' means the use is not permitted unless the local government has exercised its discretion by granting planning approval;

'A' means the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4*;

'X' means the use is not permitted by the scheme.

* Clause 9.4 of the *Model Scheme Text* deals with advertising of applications.

Table 3: Sample zoning table for tourism uses

	ZONES								
USE CLASS (1)	**Caravan park**	**Chalet & cabin**	**Motel (2)**	**Hotel (2)**	**Tourist/resort**	**Tourist/ accommodation (3)**	**Tourist investigation (4)**	**General rural**	**Residential R20**
Bed & Breakfast	X	X	X	X	X	P	Development subject to compliance with adopted outline development plan. Scheme may provide for minor 'P' uses.	D	D
Caravan and camping	P	D	X	X	D	D		A	X
Park Home Park	A	A	X	X	X	A		X	A
Cabin	P	P	D	D	P	P		A	X
Chalet	D	P	D	D	P	P		A	X
Guest-house	X	D	D	D	P	P		A	X
Holiday Home	X	X	X	X	X	D		X	P
Hotel	X	X	X	P	P	P		X	X
Motel	X	X	P	D	D	P		X	X
Resort	X	X	X	P	P	P		X	X
Serviced Apartment	X	X	D	P	P	P		X	X
Single Dwelling	X	X	X	X	X	X		P	P
Group Housing	X	X	X	X	X	D		X	P
Multiple Dwelling	X	X	X	X	X	D		X	D

Notes

(1) Manager's facilities and ancillary commercial facilities are deemed part of the various Use Class as appropriate.

(2) The specific tourism zonings of Hotel and Motel as included in the table reflect the strategic designation of such sites. ie no residential use.

(3) This zoning is applicable only to tourism sites determined to be non-strategic and appropriately located to include a component of residential development, with tourism use to be dominant. The level of the residential component is to be determined by the local government on a site-specific basis or established in the scheme, up to a 25 per cent maximum only.

(4) This zoning is applicable to areas identified as strategic tourism locations and may be used as an alternative to the special control area designation.

Table 3 demonstrates how tourism uses may be dealt with in a range of zones. The inclusion of specific purpose zones or the full range of tourist zones within the land use table of a specific local government scheme will depend on the character of tourism in an area, the range of tourism sites, and will not be required in all town planning schemes. Residential uses are included to show their permissibility within the various zones consistent with the principles of the taskforce recommendations.

While tourism development occurs primarily on land zoned specifically for that purpose, it also occurs under alternative zonings such as commercial, town centre and mixed use zones such as commercial/tourism. Land zoned for such purposes was not within the scope of the terms of reference of the taskforce and as such, have not been considered in detail or included in the sample zoning table. The continued use of such zones in appropriate locations in providing for a mix and intensity of development that includes tourism uses is supported. Such zones are not considered an acceptable substitute for the zoning of land specifically for tourism purposes in recognition of the need to retain high-value tourism sites for that purpose. In the preparation of a local planning strategy / town planning scheme, such zones should be viewed as providing an ancillary role only in providing future tourism development opportunities.

Tiered zoning framework

The taskforce has concluded that in order to provide for the sustainable operation of a range of tourist accommodation types, it is necessary to provide for a more detailed zoning structure that clearly sets out the extent and type of development that can be achieved in the specific tourism zone. It is proposed that this is achieved through the introduction of a tiered zoning structure which limits the range of development permissible on a site to the capability of the site taking into account the planning context and its identified tourism function.

Recommendation 13:

i) That the guidelines and requirements for the preparation of town planning schemes be revised to provide for local governments to adopt a range of tourism zones, where appropriate taking into account the local tourism industry and range of tourism sites, with provisions specific to each zone. The zones shall be based on the categorisations of: Caravan Park and Camping Grounds, Cabin and Chalet, Tourist/Resort, Motel, Hotel, Tourism Investigation and Tourist/Accommodation.

That the continued use of mixed use zones that provide for tourist accommodation uses in addition to other uses is supported only as additional to and not as a substitute for, the identification and zoning of existing and new sites specifically for tourism purposes.

ii) That all new and reviewed town planning schemes contain a standard provision that requires all units in a tourist accommodation development to be available for tourism letting, and that limits the length of occupancy of tourist accommodation, short-stay accommodation and other forms of tourism development on tourist zoned land to three months in any 12-month period.

iii) That the tiered zoning framework, including the model provisions specific to each zone, be introduced in the recommended SPP, Land Use Planning for Tourism.

Definitions for tourism uses

The *Model Scheme Text* Schedule 2 – Dictionary of Defined Words and Expressions (2) contains a limited number of definitions for tourism related use classes (see Section 3.1, p24). The introduction of additional definitions was considered necessary in implementation of the taskforce recommendations to provide for consistency on development types.

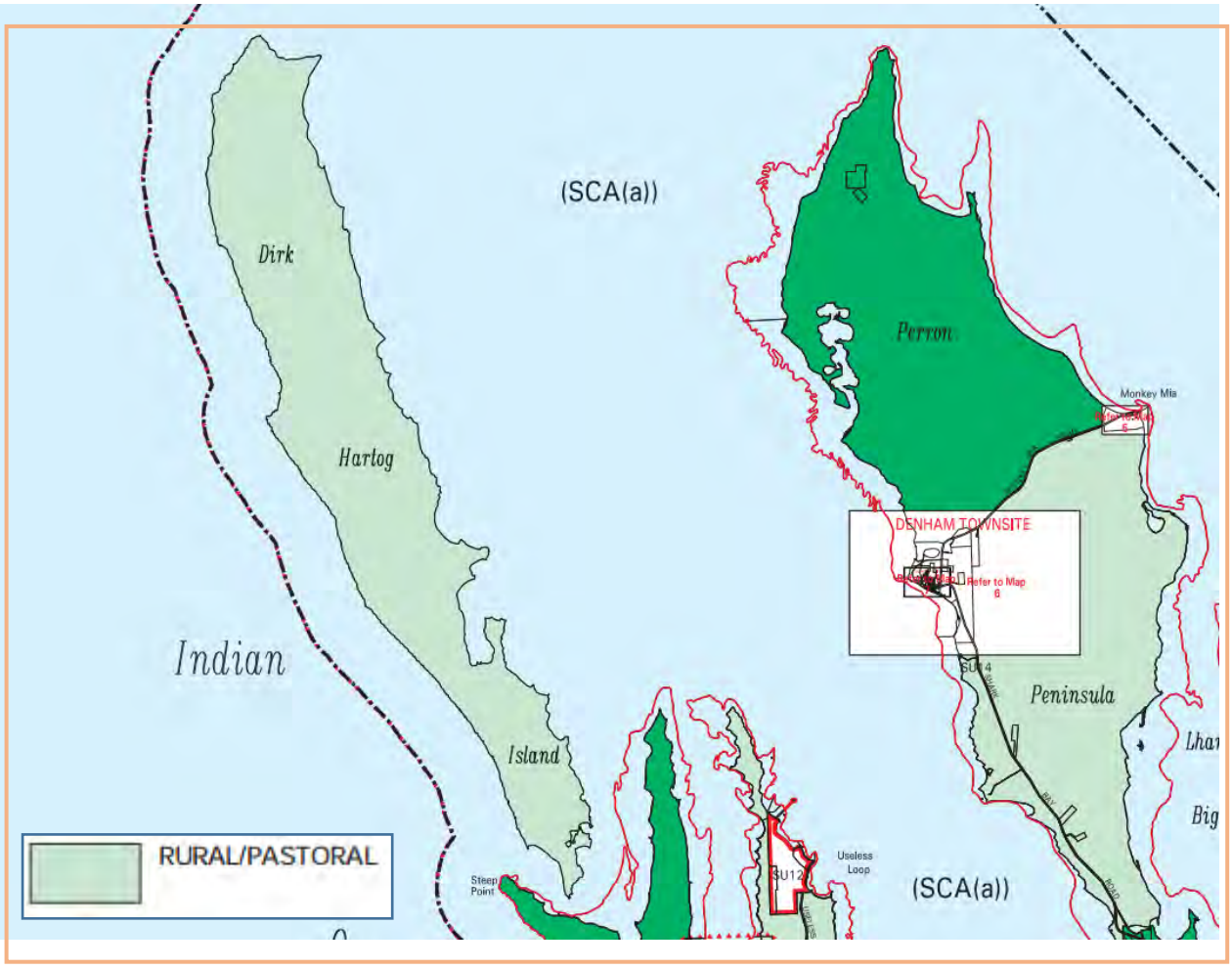
In the development of a tourism complex, it is expected that it will provide a range of facilities and amenities for guests, with town planning schemes generally providing for the inclusion of commercial components where these are ancillary to the tourism use. The inclusion of commercial facilities in the development of land zoned for tourism purposes should be designed primarily to enhance the tourism experience available at the location. The use of the street level of multi-level tourism facilities for commercial

ATTACHMENT # 2

Shire of Shark Bay Scheme Review
Summary of Dirk Hartog Island Changes

Current Zoning

The whole of Dirk Hartog island is currently zoned 'Rural/Pastoral' under the Shire of Shark Bay Local Planning Scheme No 3 ('Scheme 3').



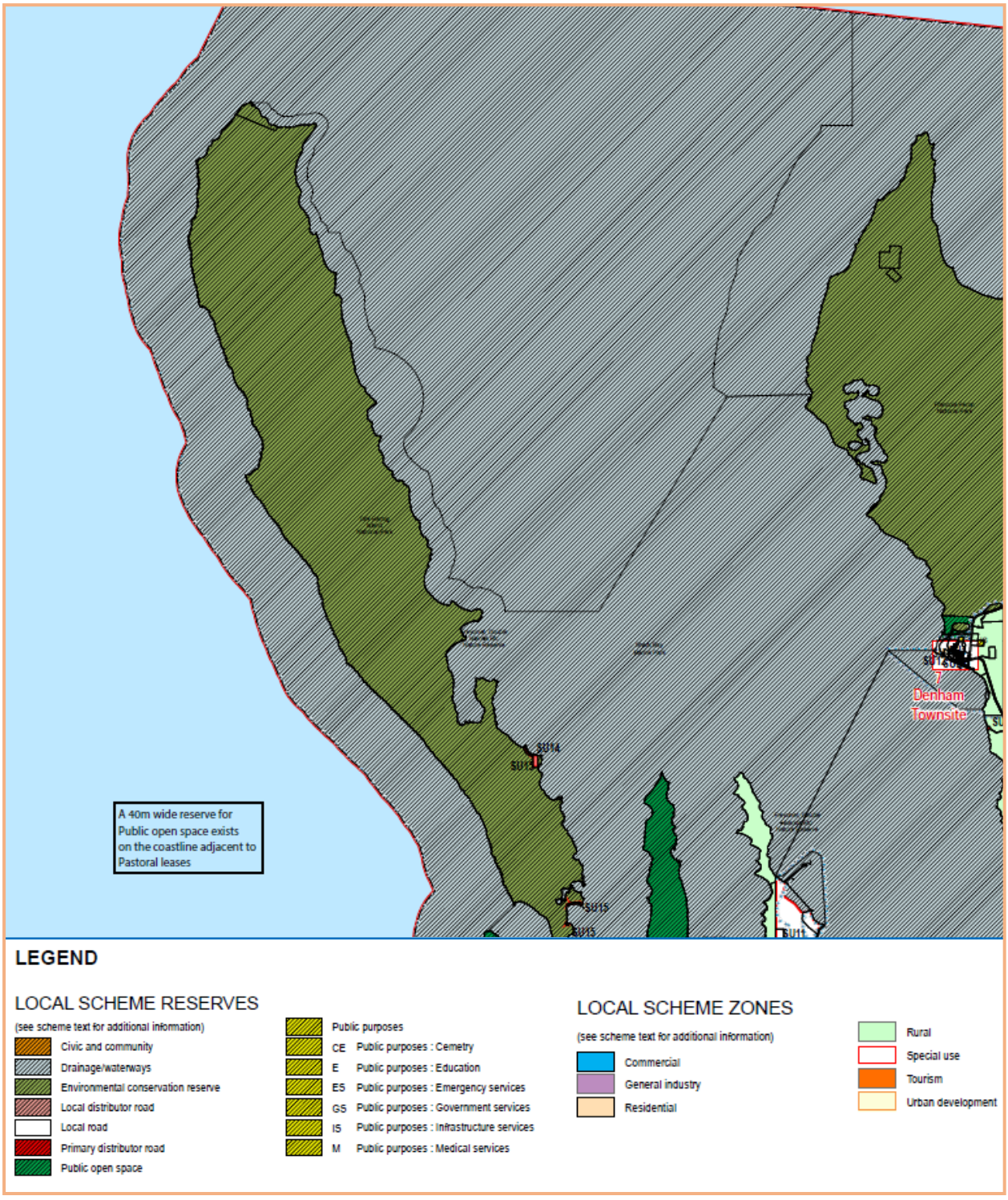
Local Planning Strategy

The Shire of Shark Bay Local Planning Strategy sets out the strategic framework for future planning and earmarks changes to Scheme 3 to be implemented through a Scheme Review. A full copy of the Strategy can be viewed on the Shires website – www.sharkbay.wa.gov.au under 'Council' / 'Public documents'.

The Strategy earmarked potential to reserve the majority of Dirk Hartog Island for 'conservation', and zone all existing freehold lots as 'Special Use' zones with specific landuse and development controls.

Draft Local Planning Scheme No 4

Consistent with the Shire's Local Planning Strategy, the majority of Dirk Hartog island is proposed to be reserved 'Environmental Conservation Reserve' under the Draft Shire of Shark Bay Local Planning Scheme No 4 ('Draft Scheme 4').



Lot 62 on Dirk Hartog Island is proposed to be zoned 'Special Use' No 14 under Draft Scheme 4. Lots 303, 304 and 305 Dirk Hartog Island are proposed to be zoned 'Special Use No 15' under Draft Scheme 4.

The lots would be listed in Schedule B of Draft Scheme 4 with specific development and landuse controls. The Draft Scheme 4 proposes that a Structure Plan would be required to be prepared and endorsed by the Western Australian Planning Commission, prior to commencement of any new development, or subdivision / strata.

Schedule B outlines matters to be addressed as part of any Local Structure Plan. Schedule B from Draft Scheme 4 is included overpage for convenience.

SCHEDULE B – SPECIAL USE ZONES (Clause 21) – EXTRACT OF DRAFT SCHEME 4

No.	Description of Land	Special Use	Conditions
SU14	Lot 62 Dirk Hartog Island	The local government has discretion to consider the following uses where they form part of an integrated Structure Plan: • Airfield – A • Bed and Breakfast – D • Caretakers dwelling - D (There shall be a limit of one caretakers dwelling per Lot) • Civic Use – D • Community Service depot – D • Educational establishment - A • Exhibition Centre – A • Holiday Accommodation – D • Tourist development - D • Home Office – P • Home Occupation – D • Liquor store – small - A • Office - A • Private Recreation - A • Single house – D • Storage - D • Residential Building – A • Waste disposal facility – D • Waste storage facility - D	(1) Prior to commencement of any new development (including a single house and ancillary outbuildings) or subdivision/strata, a Structure Plan shall be prepared in accordance with Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and endorsed by the Western Australian Planning Commission and address the following: (i) A Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and a material transport plan (for any construction); (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;

SCHEDULE B – SPECIAL USE ZONES (Clause 21) – EXTRACT OF DRAFT SCHEME 4

No.	Description of Land	Special Use	Conditions
SU14	Lot 62 Dirk Hartog Island (continued)	As 'D' use: • eco-tourism development Council has discretion to consider the following uses where they form part of an integrated eco-tourism development and the use is an 'incidental use' to the predominant eco-tourism development on the same lot to the satisfaction of Council: As 'I' uses: - Carpark - Fuel sales - Home Store - Kiosk - Motor Vehicle Hire - Restaurant/ cafe - Shop with a maximum Nett Leasable Area of 100m^2 - Workforce Accommodation Council has discretion to consider uses and structures associated with servicing the lots including and not limited to water, effluent disposal, electricity, waste disposal, drainage, communications or other similar services. Council has discretion to approve 'workforce accommodation' if it is required to house workers associated with construction of new development, and the accommodation is proposed to be removed within a stipulated time period.	(iii) Adequate setbacks to the coast to be provided in accordance with any relevant state planning policy; (iv) An environmental report that demonstrates that the Structure Plan and proposed uses will have a low impact on the natural environment with building envelopes, limitations on visitor numbers, management of visitor impact on the island, a vegetation assessment report and having regard for the need to protect the special attributes of the island; (v) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island (if required by the Shire); (2) The Council and Western Australian Planning Commission need to be satisfied that subdivision creates allotments to the size and type of which are justified based on the topography of the land. (3) Any development, subdivision or Structure Plan shall be referred to the Department of Parks and Wildlife, any relevant Shark Bay World Heritage Advisory committee and the Department of Regional Development and Lands for comment prior to determination. (4) Any design guidelines that form part of a Structure Plan or associated Structure Plan report approved by Council and the Western Australian Planning Commission shall be enforced as if the requirements form part of the Scheme.

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SCHEDULE B – SPECIAL USE ZONES (Clause 21) – EXTRACT OF DRAFT SCHEME 4

No.	Description of Land	Special Use	Conditions
SU14	Lot 62 Dirk Hartog Island (continued)		(5) A Foreshore Management Plan shall be required for the area between the site and the coast as a condition of development or subdivision and shall; - Address relevant State Planning Coastal Policies; - Require approval in writing by the Shire and WAPC prior to commencement of development or site works; - Provide clear demarcation between the development site and foreshore reserve; - Involve consultation and input from the Department of Parks and Wildlife. (6) A Visual Impact Assessment may be required to demonstrate that any development or subdivision will not negatively impact on World heritage values or detract from the scenic quality of the land.

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SCHEDULE B – SPECIAL USE ZONES (Clause 21) – EXTRACT OF DRAFT SCHEME 4

No.	Description of Land	Special Use	Conditions
SU15	Lot 303, 304 & 305 Dirk Hartog Island	The local government has discretion to consider the following uses where they form part of an integrated Structure Plan: • Bed and Breakfast – D • Caretakers dwelling - D (There shall be a limit of one caretakers dwelling per Lot) • Educational Establishment - A • Exhibition Centre – A • Home Office – P • Home Occupation – D • Private Recreation – A • Single house and associated outbuildings – D • Storage – D • Residential Building – A	(1) Prior to commencement of any new development (including a single house and ancillary outbuildings) or subdivision/strata, a Structure Plan shall be prepared generally in accordance with Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and approved by the Western Australian Planning Commission and address the following: (i) A Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and a material transport plan (for any construction); (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;

Draft Only – For Advertising

SCHEDULE B – SPECIAL USE ZONES (Clause 21) – EXTRACT OF DRAFT SCHEME 4

No.	Description of Land	Special Use	Conditions
SU15	Lot 303, 304 & 305 Dirk Hartog Island (continued)	Council has discretion to consider a wide range of eco-tourism uses and associated facilities which may include short term accommodation, camping area, or other forms of tourism accommodation and associated guest and recreational facilities. Any development must demonstrate that the use meets the eco-tourism definition. Council has discretion to consider the following uses where they form part of an integrated eco-tourism development and the use is an 'incidental use' to the predominant eco-tourism development on the same lot to the satisfaction of Council: - Carpark - Fuel sales - Home Store - Liquor store – small - Motor Vehicle Hire - Office - Restaurant/cafe - - Shop with a maximum Nett Leasible Area of 100m^2 - Workforce Accommodation - waste disposal facility - waste storage facility Council has discretion to consider uses and structures associated with servicing the lots including and not limited to water, effluent disposal, electricity, waste disposal, drainage, communications or other similar services. Council has discretion to approve 'workforce accommodation' if it is required to house workers associated with construction of new development, and the accommodation is proposed to be removed within a stipulated time period	(iii) Adequate setbacks to the coast to be provided in accordance with any relevant state planning policy; (iv) An environmental report that demonstrates that the Structure Plan and proposed uses will have a low impact on the natural environment with building envelopes, limitations on visitor numbers, management of visitor impact on the island, a vegetation assessment report and having regard for the need to protect the special attributes of the island; (v) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island (if required by the Shire); (2) The Council and Western Australian Planning Commission need to be satisfied that subdivision creates allotments to the size and type of which are justified based on the topography of the land. (3) Any development, subdivision or Structure Plan shall be referred to the Department of Parks and Wildlife, any relevant Shark Bay World Heritage Advisory committee and the Department of Regional Development and Lands for comment prior to determination.

Draft Only – For Advertising

SCHEDULE B – SPECIAL USE ZONES (Clause 21) – EXTRACT OF DRAFT SCHEME 4

No.	Description of Land	Special Use	Conditions
SU15	Lot 303, 304 & 305 Dirk Hartog Island (Continued)		(4) Any design guidelines that form part of a Structure Plan Plan or associated Structure Plan report approved by Council and the Western Australian Planning Commission shall be enforced as if the requirements form part of the Scheme. (5) A Foreshore Management Plan shall be required for the area between the site and the coast as a condition of development or subdivision and shall; - Address relevant State Planning Coastal Policies; - Require approval in writing by the Shire and WAPC prior to commencement of development or site works; - Provide clear demarcation between the development site and foreshore reserve; - Involve consultation and input from the Department of Parks and Wildlife. (6) A Visual Impact Assessment may be required to demonstrate that any development or subdivision will not negatively impact on World heritage values or detract from the scenic quality of the land.

Draft Only – For Advertising

Draft Scheme 4 also contains a general Clause (No 21) relating to Special Use zones as included below:

'21. Special Use zones

(3) Schedule B – Special Uses sets out:

(d) Special use zones for specified land that are in addition to the zones in the zoning table; and

(e) the classes of special use that are permissible in that zone; and

(f) the conditions that apply in respect of the special uses.

(4) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

(3) Notwithstanding any other provision of the Scheme, the local government may exempt the following developments:

(a) The development only involves internal alterations to an existing building; and/ or

(b) The development is for maintenance or refurbishment of an existing building or development with no major alterations to the building footprint; and/or

(c) The development is a minor alteration or addition to an existing non habitable building;

(d) The use of the building is not proposed to substantially change; or

(e) The development will not compromise preparation of any future Structure Plan in the opinion of the local government; and Western Australian Planning Commission (consistent with Regulation 27 (2), Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015)*;

(f) The development will not compromise World Heritage Values in the opinion of the local government.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.'

Further Information

A copy of the Draft Shire of Shark Bay Local Planning Scheme No 4 is available for viewing on the Shires website – www.sharkbay.wa.gov.au under 'Latest News'. There is also an Information Sheet on 'Frequently Asked Questions'.

Written submissions on Draft Scheme 4 may be lodged in writing to the Shire of Shark Bay Chief Executive Officer using a Submission Form (attached). Letters can be attached to the submission form.

If you have any specific queries please liaise with the Shires Planning Consultant, Liz Bushby at Gray & Lewis Landuse Planners on 9474 1722 (between Tuesday and Friday) or by email – liz@graylewis.com.au

Disclaimer

This information sheet is provided as generalised information. It is important to note that the Draft Scheme 4 may be modified following public advertising, or as required by the Minister for Planning.

The Draft Scheme has to be reviewed and reconsidered at a future Shire of Shark Bay Council meeting, and requires approval by the Minister for Planning. Any person who lodges a written submission on the draft Scheme during advertising will be notified of any relevant Council meeting dates, and the outcome of the Scheme Review.

The Shire does not recommend that any information in the Draft Scheme be relied upon for commercial decisions.

Submission Form – Draft Shire of Shark Bay

To: Shire of Shark Bay
Chief Executive Officer

Address of Property affected by Scheme: _____

Name: _____

Postal Address: _____

Email (optional): _____

ATTACHMENT # 3

+ What are we selling?

− Is the land freehold?

1. Yes the land is freehold
2. each purchaser will receive a copy of and be included on the main freehold property title with their lot number allocated under a co-owners agreement
3. application for separate freehold/strata title for each lot will be made by DHI Development Pty Ltd following the rezoning of the Shire of Shark Bay Town Planning Scheme No 4 when the zoning will be changed from 'rural' to 'special purpose' and as included in the co-owners agreement.

− How large are the lots?

1. Each Lot is approx 3400 square meters in area with an ocean frontage varying from 29 to 37 meters in length.

is DHI Development selling villas?

1. No initially DHI Development has commissioned the design of a number of individual villa's following a common theme.
2. A contract builder will contract the build directly with the purchaser.
3. DHI Development will assist in all ways to ensure the completion of each build.
4. DHI Development however may build and sell units and land in its own right at some point of time.

How much does each lot cost?

1. the prices for lots vary according to their location within the site
2. The lots are priced from $350th
3. Development approval has been received from the Shire of Shark Bay for villa's on lots 1,3,6,14,17 and 23

Have any lots been sold?

1. Yes Lots 1,2,4,23 and 24 have all been sold for an average price of $409th . The last sale occurred in August 2016.

What is the area of each lot and how are they divided?

1. Each lot is approx 3400+ square meters

2. Town Planning company Whelans have prepared scenario subdivision plans showing 33 separate lots

Can I live on the site permanently?

1. Yes

2. The covenants on the lot state that the land is to be used for short stay accommodation whereby no one can stay longer than three months in every calendar year – except for

a. A caretaker or manager of the low impact ecotourism business conducted on the land and his or her family and

b.Staff personnel required for the operation of the low impact ecotourism business

3.the caretaker/manager can be the owner and live on the site

4.it is not anticipated that anyone would want to live permanently at the site

Can I bring and keep my own vehicle on the site?

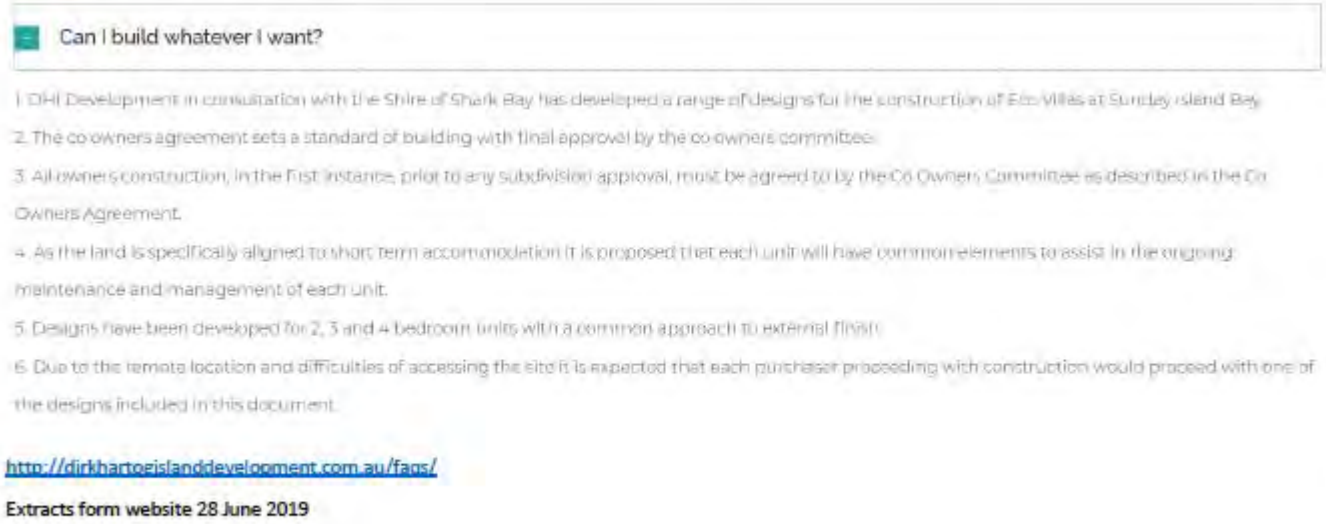
1. Yes there is nothing restricting bringing and keeping a vehicle on the site.
2. There are restrictions on the number of vehicles allowed on the island and operating each day to limit any conflict and conserve the tracks
3. DHI Development through the Co Owners agreement proposes and reccomends that each owner would only bring over and keep permanently a vehicle of similar nature and calibre to the 'polaris style' vehicle. These vehicles are

    a. low impact
    b. Their speed is limited
    c. Low maintenance
    d. Suitable for the terrain

4. DHI Development proposes that any larger vehicles would be housed and maintained at the island homestead lot where they can be accessed at any time
5. The use of low impact vehicles maintains the ethos of sustainability and limited interference with nature and adds to the feeling of adventure

How do I access my lot?

1. each lot is accessed via an easement road at the rear of each lot shown on the plan. The Final location of this track will take account of terrain and access
2. the area between the freehold land and the ocean is part of the Dirk Hartog Island National Park and there are access ways agreed with DPaW to cross this area with vehicles for undertaking building activities
3. Pedestrian accessways including raised structures over the National Park have been discussed with DPaW following the issue of freehold title. DPaW have indicated that they are prepared to consider additional accessways with owners that would be subject to licence with/from DPaW for maintenance of any structure and any environmental effects to the Park property terrain



Can I build whatever I want?

1. DHI Development in consultation with the Shire of Shark Bay has developed a range of designs for the construction of Eco Villas at Sunday Island Bay.

2. The co owners agreement sets a standard of building with final approval by the co owners committee.

3. All owners construction, in the first instance, prior to any subdivision approval, must be agreed to by the Co Owners Committee as described in the Co Owners Agreement.

4. As the land is specifically aligned to short term accommodation it is proposed that each unit will have common elements to assist in the ongoing maintenance and management of each unit.

5. Designs have been developed for 2, 3 and 4 bedroom units with a common approach to external finish.

6. Due to the remote location and difficulties of accessing the site it is expected that each purchaser proceeding with construction would proceed with one of the designs included in this document.

http://dirkhartogislanddevelopment.com.au/faqs/

Extracts form website 28 June 2019

13.6 PROPOSED BED AND BREAKFAST – LOT 224 (35A) FRY COURT, DENHAM
P1442

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 Capewell

Council Resolution
That Council:

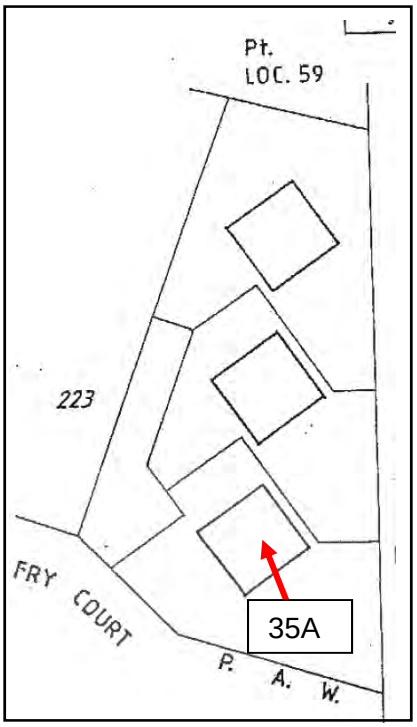
1. **Note that an application has been lodged for a Bed and Breakfast on the ground floor of 35A Fry Court, Denham and the application is being advertised to neighbours for comment.**

2. **Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the Bed and Breakfast application for 35A Fry Court Denham.**

5/0 CARRIED BY ABSOLUTE MAJORITY

BACKGROUND

Lot 224 Fry Court, Denham has been developed with three two storey grouped dwelling units. Each is contained on it's own strata lot, and the western driveway area is common property, as per plans over page.



Relevant to this application, Council approved a Bed and Breakfast for 35C Fry Court in 2015.

COMMENT

- *Scheme requirements*

The subject land is zoned 'Residential' under the Shire of Shark Bay Local Planning Scheme No 4 ('Scheme 4').

Under the Scheme a 'Bed and Breakfast' is defined as '*means a dwelling —*

(a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and

(b) containing not more than 2 guest bedrooms.'

A 'Bed and Breakfast' is designated as an 'A' use in the 'Residential' zone under 'Table 1: Zoning Table' of the Scheme.

The 'A' designation '*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*'.

Essentially Council has discretion to approve the use however advertising of the proposal is compulsory under the Scheme.

- *Description of Application*

The applicant lives in the upper storey of the existing dwelling unit and the entire ground floor is proposed to be available for guests.

The ground floor of the unit has one bedroom (with a double bed) and is self-contained with its own kitchen and bathroom facilities.

The applicant has advised as follows:

a) The rental premise at 35A Fry court has one bedroom on the ground floor.
b) Our plan is to operate the business as a Short Term Rental facility. This can include Air BnB and rental lease up to 3 months.
c) The Property Manager / Owner reside in the upper storey at the same time as guests may use the lower floor.
d) The apartment has a spacious bedroom with 1 queen size bed + 1 king single bed. It can accommodate up to 3 guests. The kitchen, living area is new, modern and fully equipped. It includes a shower room with toilet as well as a laundry.
e) Hardwired smoke alarms have been installed on both upper and lower levels.
f) Fire Safety equipment (fire blanket, fire extinguisher) will be prominently displayed for easy access with instructions for use).
g) It is a non-smoking premise. Non-smoking signs are prominently displayed.
h) Emergency Exit signs and an A3 template of the Fire Emergency Evacuation Plan will be clearly displayed in the premise.
i) Document folder containing copies of the Management Plan, Code of Conduct, useful information such as Denham Police and Silver Chain phone number, local phone directory, brochures for tour operators will be provided.
j) The premise is connected to sewer.
k) There is an outside garden with hose (salt water and fresh water taps) for guest usage.
l) The Property Manager / Owner will be there to greet guests, provide them with house keys and information as required.

Plans are attached under confidential cover for viewing by Councillor‘s, however are not included in this report for protection of privacy.

- *Food provision*

The applicant has advised that basic pre-packaged foodstuffs will be provided to guests on arrival such as tea, coffee, sugar, long-life milk, packets of biscuits and small cartons of orange juice. The applicant will not be preparing any meals for guests.

The Shire’s Environmental Health Officer has advised that they will need to register as a Food Premises under the ***Public Health Act 2016***, hence a food registration form has been sent to the applicant.

- *Parking*

The applicant proposes that 2 guest vehicles can be parked to the side of the premise. While guests are residing the owner's vehicle will be parked at the front area of the property.

The applicant has also submitted a photograph showing the front parking area.

- *Amenity and noise*

As the applicant lives in the upper storey of the existing dwelling and will be present when guests stay in the accommodation, it is their interest to effectively manage noise in a manner to protect neighbours residential amenity.

It is recognised that people on holidays may have different daily habits than local residents with a work routine. The owner has lodged a management plan as part of their application.

- *Fire and Emergency Response Plan*

The Western Australian Planning Commission has guidelines for 'Holiday Homes – Short stay use of residential dwellings' ('Western Australian Planning Commission Guidelines"). The Western Australian Planning Commission Guidelines only apply to standard and large holiday homes.

As occupiers of holiday homes are not familiar with the house layout, the Western Australian Planning Commission Guidelines recommend an emergency response plan be required.

Whilst these guidelines do not strictly apply to the 'Bed and Breakfast', Town Planning Innovation supports preparation of Emergency Response Plans as it maximises safety for guests that will be unfamiliar with the house layout.

An Emergency Response Plan has been lodged by the applicant which includes a fire escape route and emergency contact details.

- *Smoke alarms*

The applicant has advised there is 1 hardwired smoke alarm upstairs, and one downstairs (located adjacent to the bedroom door in the adjacent living room).

The Department of Fire and Emergency Services website has comprehensive information on smoke alarms for dwellings and other classes of buildings. As per attachment's over page.

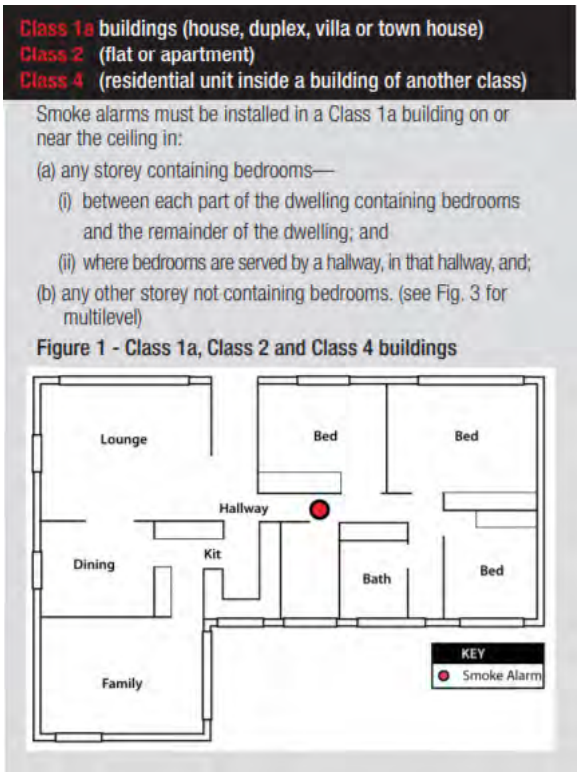


Figure 1

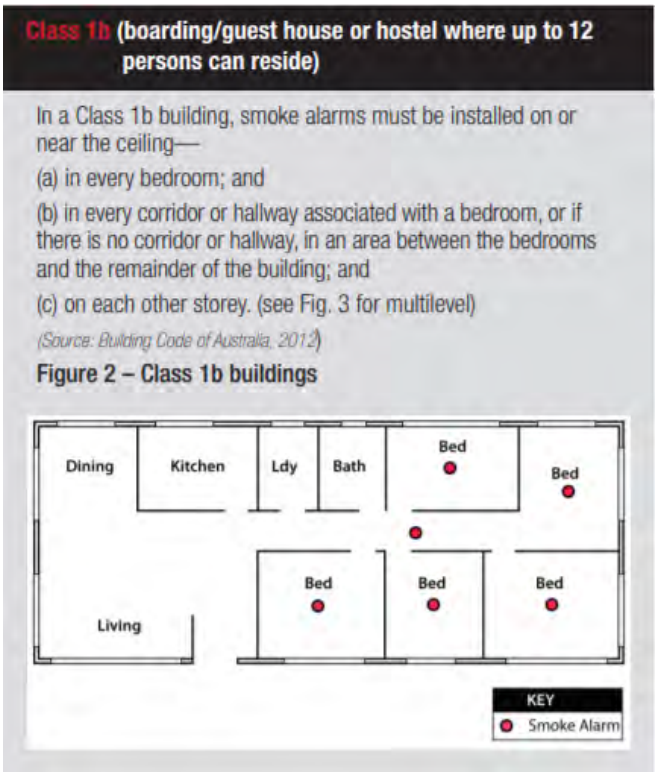


Figure 2

Extracts from Department of Fire and Emergency Service website information sheet

Council should note that provision of smoke alarms for holiday homes is being examined as part of preparation of a Draft Local Planning Policy which will be referred to a future Council meeting for consideration.

The Western Australian Planning Commissions' Holiday Homes guidelines (September 2009) recommend that each bedroom is to be fitted with a hard wired smoke detector.

In the absence of a Local Planning Policy, Town Planning Innovation recommends that the hardwired smoke alarm already installed for the proposed bed and breakfast be supported as it is located immediately outside of the only bedroom door (similar to Figure 1 scenario above) and captures the main living area.

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.

Clause 82(1) and 82(2) give Council the ability to delegated authority to the Chief Executive Officer to determine the application however it must be an Absolute Majority.

Shire of Shark Bay Local Planning Scheme No 4 -

Clause 16(2) outlines the following objectives for the Residential zone:

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

POLICY IMPLICATIONS
A Draft Local Planning Policy for holiday homes is in preparation and may capture requirements such as smoke alarms. Any requirements may also be applied to Bed and Breakfast applications.

A Draft Local Planning Policy will be referred to a future Council meeting.

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

STRATEGIC IMPLICATIONS
There are no strategic implications relative to this report.

RISK MANAGEMENT
This is a low risk item to Council.

VOTING REQUIREMENTS
Absolute Majority Required

SIGNATURES

Author	*L Bushby*
Chief Executive Officer	*P Anderson*
Date of Report	19 October 2018

14.0 BUILDING REPORT

14.1 DEPOT ADMINISTRATION BUILDINGS
RES40492 / P4031

Author
Chief Executive Officer

Disclosure of Any Interest
Nil

Moved Cr Laundry
Seconded Cr Ridgley

Council Resolution

That Council note and endorse the administration's actions in progressing the insurance claim for the existing Depot Administration buildings and endorse the administration investigating and presenting to Council for consideration options to replace the current buildings.

5/0 CARRIED

Background

The Depot Administration buildings were subject to storm damage during the intensive rainfall event in June 2018.

Negotiations have since that time been ongoing with the Council insurers as to the insurance claim and value of the property. These negotiations have been delayed in some degree due to the difficulty having a qualified building inspector assess the buildings.

Mr Glenn Bangay, the Shire contract building inspector undertook an inspection on the 13 September 2018 (attached) which details the condition of the building.
The fair value and subsequent insurable value of the buildings is listed at $60,000 with removal of debris $2,650 and professional fees $1,591 making a total possible claim of $64,241.

The contents of the buildings are also insured for $60,000 but no damage or subsequent claim is applicable to the contents.

Comment

The flooding of the Depot building has significantly reduced its useful life and given the insurance write off, Council should consider replacing the building.

Preliminary investigations indicate that there are second hand buildings which may be fit for purpose and also provide for the suitable ablution facilities.

There are also a number of new facilities options that could be further investigated if the second hand buildings on further investigation are deemed not suitable.

The current layout of the depot buildings are attached and it is envisaged that a building of similar dimensions with more defined office space and possibly the inclusion of a toilet facility would be suitable.

Dependent upon the investigations and the availability of second hand stock there may be a requirement for Council to call for tenders if the design requirements contribute to the estimated cost exceeding $150,000.

The Council could also conduct a tender/ expression of interest process for the project even if the estimated cost will be below $150,000, however this may limit the opportunity to take advantage of any current second hand stock that may be available.

The administration will undertake further investigations to establish what is currently available and establish costs to establish a facility that suits the current and projected future needs of the Depot.

A number of the issues highlighted by the Building report have been attended to i.e. spraying for insects, disconnection of electrical items that were deemed hazardous and ventilation to address the possible growth of mould, the risk to staff working in the building has been assessed and deemed to be acceptable at this point in time, however this will need to be assessed if there is any further ingress of water to the building.

Legal Implication
There are no legal implications relevant to this report.

Policy Implications
There are no policy implications relevant to this report.

Council guidelines for purchasing in accordance with policy 2.7 purchasing policy – amounts under $150,000 is as follows

Guidelines for Purchasing

$0 - $4,999 No quotes required but responsible officer to ensure that goods *or services represent reasonable value for money.*

$5,000 - $19,999 One verbal quote to be sought.

$20,000 - $49,999 Two verbal quotations be sought with copies of emails or file notes to be attached to the requisition or reference made to the relevant record number.

OR

Obtain quotations directly from a pre-qualified panel of suppliers which include Western Australian Local Government Association Preferred Supply Contracts. It is recommended that wherever possible, the responsible officer source multiple

competitive quotations (at least two Preferred Suppliers) using a formal Request for Quotation process either through eQuotes or directly in writing.

$50,000 - $99,999 Two written quotations be sought with copies of emails or file notes to be attached to the requisition or reference made to the relevant record number.

OR

Obtain quotations directly from a pre-qualified panel of suppliers which include Western Australian Local Government Association Preferred Supply Contracts. It is recommended that wherever possible, the responsible officer source multiple competitive quotations (at least two Preferred Suppliers) using a formal Request for Quotation process either through eQuotes or directly in writing.

$100,000 - $149,999 Written specification required and three written quotes sought (with procurement decision based on all value for money considerations). Prior to any documentation being issued a Request for Quote (RFQ) number must be obtained and utilised on all correspondence. RFQ file to be developed and stored electronically.

OR

Obtain quotations directly from a pre-qualified panel of suppliers which include Western Australian Local Government Association Preferred Supply Contracts. It is recommended that wherever possible, the responsible officer source multiple competitive quotations (at least three Preferred Suppliers) using a formal Request for Quotation process either through eQuotes or directly in writing.

$150,000+ Public tender process to be undertaken unless excluded under Exemptions listed below. Prior to any documentation being issued a Request for Tender (RFT) number must be obtained from Governance and details as applicable provided to maintain Council's Tender Register.

OR

Obtain quotations directly from a Tender exempt and pre-qualified panel of suppliers which include Western Australian Local Government Association Preferred Supply Contracts. It is recommended that wherever possible, the responsible officer source multiple competitive quotations (at least three Preferred Suppliers) using a formal Request for Quotation process either through eQuotes or directly in writing.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases with a value of purchase under the $150,000 threshold. If a decision is made to seek public tenders for contracts of less than $150,000, a Request for Tender process must be followed.

Financial Implications

Preliminary enquiries have indicated that there may be second hand building available that may possibly be fit for purpose for a similar value as the insurance payout figure.

The Council also has an allocation of $20,000 in the 2018/2019 budget for a new ablution facility.

Dependent upon the final size and configuration the Council may consider allocating additional funding from the infrastructure reserve.

Strategic Implications
There are no strategic implications relevant to this report.

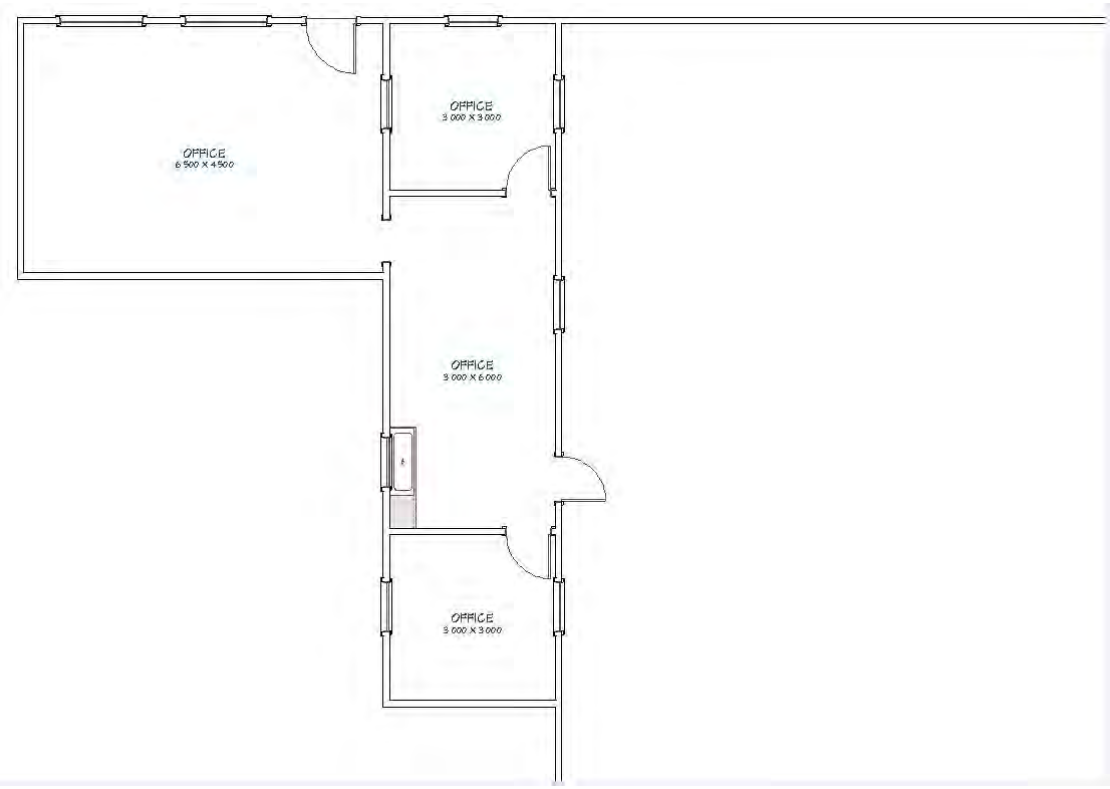
RISK MANAGEMENT
There are no significant risk implications relevant to this report.

Voting Requirements
Simple majority required**.**

Signature

Chief Executive Officer *P Anderson*

Date of Report 23 October 2018



SHIRE OF SHARK BAY

DENHAM WORKS DEPOT OFFICE BUILDINGS

Observations on 13th September 2018:

Following an internal and external inspection of the office buildings located at the works depot of the Shire of Shark Bay, I made the following observations and subsequently provide my conclusions as a result of these observations:

1. External cladding, flashings and fixings do not have the ability to support the cladding in the manner in which the manufacturer intended and due to the corroded state, allow the ingress of storm-water;

1

2. Internal wall and ceiling cladding shows significant indication of moisture damage and deterioration, and the resultant mold appearance, which has created warm moist conditions ideal for the breeding and proliferation of insects, i.e. cockroaches;

2

3. Electrical fixtures and fittings exposed to ingress of moisture and have been disconnected due to water leaking from the fixtures;

4. Floor framing has issues with either timber degradation or corrosion of fixings and has noticeable depressions in various sections;

5. The deterioration and degradation of the Internal walls timber framing and fixings is evident by some walls being able to be moved by leaning against the wall structure;

3

6. The presence of cockroach infestation creating health issues in all cupboards and storage areas

Conclusions:

1. The structural integrity of the office buildings has been significantly compromised by the ongoing ingress of storm-water;
2. The current structure presents a health hazard from both a) the presence of mold and the proliferation of insects i.e. cockroaches; and b) a potential serious injury hazard from the possible structural collapse or failure of the ceiling and/or walls;
3. Sections of the existing ceiling present an immediate potential to collapse due to the degradation of the fixings and the ability of the ceiling cladding timber material to provide a suitably effective fixing medium;
4. The structural integrity of the internal walls has been compromised by the degradation and deterioration of the timber framing by the ingress of storm-water;
5. Both these buildings should be removed and replaced with more suitable building structures, with some urgency to prevent further exposure of staff to both an injury hazard and health hazard from the presence of mold and cockroaches.

Glenn Bangay
Principal Environmental Health Officer (078)/
Building Surveyor (341)
MAIBS.....MEHA.....MLGPWA

1ST October 2018

15.0 WORKS REPORT

15.1 MONKEY MIA BOAT CARPARK
RES1686

Author
Works Manager

Disclosure of Any Interest
Disclosure of Interest: Cr Ridgley
Nature of Interest: Impartiality Interest as he works at Monkey Mia and uses the Carpark.

Moved Cr Capewell
Seconded Cr Laundry

Council Resolution
That Council consider and provide direction to the administration in accordance with Clause 2.1 Determination of Parking Stalls and Parking Stations as to the preferred conditions of use of the Monkey Mia Carpark.

5/0 CARRIED

Moved Cr Laundry
Seconded Cr Capewell

Council Resolution
That a councillor workshop be convened to discuss and formulate a position on the proposed Local Government Property Local Law for the Monkey Mia Jetties and Boat Ramp and the Monkey Mia carpark on a date to be confirmed.

5/0 CARRIED

Background
The Monkey Mia boat ramp carpark was constructed utilising Recreational Boating Facilities Scheme funding with works completed December 2015.

In the funding application Council indicated the project would solely benefit recreational users.

Since the operational opening of the carpark there have been a number of parking infringements issued in the Monkey Mia Carpark with a portion being overturned by Council.

Comment

Reflecting on the past infringements issued and Council's decision to rescind a portion of those infringements. It appears there is a need to review the regulations relating to the Monkey Mia boating carpark to ensure minimal chances of misinterpretation.

This would assist Council Rangers in issuing infringements with less ambiguity and to assist motorist to ensure that they are aware of rules applicable to the carpark.

The entrance to the carpark is clearly signposted indicating the carpark is for boat and trailer parking only. The sign also specifies no unattached trailers but does not discriminate in regard to vehicles without trailers, there is also no discrimination between commercial and private unattached trailers on the signage.

The no unattached trailers was instigated as a number trailers were being left for extended periods at the carpark while boats were moored in the vicinity of the resort.

The commercial section was created as a courtesy only to commercial operators, parking by vehicles not being utilised for commercial purposes is difficult to prosecute with the current signage.

There is an increased incidence of vehicles without boat trailers parking in the boat ramp car park. This is due to a number of reasons including, but not limited to people fishing from the beach and avoidance of Parks and Wildlife fees for entry into the adjoining reserve.

In order to rectify the current ambiguity it is recommended council identify types of users it will allow to utilise the Monkey Mia carpark.

Examples of issues for council to consider:
Would Council like to allow users without boats to use the carpark. i.e. fisherman?

Would Council like to allow users with a boat but without a trailer to use the carpark. i.e. kayak or canoe on a roof rack?

Will Council continue to allow commercial users to utilise the carpark? And will council allow non boat associated trailers for commercial users within the carpark?

Some possible options to the above issues could include:

Allow all vehicle classes and persons parking within the carpark.
This option would see the intended users of the carpark disadvantaged in the peak boating times.

There would be limited restrictions as to the class of vehicles or persons that could utilise the carpark. The council should maintain a parking bay for persons with a valid ACROD permit.

Allow only a specific vehicle class (vehicle and attached boat trailer) only to park within the carpark.

This option increases the chance of incorrect infringements issued to vehicles transporting boats without a trailer.

If Council decides to allow boat associated vehicles only then the current signage is appropriate and no change will occur. The problems identified will still be ongoing.

This does not fully address the issue of vehicle parking with no boat trailer attached address

Boat and Trailer Parking Only
No Unattached Trailers

Allow only vehicles with boat trailers to utilise the carpark.

This option clearly identifies intended users and makes infringement issuing simple and straightforward. It discriminates against the boating fraternity without trailers. Commercial users without trailers or non-boat associated trailers will also need to be considered.

If Council decides to allow only vehicles with boat trailers then the amended signage could read

Vehicle and Boat Trailer Parking Only
No Unattached Trailers
No Single vehicles

Specific class of authorised person/vehicles

In conjunction with any Council decision regarding the above questions. It is recommended Council consider changing the commercial users parking bays to authorised parking only.

Council could amend the signage in the designated commercial parking bays utilising section 3.1 (b) of the Local Law to indicate **authorised vehicles only parking**, and issue permits that must be displayed similar to what occurs when parking in disabled bays.

If Council adopt the authorised parking only option, there will be a need to further consider what conditions would be imposed to qualify for an authorised vehicle only permit.

Suggested considerations:

How many vehicles?
Permission to leave unattached trailers?
Non boat associated trailers?

Appropriate entrance signage could be similar to the above suggested signage with the addition of “Authorised Parking Only”

It is also recommended the existing NO UNATTACHED TRAILERS regulation be retained. If this regulation is not retained there is a high probability the carpark could become a trailer storage area.

The council could also consider installing signage to limit parking to designated bays by the installation of signage stating parking in parking bays only.

The recreational boat ramp car parking area is also contained with Reserve 1686 and forms part of the deed with Parks and Wildlife. With this joint venture in mind, it would be prudent to inform Parks and Wildlife of any impending decisions made by Council and ascertain their feedback and suggestions regarding this matter.

Options for consideration

That in accordance with clause 2.1 of the Shire of Shark Bay Parking and Parking Facilities Local Law the Council determine that the Monkey Mia Carpark situated on reserve 1686 be utilised for the

Vehicles of the following class
A.
B.
C.

And

Persons of the following class of persons
A.
B.
C.

and that signage be erected to clearly indicate the Councils determination.

Legal Implications

The Shire Parking and Parking facilities local law at clause 2.1 enables the Council determine conditions on parking on thoroughfares and parking and parking stall as follows

2.1 Determination of Parking Stalls and Parking Stations

The Local Government may by resolution constitute, determine and vary and also indicate by signs -

(a) parking stalls,

(b) parking stations,

(c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality,

(d) permitted classes of vehicles which may park in parking stalls and parking stations,

(e) permitted classes of persons who may park in specified parking stalls or parking stations, and

(f) the manner of parking in parking stalls and parking stations.

Clause 3.1 then details the further restrictions or conditions that can be imposed on vehicles

3.1 Restrictions on Parking in Particular Areas

(1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station -

(a) if by a sign it is set apart for the parking of vehicles of a different class,

(b) if by a sign it is set apart for the parking of vehicles by persons of a different class, or

(c) during any period when the parking of vehicles is prohibited by a sign.

(2) (a) This subclause applies to a driver if -

(i) the driver's vehicle displays an ACROD sticker, and

(ii) a disabled person to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle.

(b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates for twice the period indicated on the sign.

(3) A person shall not park a vehicle -

(a) in a no parking area,

(b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law.

Policy Implications
There are no policy implications to this report

Financial Implications
Cost relating to any sign amendments is at this stage unknown.

Strategic Implications
There are no strategic implications to this report

Risk Management Implications
This is a low risk to Council

Voting Requirements
Simple Majority Required

Signatures

Author	*B Galvin*
Chief Executive Officer	*P Anderson*
Date of Report	24 October 2018

Landgate
Landgate
Landgate
MONKEY MIA
Shire of
Shark Bay
Monkey
Mia
Rd
Landgate

16.0 TOURISM, RECREATION AND CULTURE REPORT

16.1 SHARK BAY RENDEZVOUS FESTIVAL REPORT
RC00035

AUTHOR
Executive Manager Community Development

DISCLOSURE OF ANY INTEREST
Nil

Moved Cr Laundry
Seconded Cr Ridgley

Council Resolution
That Council note this as a final report on the Shark Bay Rendezvous Festival Freycinet 1818-2018.

5/0 CARRIED

BACKGROUND
Capitalising on the success of the Dirk Hartog Voyage of Discovery 1616 Festival in 2016, and with endorsement by Council, the Community Development staff conducted a Community Forum in March 2017 with the view to measuring the appetite for another festival in 2018.

It was resolved to invite each community group to nominate a representative to help form a 2018 Festival Working Group. Eight individuals, along with Shire Community Development staff met late April 2017 to further discuss opportunities for the 2018 festival.

Agreement was to support a maritime history theme with the group keen to explore options around hosting a concert, period costumes and food as the main elements of the festival.

With a focus on a three-day event over the long-weekend in September 2018 (21st - 24th), it was decided to go with the theme of celebrating 200 years since the arrival of Louis and Rose De Freycinet's landing two kilometres north of Cape Lesueur, Peron Peninsula.

It was agreed by the group that the majority of the event should make use of the Denham foreshore with entertainment and food stalls over the weekend along with the idea of hosting a 1800s period costume and French culture Street Party.

Council approved the following allocations of funds towards the festival:

2017/2018

- $25,000 - Budget allocation - (unspent funds incorporated into 2018/19 budget allocation)

2018/2019

- $75,000 - Budget allocation
- $40,000 - Community Assistance Grant

TOTAL $115,000

A number of grant applications were submitted to relevant State and Federal government departments however we were not successful in attracting additional funding. The only cash grant we did receive was $2,000 through Horizon Power. This grant was used on lighting in the Marquee.

COMMENT

The Shark Bay Rendezvous Festival Freycinet programme was similarly designed on the success of the Dirk Hartog festival. The obvious difference being the budget. The idea of closing off the main business section of Knight Terrace proved to be a successful strategy, including the use of round tables for people to sit and enjoy the festivities was well-received.

The Friends of the Festival met monthly over a period of eighteen months and were ultimately responsible for bringing the program together. Shire employees – in particular Community Development staff were instrumental in engaging with community groups, other staff, talent and technical support and worked tirelessly to bring the event together. There were no significant reports of anti-social behaviour, accidents or property damage.

Without the capacity to conduct an economic impact study and gathering general attendance figures over the three days (Friday 21- Sunday 23 October), it is estimated to have been a minimum of 2,316 festival visitors. See figures below.

The Festival was significantly supported by the Shark Bay community with over 56 dedicated volunteers represented across a range of community groups. The budget figures do not account for the many unpaid hours that went into creating and delivering a very successful festival. The community is to be congratulated on their tremendous efforts.

Opening Ceremony:

Shire President Cheryl Cowell welcomed locals and visitors to the Shark Bay Rendezvous Festival Freycinet. This was followed by a Welcome to Country by Johnny Oxenham and Benny Bellottie, along with a special Malgana performance through dance and song.

Knight Terrace Stall Holders:

There were thirteen registered stalls as well as the Youth Group's French Revolution and the Shark Bay Arts Council. All the stall holders chose to stay open into the Saturday night to take advantage of the concert festivities.

Majority of stall holders brought additional staff and/or family to work at the individual stalls (one stall holder had a family of up to 6 members) and all of whom stayed in Denham for the duration of the Festival.

Launch of the Freycinet Collection and 200 year-old Uranie Artefact:
Councillor Laundry conducted the official launch of the much-awaited display of the 200 year old artefact from Louis de Freycinet's ship *L'Uranie*, which has been hidden away in a crate in the Discovery Centre for nearly ten years.

Complementing the display, is a magnificent series of storyboards depicting the Freycinet's journey from France to Shark Bay. During the Festival, Dr Michael McCarthy from WA Museum delivered two lectures which were attended by over 60 visitors:

1. Finding the Uranie, and
2. Louis and Rose de Freycinet's journey.

Parades:
There were a number of planned street parades which included an assortment of *faux* poodles. This proved to be a hilarious collection of real and not-so-real poodles – all of whom behaved very well. The winning 'poodle' was Salty a three month old Highland Terrier puppy, whose owner painted him the colours of the French Flag.

The Sail-in-Parade was a highlight event with so many families parading an array of ships and pirate costumes. The popularity of this event was demonstrated through the high number of parents and children who attended the workshops two weeks prior to the parade.

The period costume fashion parade on Knight Terrace saw our younger generation confidently strutting their stuff along the red carpet to a crowd of onlookers. Little Noah Harrower stole the show with his costume and performance as a French pirate.

Concert:
Starting at midday, visitors were entertained into the night with a range of local, regional and state talent. The marquee was adorned with festival lighting and the sound system was top quality. With Blue Shaddy as the headline act, the concert was a huge success.

Through the security controlled liquor licenced area (from 5.00pm), it is estimated to be a constant turn-over of 300-350 persons at any given time over 6.45 evening hours. Attendance is also reflected in the Fishing Club's income on liquor sales of $5,405 for the same period of time. The number of families and non-drinking visitors outside of the licenced area (round tables, Knight Terrace & foreshore areas) is estimated to be well over 800 over the same time period. The stall holders benefitted from the concert and general family atmosphere along Knight Terrace. Feedback suggests that the street closure and foreshore location made it more inviting for families to enjoy the concert and general festivities.

Speedway:
The Shark Bay Speedway Club were sponsored to conduct an additional race meeting in conjunction with the Freycinet Festival. Sunday 23 September saw the attraction of 110 members, 201 drivers and crew and 192 gate entries. Overall, attendance figures of 404 and bringing a profit of $5,182.87 for the Speedway Club.

At the Closing Ceremony, Speedway Chairperson, Michael Reynolds thanked the Shire for their support for the speedway to conduct a third event for 2018 and outlined the positive economic impact motor sports has for any community.

Community Group contributions:

- Crafters - Yarn-bombing and street decorations (bunting)
- Entertainers – Freycinet landing re-enactment on foreshore
- Fishing Club – Concert Bar Services – profit of $3,695.23
- Speedway – Additional race event for 2018 – profit of $5,182.87
- Arts Council – Gallery exhibition and local artist-designed cloth bags.
- Youth Group – French revolution stall
- Boolbardie Club – Sailing by the Stars – stargazing & lectures
- Community Resource Centre – Sail in parade
- Men's Shed – creation of street furniture – flower carts and bicycles & French sign post.
- Dance Academy – presentation of a number of dances – including the Can-Can Dance.

Majority of community groups chose to provide a write-up in the October edition of the Inscription Post and the Speedway's successful event was covered in the Mid-West Times.

*See attached articles.

Sponsorship:

Sponsorship support was relatively strong from the following local businesses:

• REX Airlines	2 x return airfares	Value:	$1625
• RAC Monkey Mia	1 x night villa		$450
• Oceanside Villas	2 x nights		$650
• Shark Bay Freight	Round Tables		$50
• J & T Freight	Round Tables		$100
• Monkey Mia Beach Hire	SUP		$100
• Horizon Power			$2,000

Representation of accommodation bookings at the time of the Festival
21-23 September 2018.

Operator	Bookings
Blue Dolphin Caravan Park	100% capacity long-weekend 100% capacity first week school holidays
Denham Seaside Caravan Park	83% capacity over long-weekend 84% capacity school holidays
Hartog Haven House	100% capacity
Oceanside Village	80% capacity long-weekend (75% 2017)
Shark Bay Hotel	95% capacity long-weekend
Trade Winds Apartments	100% capacity long-weekend (86% 2017)

*See attached list of Shark Bay accommodation capacity

Shire Investment

Freycinet Festival 2018 Expenditure Budget to Actual Analysis

2017-2018

Acct Code	Account	Current Budget	Actual	Variance $
1501027490	Festival 2018 Initial Development Expenditure Mun	$ 25,000.00	$ 5,077.22	$ 19,922.78
	* Total *	$ 25,000.00	$ 5,077.22	**$ 19,922.78**

Note: Remaining 207/18 funds carried forward and included in 2018/19 budget

2018-2019

Acct Code	Account	Current Budget	Actual	Variance $
1502024860	Freycinet Festival 2018 Mun	$ 75,000.00	$ 63,809.35	$ 11,190.65
1502024870	Freycinet Festival 2018 – Council Assist Round 2 Mun	$ 40,000.00	$ 35,333.87	$ 4,666.13
	* Total *	$ 115,000.00	$ 103,912.25	**$ 11,087.75**

Visitor attendance	**2,316**
Event organising staff	3
Volunteers (including C'ty Groups)	56
Sponsors	7
Talent	26
Contractors	9
Stall holders	15
Festival attendees	2,200
(Total Visitor Nights (2,316 x 3.5 days)	8,106
(Average length of stay – 3.5 days)	
(Average Daily expenditure)	$160
Direct expenditure	$1,296,960
Shire investment	$103,912
ROI on direct expenditure	**$12.48**

Welcome to Country - Dance Performance

Dance Academy

Flag Raising Ceremony

Youth Group French Revolution Photo Booth

Faux Poodle Parade

"Salty" - the Faux Poodle winner.

Street Stalls

French Signage

Eifel Tower

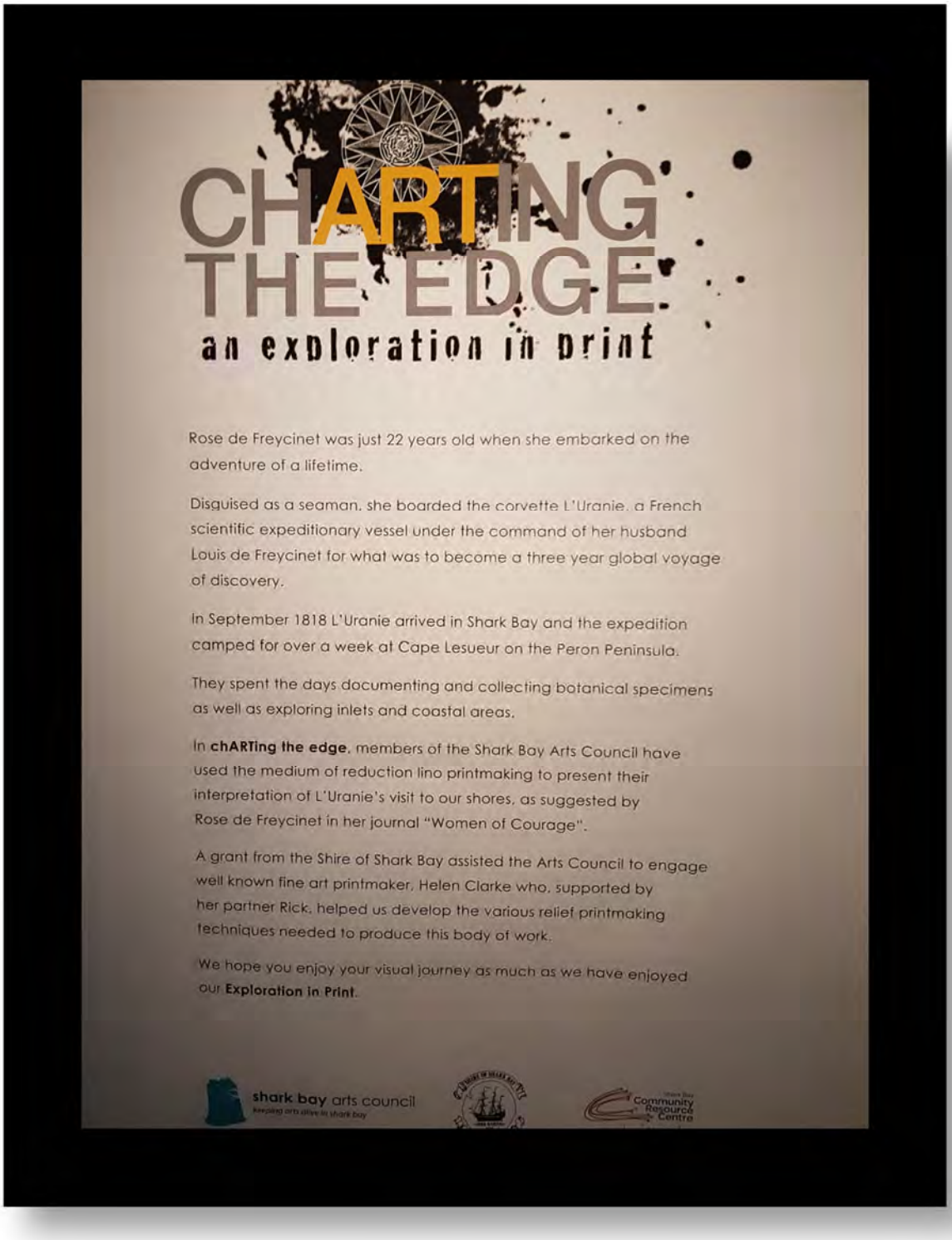
Evening gathering

Strutting their stuff along the Red Carpet

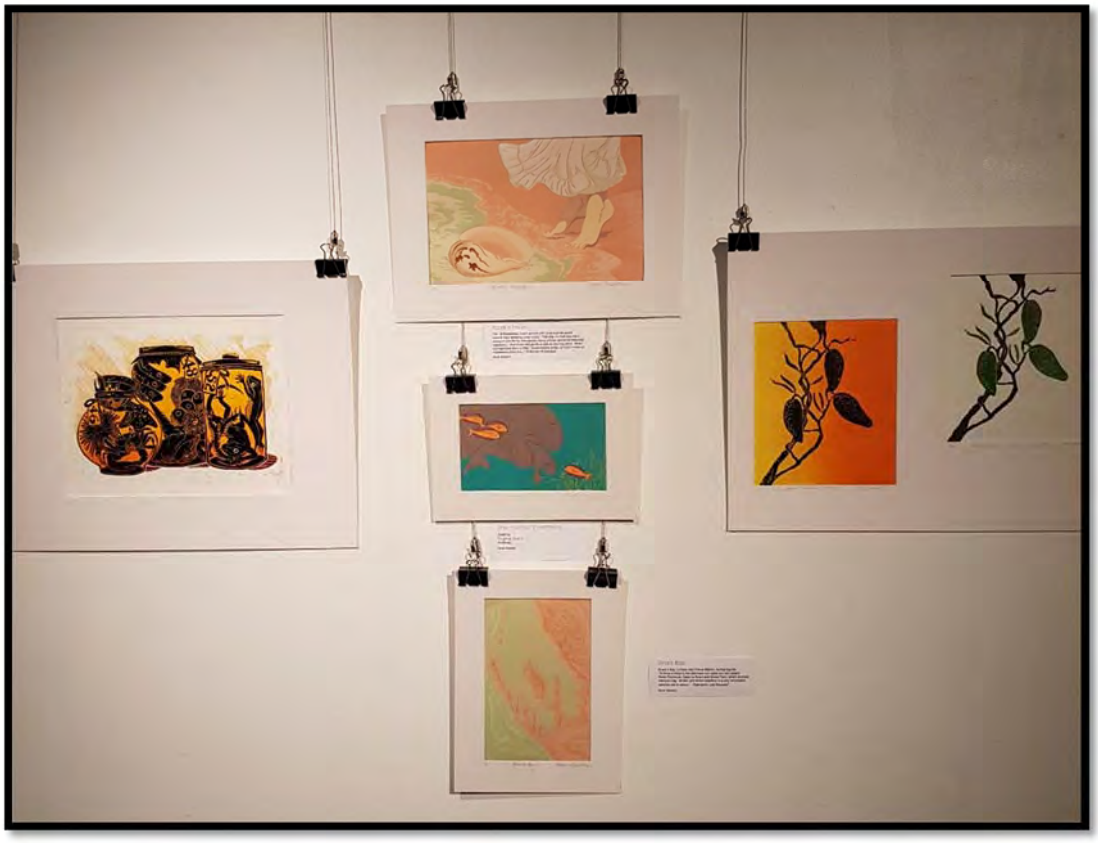
Freycinet Camp

Shark Bay Entertainers – Freycinet landing 1818 re-enactment.

Arts Council Exhibition



Lino Cut Method



Freycinet Gallery Exhibition

Freycinet Exhibition and Lectures

Dr Michael McCarthy – Museum WA

Sail in Parade

Yarn Bombing & Bunting – Crafters

Sailing by the Stars – Perth Stargazing Club

Commemorative Softball Match

Entertainment from midday – midnight.
Starting with local talent:
Parallel 26 &
Myles and Mary.

The Concert

G & the French Knights

Jasmine Gallaway

LEGAL IMPLICATIONS
There are no legal implications relating to this report.

POLICY IMPLICATIONS
There are no policy implication relating to this report

FINANCIAL IMPLICATIONS
There are no financial implications relating to this report.

STRATEGIC IMPLICATIONS
OUTCOME 3.1 Strong sense of spirit in an inclusive community
3.1.2 Encourage inclusion, involvement and wellbeing.

RISK MANAGEMENT
There are no risks associated with this item.

VOTING REQUIREMENTS
Simple Majority Required

SIGNATURES
Author *L Butterly*
Chief Executive Officer *P Anderson*

Date of Report October 2018

ACCOMMODATION CAPACITY 2018				
Operator	**Beds**	**Campsites**	**Campsite Capacity**	**Total Capacity**
Bay Lodge	63			**63**
Billabong Hotel Motel	48	23	138	**186**
Billabong Roadhouse	38			**38**
Blue Dolphin Caravan Park	44	66	396	**440**
Blue Water Views	4			**4**
Denham Seaside Caravan Park	90	196	1176	**1266**
Dirk Hartog Island	48	8	32	**80**
Hamelin Pool Caravan Park	22	52	302	**324**
Hamelin Station Stay	20	10	60	**80**
Hartog Cottages	15			**15**
Heritage Resort	75			**75**
Nanga Bay Resort	78	35	105	**183**
Oceanside Village	96			**96**
On the Deck	6			**6**
Overlander Roadhouse	21	2	12	**33**
RAC Monkey Mia Dolphin Resort	1100	TBA	TBA	**1100**
Shark Bay B&B	4			**4**
Shark Bay Caravan Park	24	85	510	**534**
Shark Bay Holiday Cottages	53			**53**
Shark Bay Hotel	25			**25**
Tradewinds	57			**57**
Wildsights Beach Units	7			**7**
Wildsights Villas	56			**56**
TOTAL	1994	477	2731	**4725**

The Shark Bay Entertainers

CERTIFICATE OF APPRECIATION

presented to:

September 2018

Shark Bay Shire

for your fabulous and much appreciated support during the

Shark Bay Rendezvous Festival de Freycinet 1818 - 2018

SHARK Bay
SPEEDWAY CLUB (Inc.)

President:
Michael Reynolds 0419 961 819
Vice President:
Des Matthews 0427 334 008
Secretary:
Tiaza Sellenger 0407 129 487
sharkbayspeedwayclub@outlook.com
Treasurer:
Roger Hewitt 0412 626 074

SHIRE OF SHARK BAY
15 OCT 2018
RECEIVED

10th October 2018

Shire of Shark Bay
65 Knight Terrace
Denham WA 6530

Dear Paul, Brian, Councillors & team

RE: Support at Shark Bay Speedway Club

The members of the Shark Bay Speedway Club would like to officially thank the Shire of Shark Bay staff for their financial assistance support and in kind support offered to our Club during 2018.

Our dedicated team were able to host three race meets during 2018, which would not have been at all possible without the continued support of many volunteers, the generosity of our local emergency service organisations as well as the donations and in kind support offered by local and regional businesses. These events not only provide our community with visitors boosting our economy but provide a social outing that can be enjoyed to increase better health and well-being.

Attached is a small token of our appreciation. We look forward to working with you in the future.

Yours sincerely

Michael Reynolds
President
Shark Bay Speedway Club

Club champions for 2018 Roger Hewitt, David Guy, Michael Reynolds, Benny Curtin and Chayse Jackson.

Cracking end to club's successful season on the tracl

SPEEDWAY

Shark Bay's speedway season ended with seven division winners going into the history books for their wins at the late September meet, which was peppered with a few nudges, stacks and close calls.

The clash between competing brothers Roger and Greg Hewitt, as well as father-and-son competitors Mick and Michael Ricetti in the street stocks division, had spectators noticeably interested, although the race was eventually put to bed by Leo Brooks.

In the junior competition, Rowan Thomas took home gold and Coby Stevens claimed the win in the production contest.

Matty Noakes was top of his game in the modifieds and for the supermods, sprintcars and wingless, Mark Shepherd, Blake Jackson and Kyle Beard were all victorious.

Wins at the Shark Bay Grand Prix were joined by season results from Shark Bay Speedway Club.

Ken Reynolds was named most improved driver and the accolade of overall club champion went to Mick Reynolds.

Club person of the year, as elected by Shark Bay Speedway Club members, was awarded to Roger Hewitt.

Club president Michael Reynolds said 2018 had been a succ ful year for Shark Bay racers.

"Our race calendar has comed three race meets this which will be improved to fou five during the 2019 race seas Mr Reynolds said.

"We have accomplished highest membership rate since club's establishment back in late 1980s with 110 current fu cial members.

"The final event of the Shark Rendezvous Festival was our own Shark Bay Grand Prix.

"The Shark Bay Speedway received a fantastic response drivers all across our great Sta we welcomed 61 race crews our track to compete in our club race meet for the 2018 sea over seven race divisions."

Mr Reynolds also thanked s sors for their support.

SEASON RESULTS

Juniors
1st Chayse Jackson, 2nd Rory Elsum-Beaumont, 3rd Seth Hinsley, 4th Travis Strelley

Street Stocks
1st Roger Hewitt , 2nd Scotty Elson , 3rd Michael Ricetti

Productions
1st Benny Curtin , 2nd Chips Rafferty, 3rd Leon Wood

Modifieds
1st Mick Reynolds , 2nd Glenn Harper , 3rd Rick Musarra

Supermods
1st David (Spider) Guy , equal 2nd Darren Fitzpatrick, 2nd Ken Reynolds.

Community Notices

Community Notices

Shark Bay Rendezvous – Festival Freycinet 1818-2018

The rendezvous in Shark Bay during the long weekend in September was the culmination of heaps of work during the past 18 months by the Friends of the Festival committee members and their respective local community groups, as well as the staff of the Shire.

I'd like to acknowledge the input from the Friends and the following local community and sporting groups, in contributing to the the success of the festival; Shark Bay Youth Group, Boolbardie Country Club, Shark Bay Speedway, Entertainers, Tourism and Business Association, Arts Council, Community Resource Centre and Denham Crafters. Without you, we would not have been able to bring the Freycinet Festival to the local community and our visitors.

The Rendezvous (French for 'meeting together in a particular place') Festival was a celebration of Rose and Louis de Freycinet's rendezvous and camp-out at Cape Lesueur on Peron Peninsula in September 1818. Being French, there is naturally a romantic element to the story, in which Rose wore men's clothing and stowed aboard the vessel Uranie in a cabin specially made by Louis to conceal her until it was safe for her to appear and not be returned to France.

Rose became the first woman to record her experiences whilst circumnavigating the world during the four years she was at sea. In her diary, she notes that Shark Bay oysters are as good, if not better, than any she has eaten in Paris! Whilst camped at Cape Lesueur, there was an encounter between the French and several Malgana tribe members, with some gifts being exchanged and dancing taking place.

At the Perth Stargazers Sailing by the Stars event, it was agreed that reflections of Venus above Little Lagoon definitely out shone Broome's stairway to the moon! With; market stalls, the unveiling of a 200+ year old artefact from the Uranie, Faux French poodle and costume parade, lectures on maritime history of Shark Bay, launch of the Freycinet Collection, three bands, performances by the Pundarra Indigenous Dancers and Nic Pedrocchi and the Malgana Songbirds, plus the Sail In Parade of Ships - there was plenty of fun, food, music, activities and events for everyone to enjoy!

Recycling in Shark Bay

Recycling has now commenced in the Bay, with the tip shed operating at the refuse site and the 'Collection Centre' at the Shire Depot in Dampier Road receiving donations. Please remember that your recycled items **MUST BE CLEAN**: glass bottles and jars, plastic drink and milk bottles, aluminum cans, paper (magazines, newspaper, office paper) and cardboard are initially the only materials that can be accepted.

To be successful and keep costs down, the recycling project **NEEDS YOUR HELP!** It will rely on residents to sort and drop-off recyclables in the right bins located at the Shire Depot. If a bin becomes contamination, **NONE** of the material in that bin can be recycled!

Shire Presidents Report

Cheryl

Cheryl Cowell
President

Activities

July 26	Freycinet Festival – Community Consultation Workshop
27	NAIDOC celebrations – Yadgalah Aboriginal Corporation
31	WALGA Mayors and Presidents Forum
Sept 06-07	WALGA State Council Regional – Dongara
20-23	Freycinet Rendezvous Festival
26	September Council meeting

PUBLIC NOTICE

DATE AND TIME FOR THE ORDINARY COUNCIL MEETINGS FOR 2018

In Accordance with the ***Local Government Act 1995*** Council wishes to advise that the Ordinary Council meetings for 2018 will be held as follows:

October 2018 – Wednesday 31 Commencing at 3.00 pm in Council Chambers; November 2018 –Wednesday 28 Commencing at 3.00 pm in Council Chambers; and December 2018 – Wednesday 19 Commencing at 3.00 pm in Council Chambers.

Paul Anderson
CHIEF EXECUTIVE OFFICER

What was on during the Festival

Rendezvous Festival

What a fabulous celebration, with market stalls, historic displays and activities for young and old.

The Shark Bay Youth Group French Revolution Photo Booth was a boatload of fun! French 'nobles' were sliced n diced at the guillotine, 'well seasoned' with old veg at the stocks and crisped at the burning stake! Festival goers were invited to choose from a wide selection of costumes and then photographed as they met their 'death'. We hope the photographs are great mementos of the Rendezvous Festival and Shark Bay, encouraging visitors to our little coastal paradise and promoting Shark Bay as a family friendly destination. We were well supported throughout the day by locals and visitors alike...and privy to some fantastic acting!

We'd like to express our gratitude to the Shire of Shark Bay for their continuing support and awarding us a grant specifically for the Rendezvous Festival- and a plum spot to set up shop! The grant allowed us to flex our collective (and very creative!) muscles. The importance of this project, like so many SBYG initiatives is to involve our our youth in community events and build a sense of belonging and responsibility. The Youth, with the assistance of some very diligent parents, created props for the photo booth. From 'decapitated heads' to smouldering logs, the Youth worked on the props during their regular fortnightly youth group sessions and gave up their time to man the photo booth on the big day.

Thank you Rick and Bec for an incredible Guillotine and stocks (and other behind the scenes stuff!)), Michael for our life-like Burning Pyre (it even crackled!), Jesse and Therese our photographers, Tristan, Nicholas, Jaxon and VJ for being the best henchman ever! Donny, Sam and Layla for being awesome assistant, Tegan and Steve for helping with set-up and being our dogsbodies! Thank you Kellee at IGA for providing ammunition for our stocks (it will be recycled by chickens!).

Hope you had as much fun as we did!

Esther Mills - SBYG

Shark Bay Youth Group

DENHAM WA 6537

sharkbayyouthgroup@outlook.com

SBYG

OAKLEY EARTHWORKS PRESENTS SHARK BAY GRAND PRIX

What was on during the Festival

The final event of the Shark Bay Redezvous Festival was our very own Shark Bay Grand Prix. The Shark Bay Speedway Club received a fantastic response from drivers all across our great state as we welcomed 51 race crews onto our track to compete in our last club race meet for the 2018 season over 7 race divisions.

The Grand Prix racing would not have been possible without the support of our event sponsors, Glenbrae Trucking and Cranecorp Australia. Oakley Earthworths & Concreting as well as the Shire of Shark Bay continue to offer their support either inkind or financially as we host the event and continually make improvements to the grounds and track. The positive feedback has been rewarding so thank you.

The day's racing was eventful as a few nudges, stacks, close calls and even a sprint car rollover kept the crowds entertained. The Street Stock race division line up had the community talking as spectators were keen to watch the action and battles between brothers Roger & Greg Hewitt as well as father and son drivers Mick & Michael Ricetti.

Production driver, Coby Stevens dominated her race division and won all 3 heats, feature race as well as the Tintop challenge, a race which includes street stock, modified and production cars all competiting against each other. Coby came 2nd at the Far Western Championship back in July.

Well done to all the drivers and crews on a great day's racing, however the winners were;

Mr Rowan Thomas (Juniors)
Mr Leo Brooks (Street Stocks)
Ms Coby Stevens (Production)
Mr Matty Noakes (Modifieds)
Mr Mark Shepherd (Supermods)
Mr Blake Jackson (Sprintcars)
Mr Kyle Beard (Wingless)

RACE SEASON

2018 has been a extremely successful year for our little Speedway Club. Our race calender has welcomed 3 race meets this year which will be improved to 4 or 5 during the 2019 race season. We have accomplished our highest membership rate since the Club's establishment back in the late 80's with 110 current financial members. Thank you all for your support of the Shark Bay Speedway Club.

At the end of the race day, our Club welcomed members, race drivers, crews and the community to our end of season windup and presentations of our club champions. Season results are;

Juniors - sponsored by the Bakers family
1st Chayse Jackson
2nd Rory Elsum-Beaumont
3rd Seth Hinsley
4th Travis Strelley

Street Stocks - sponsored by the Norman family
1st Roger Hewitt
2nd Scotty Elson
3rd Michael Ricetti

Productions - sponsored by the Mettam family
1st Benny Curtin
2nd Chips Rafferty
3rd Leon Wood

Modifieds - sponsored by the Ricetti family
1st Mick Reynolds
2nd Glenn Harper
3rd Rick Musarra

Supermods - sponsored by the Reynolds family
1st David (Spider) Guy
Equal 2nd Darren Fitzpatrick
2nd Ken Reynolds

Most Improved Driver
Ken Reynolds

Overall Club Champion
Sponsored by the Hewitt & Allan families
Mick Reynolds

Club Person of the Year - elected by members
Roger Hewitt

With the season done and dusted I would just like to say a final thank you to everyone who has helped out in any way to make the 2018 season such a success.

Michael Reynolds
President
Shark Bay Speedway Club Inc.

2018 Club Champions Roger Hewitt, David Guy, Michael Reynolds, Benny Curtin, Chayse Jackson

The Shark Bay Entertainers

Well that's another very "Successful Festival" under Denham's belt – although we always knew it was not going to be as big as the last (1616-2016 Dirk Hartog Festival), it was still a magnificent achievement thanks to the never-ending driving force of Linda Butterly, Bec Stanley and Rosie Seager.

You could tell it was going to be fun as soon as the "Denham Crafters" marked the town with their Yarn Bombing and bunting. It was so well done and really set the festival alight with its unique colourful "French flavour". Well done ladies, thanks for getting everyone in the right frame of mind; instant huge smiles on everyone's faces.

The "Men's Shed" also added such a great festival atmosphere – what a terrific idea which "you just could not miss". Bikes and flower carts galore!

What a shame we can't leave them out all year round!

The Youth Group with their "blood-thirsty rendition of history" certainly gave an insight into some past French problem solving! What a brilliant display, so well put together and maned by some of the "most feared men and women in town".

If you missed out, you can still view the staggering array of "lino prints" in the Rose de Freycinet Gallery", all home grown by the Shark Bay Arts Council. This sophisticated display took many many dedicated hours by the members who have "such an unbelievable amount of talent" between them – "so much class" without a doubt!

The Shark Bay Speedway brought us our very own "Grand Prix", a first for the town (hope it's not the last) – not only that, they kept the "ever welcome refreshments" as we danced the nights away.

You are "all entertainers" and have responded and contributed to this festival in a positive way and I am sure it will linger in people's minds

for many years to come.

"The Shark Bay Entertainers" decided to put on an "authentic detailed and very informative" display which brought Australia's history to life, focussing on Shark Bay.

An "amazing reality was brought to life" with this camp-site set-up in such detail that sometimes it was just "todays boats" in the background waters that stopped us from believing it was not functional!

So many people, both local and visitors, spent time engaging with this display, reading the detailed information that was available (see p. 11 of this IP) and asking questions of our "new founded historians". What gems they are, I mean of course, Rosemary, John, Maggie and Fay between the four of them they read and absorbed pages 'on and off line' which helped create our working camp-site.

Right from the smallest hand-made "clothes pegs", the "life like riffles" to our large tents and tepee.

And of course, we welcomed our cast and crew, some new and some not so new, who lent their hands, time and their talents in helping this whole show function as well as it did – They are, of course:

Indie Oakley, Nick Mills, Hail Ariola, Deklin Grenside, Catherine Morris, Jasmine Alexis and Heyleigh McNamara, Bill & Jocelyne Ross, Maggie Hargreaves, Fay Castling,

John Sentenneller & Rosemary Lewis, Tamala Sellenger, Steve & Therese Morris and last but not

What was on during the Festival

least Patricia Weston who also got things down on paper and paid the bills!

Of course, there was "some outside-help" people like Dennis Morton (Tips recycling and miracle finds), Terina & Annette (his sister; Sharks & shell props), Barbara Stormon (who did an amazing job is creating the wonderful dresses for Three delicate Roses), SB War on Waste (great ideas, costumes & props), Tim Hargreaves (props), SB Arts Council (easels / props, costumes), RAC Monkey Mia (Barrels), SB Shire & staff (setting up beach / grounds), Wayne and Natt from The Old Pearler who collected 35 dozen oyster shells 'for Rose'. Bec Moroney and the Youth Group for their support and participation. The Shire closing off the pedestrian zone that made a safe environment for the Festival.

There were a few competitions such as "spot the object that is out of time" on the campsite (ie: sunnies, watches phones etc) and all the winners were presented with prizes generously donated by our ever giving local businesses: Shark Bay Supermarket, IGA Xpress, Surf-n-Dolphin, SB Newsagents and Gifts, all gave vouchers or gifts!

Of course our "top performing CRC" were always on hand with a multitude aid (designing, printing, communication etc) what would we do without that "wonderful team".

Thank you everyone for being such an integral part of "The Shark Bay Entertainers".

The weather was absolutely fabulous along with our wonderful "Markets" which made it a perfect French flavoured weekend – I hope our "two local French residents" appreciated the effort that everyone went to, make them feel at home.

Finally, we must not forget

to thank the Shire of Shark Bay for making multiple "Grants Available" without these of course this whole festival would not have happened.

Bring on the next "event" whatever it is – it's a lot of work, it's rewarding, it builds relationships and it's what makes communities like ours such a tremendous place to live.

Derek Weston, TSBE Chairperson

What was on during the Festival

Denham Crafters

On behalf of Denham Crafters I would like to say a big thank you to the Shire of Shark Bay for organizing the Shark Bay Rendezvous Festival De Freycinet and for funding all our community groups so that we could participate and help bring the festival together. Working on the Friends of the Festival committee was a privilege for me and helped inspire me to encourage the Denham Crafters to become quite involved. I had a pretty good idea of what I wanted to achieve and I must say I was overwhelmed with the support and the effort which the ladies contributed. During the "season" as we call it our attendance can sometimes go up into the 20's compared to our local numbers which vary from 3-9. These grey nomads from Denham Seaside Caravan Park embraced this project to the extent that they almost drove me crazy with their excitement. They kept asking me what they could do the help and I think everyone can now see what they ended up producing. My job was to keep feeding them wool and I kept saying no restrictions, do what you can or wish and I hope everyone is as pleased with the final result as I am. I am so proud of the ladies and their knitting and crocheting skills, they were so professional in their approach. I am sure the anchor with its yarnbombing has been photographed more in the last week than ever before. When it came to the bunting, I found out how YouTube can show you how to do anything. There was a lot of work involved I must say and after all the cutting there was the huge task of sewing it all together. I must thank my band of musketeers for their help, they are my best friends Irene, Annette & Helen whom kept me upbeat about it all and continued to sew when they were going slightly crazy like myself. I also have Joey from the shire office and her mother to thank for their efforts. Thanks also go to Bec & Rosie from the Shire for erecting the bunting, Bec has a little obsession now with bunting! Thanks girls without your help we couldn't have done it. I must also acknowledge the support help and love that my husband Kevin has provided. He is a quiet achiever and kept telling me it would work out, thanks Kev. I do hope you all enjoyed the festival and the quirky yarnbombing along with the bunting and just remember this was done by your senior community. Shows what some old girls can achieve!!

Cheers

Shirl

What was on during the Festival

www.slwa.wa.gov.au/freycinet/shark-bay

Shark Bay

The French vessel Uranie arrived in Shark Bay on the Western Australian coast on 12 September 1818. The crew was greeted by the extraordinary sight of a great number of whales frolicking on the surface of the water, leaping into the air and churning up the sea.

Nobody seemed particularly impressed otherwise by the prospects offered by the west coast of New Holland. Jacques Arago described the view of the land as offering "an image of nothing but desolation; no stream to relieve the eyes, no tree to attract them, no mountain varies the landscape, no dwelling enlivens it; everywhere aridity and death."

Paul Gaimard was very excited about the prospects of meeting some of the local inhabitants; "we are going to see man in a state of nature," he wrote, "savages, beings far removed from all civilisation; we will try to examine them closely, establish a relationship between them and ourselves, to converse with them by way of gestures, to guess, if possible, the reaction they feel upon seeing us; we will present them with gifts and think ourselves fortunate if we manage to obtain in exchange for our mirrors, knives etc, some of their weapons, fishing equipment etc."

Freycinet's priorities for the camp ashore in Shark Bay were to set up the alembic (a still for desalinating water) and an observatory. The Uranie had arrived at the coast of New Holland with no fresh water in the hold and, although an alembic had already been set up on board, Freycinet thought that it would be prudent to start desalinating water for their next passage.

He tasked Gaudichaud, the expedition's pharmacist and botanist, with setting up a second alembic ashore. The west coast of New Holland was the only place on the voyage that the expedition had need of the alembic because the crew did not manage to find any fresh water on Peron Peninsula.

The Académie des Sciences later reported that "the crew, composed of 120 men, drank for a month nothing but the water provided by the alembic; nobody complained or was bothered by it. ... One can see, following this interesting experiment, how desirable it is that physicians and builders concern themselves with the best ways of installing alembics aboard ships."

The observatory was set up in Shark Bay in order to collect data for the expedition's principle areas of research: the "figure" of the globe (the precise shape of the Earth); the Earth's magnetic field; and, to a lesser extent, meteorology. Data for the first area of research, determining the shape of the Earth, was collected using pendulums. "The figure of the Earth," stated the report of the Académie des Sciences, "can be deduced by comparing the number of oscillations made in 24 hours by the same pendulum in diverse latitudes."

The second area of interest for the voyage was to establish an understanding of magnetic phenomena. It was understood that the declination of a magnetised needle underwent very small alterations each year and to understand this phenomenon readings and astronomical observations needed to be done in different places over the globe.

On 14 September, Freycinet sent a boat ashore under the command of lieutenant Labiche, loaded with the distilling equipment, tents and everything necessary to establish a temporary observatory. Landing was made difficult by sand banks and the boat ran aground before reaching the shore, forcing the crew to get out into the water. The boat did not reach shore until 11.30 at night, by which time everyone on board was very cold. The next day the shore party set to work collecting materials to set up the camp.

In the lower left-hand corner of the watercolour image are two men returning to the camp with a load of what appears to be oysters. Jacques Arago recounts that at low tide on the 16th, he and some of the sailors went in search of oysters that were plentiful on the reefs of the bay. The oysters that the crew of the Uranie collected and ate in Shark Bay are one of the few elements of that location to earn any approbation from the

What was on during the Festival

French expedition. Gaimard described them as having such a delicate taste that gastronomes of Cancale (a town in Brittany famous for its oysters) would not have scorned them. Rose de Freycinet claimed them to be "far tastier than all those I had eaten, sitting at a table in comfort, in Paris."

The most intriguing feature of the above watercolour by Pellion is the presence of Rose de Freycinet. Because Rose was a stowaway, and not part of the official crew, her image had to be removed for the official version of events. Also removed from the picture is a small boy who had come on board in Mauritius. Rose's sojourn in Shark Bay was not a particularly happy one. "That stay on land was not a pleasant one for me, the country being entirely devoid of trees and vegetation," she wrote. However she did, when it was not too hot, go looking for shells, of which she had amassed an impressive collection.

Both Arago and Gaimard expressed concern for the nutritional value of the diet of the local Aboriginal people, and recount that, amongst the objects left for the local inhabitants in an abandoned camp were several knives which they had inserted into some oyster shells as an indication of how they could be used because, as Gaimard noted, "everything suggests that [the Aboriginals] are not familiar with this source of food which is so abundant on their shores." Given that the party's contact with the local inhabitants of Shark Bay had been limited, the Frenchmen were both relying on their Eurocentric preconceptions of the Aboriginal people as child-like, uncivilised and unintelligent, and were completely underestimating their detailed and intimate knowledge of the landscape which had been their home since time immemorial.

Another noteworthy element of the images is the number of firearms the camp was equipped with. These would have been useful for hunting game but also served as protection from perceived threats. As eager as the Frenchmen were to encounter the local inhabitants of Shark Bay, they were also very fearful of an attack on their camp. Indeed, Freycinet's map of the area from the Baudin expedition shows that he had named the bay on the north-eastern tip of Peron Peninsula "Baie de l'Attaque". In 1801, sub-lieutenant Saint Cricq and the mineralogist Bailly from the Naturaliste had gone ashore where they were threatened by some 30 Aboriginal people armed with spears. Saint Cricq frightened them away by shooting into the air.

The crew of the Uranie had a more pacific encounter with the local people of Shark Bay. On 15 September Pellion, who was in charge of the camp, was informed of the presence of nine Aboriginals on the ridge behind their camp. Pellion immediately anticipated an attack and he and Gaudichaud prepared their weapons for self-defence, agreeing not to open fire except as a last resort.

The Aboriginal people were armed, shouting, and pointing at the Uranie, making it clear that they wanted the Frenchmen to go back to their ship. Not sure how to assure the local inhabitants of their friendly intentions, the Frenchmen danced in a circle, causing much mirth among the Aboriginals, some of whom imitated the dance of the Frenchmen.

After some negotiation through gesture, the Frenchmen offered some gifts, including a bottle of water and wine, some bacon, a piece of tin plate, glass jewellery and mirrors. Pellion offered a coloured scarf and in return was given a spear and another weapon. In spite of the exhortations of the Frenchmen to approach them, the Aboriginal men, and one woman carrying a child, kept their distance the whole time.

When Arago arrived on the scene he played his castanets, to which some of the Aboriginal men responded by tapping with their spears while another danced. He also pretended to drink some salt water and concluded that, as the Aboriginals showed no sign of surprise upon seeing this, they must drink sea water to survive. At sunset the Aboriginal men left, indicating that they would return the next day. Pellion described them in the official account as "more deserving of pity than of any other sentiment."

Included in the instructions given to the ship's naturalists by the Académie des Sciences was a list of observations to carry out in relation to the native populations of the locations visited by the expedition. Paul Gaimard, having been on board the Uranie at the time the local Aboriginals visited the camp, was disappointed that he had missed seeing them. Eager to meet some of the locals himself, he set off with three other men and became lost in the salt lakes and sand dunes of the peninsula for several days. Although he did not manage to find any people, he did see some of their huts and footprints in the sand whose measurements he recorded in his journal.

Extract from the SLA
(State Library of Western Australia)

State Library OF WESTERN AUSTRALIA

What was on during the Festival

SB CRC

SAIL IN PARADE

It was serious boating making building at the Recreation Centre courts, which begun on Saturday 8th September until Thursday 20th September in anticipation for the Rendezvous Festival Sail in Parade. A total of 60 adults and 190 kids enjoyed getting imaginative and crafty as they came to work on their masterpiece each day. Cardboard, recyclable materials, paint, string, glitter and A LOT of glue were used in the making and creations of boats and props. Spiderman, crocodiles, pirates and shark inspired themed boats were amongst the constructions.

Well done to all of the children who were well behaved and cleaned up their work stations each day. A big thank you to all of the parents for your support and help during this activity. We hope you all had as much fun as we did!

Thank you must go to the Shark Bay Shire for the grant, children and parents who participated and Isabella Court for you lovely thank you card.

Rec Centre Staff Judy, Natt, Sharna & Jamie

Denham Seniors

Denham Seniors would like to congratulate the Shire of Shark Bay on putting on a fabulous Shark Bay Rendezvous Festival. We think all the Denham groups did a great job in utilizing their funding from the Shire by providing such fun, entertainment, and sheer frivolity for adults and children and even dogs. What a hoot to watch and learn that we have so many French bred dogs here in Shark Bay! It just goes to show how working together much can be achieved. Congratulations again to all who contributed and also the Shire as well as all their staff.

Seniors are still meeting every Wednesday and we continue have lots of visitors joining us on their travels passing through the bay. Some even joined us a couple of weeks ago for another visit to mini golf. This activity continues to be extremely popular with our group.

We start off with morning tea, followed by a game of mini golf and we then utilized the new BBQ with a sausage sizzle. Yadgalah provide such great facilities that it is always a winner of a day.

Another activity we had was "Xmas in July" at the Old Pub. Chrissy always does a special deal for us and the food is always tasty with a couple of choices. Another winner.

Our AGM was also held in July with all positions being filled quickly. Office bearers as follows:

President:	Shirley Geraty
Vice President:	Annette Dix
Treasurer:	Helen Laundry
Secretary:	Kevin Laundry
Committee:	Irene Marquis

We look forward to a few months of warmer weather and many more morning teas.

Shirl Geraty

Denham Seniors

JOIN IN FOR A CUPPA!

We meet every Wednesday morning at 10am
at the SB Shire Hall (corner of Hughes & Durlacher Streets)

Please come along and have a cuppa and enjoy a chat.

We welcome anyone 55yrs and over to join our group.
Any visitors to Denham please feel welcome to join us,
even if you are only passing through our town.

$3 only for a coffee tea & homemade cake!

Carols 2018 *on Wheels*

is back soon!
We need you ...
Watch this space...

The Shark Bay Entertainers

Community Notices

MIDWEST COURIERS

*Providing your **transport solutions** from Geraldton to Denham and Surrounds*

For the past 6 ½ years Kalbarri Express Freight has been servicing Kalbarri and surrounding areas. After enquiries were made we are going to offer our same services to Denham, with a once a week service, delivering on a Friday. Hence Midwest Couriers was born.

As Kalbarri has grown to know our reliable, efficient and friendly service we would like to offer Denham the same reliable, efficient and friendly service.

We are a small business with a hard-working team to give you the best possible service we are able to give.

Find us on our Facebook Page as well https://www.facebook.com/Midwest-Couriers-1852062755264497/

Please call 0459 499 230 to discuss your requirements

Simone Purcell Memorial Softball Match

On Saturday the 22nd September, as part of the Shark Bay Rendezvous Festival, three ladies softball teams played a round robin as part of an annual softball match in memory of past resident Simone Purcell who sadly lost her battle with cancer a few years ago.

Two of the teams, the Marlins and the Rams came from Geraldton. Both teams play A grade softball therefore their strong performance playing each other first up was rather impressive to the onlookers...especially the local ladies team The Stingrays, who were up to play next.

With Stingrays inexperience, we didn't do too bad against those awesome teams. We hit balls, we caught balls, we dropped balls, we missed balls but all in all we went out there and learnt a thing or two from our patient opponents whilst still having a giggle with everyone too. With all three teams, it was great to see friendly banter and sportmanship.

We thank both Geraldton teams for travelling to Shark Bay and to all the spectators etc for coming to cheer us on. The Shark Bay Stingrays will be travelling to Kalbarri for their next match on Saturday 13th October along with the Shark Bay Sea Eagles (mens football team).

Stingrays team

Community Notices

Shark Bay Community Men's Shed

Well what can we honestly say, a job well done by the Shark Bay mens shedders for our street display contribution to the very successful Freycinet celebrations on the September long weekend. Some people are even saying that the colourful carts, with their adornment of seasonal blooms, should be a permanent inclusion to the streetscape in that sector of Knight Terrace.

We were proud to be included amongst the outstanding displays by community organisations, highlighted by the period panorama of the Shark Bay Entertainers and Youth Group exhibits.

The meeting last week with Lotterywest, in regard to community group grant applications, was enlightening and our application for funds has begun. We realise that this can be a long process but patience is a virtue, as they say.

It should be noted also that with Royalties for Regions funds secreted away in other places, the importance of Lotterywest and other such grant funding organisations should be supported by regional communities. This can be done by affordably buying lotto tickets and such through Lotterywest, and others, who are in battle at the moment with overseas sport and lottery betting agencies, whose profits go overseas and very little money remains in WA.

A reminder to the community to please contact the Men's shed on 0402 464 204 (my number) or 0417 969 110 if you neeed any small services or jobs done.

Cheers Kevin Laundry

For those of you who don't know me, my name is Margaret Prior.

Until a couple of years ago I was a Shire Councillor here and I had the air charter business.

However, I am here for those who do know me, as I want to give a big thank you to you all for the benefit night you did for me back in February. I was absolutely blown away.

I realise a few people would have started the ball rolling and they need special thanks, but all of you kept it going and made it happen. I was so touched! So touched! So a really big thank you to all of you.

Thank you!
Margaret

16.2 SHARK BAY COMMUNITY MEN'S SHED
This item was dealt with previously in the minute's ref: page 62

16.3 LOCAL AREA PARTNERSHIP GROUP REPRESENTATIVE
CS00006

AUTHOR
Executive Manager Community Development

DISCLOSURE OF ANY INTEREST
Nil

Officer's Recommendation
That Council agrees to have representation on the Local Area Partnership Group – Parenting Connection, Gascoyne region, and nominate Cr _____ to be Council's representative on the committee.

AMENDMENT TO OFFICER'S RECOMMENDATION
Reason: Council considered it more appropriate for Shark Bay P & C to have representation on this group and amended the recommendation.

Moved Cr Ridgley
Seconded Cr Capewell

Council Resolution
That Council decline to have representation on the Local Area Partnership Group – Parenting Connection, Gascoyne region, and request the administration to direct the offer of representation to Shark Bay P & C Association.
5/0 CARRIED

BACKGROUND
The Parenting Connection WA is a state-wide service that provides cohesion and consistency of Parenting Education services across WA, while ensuring that the local community's needs are collaboratively identified and met in each group. Parenting Connection WA aims to be:

- Responsive to parents and the community strengths
- Connected and engaged
- Inclusive and accessible
- Innovative, adaptable and courageous
- Evidence informed in our information and our practice
- Focussed on prevention and early intervention
- Committed to continuous improvement
- Partnership-based and collaborative

The Local Area Partnership Group will work with the lead organisation of the area to deliver the outcomes of the Department of Communities initiative for Parenting Education Services for parents of children 0-18 years. The service commits to engage with local communities to ensure those communities drive the planning, development and delivery of services into the local area.

The purpose of the group will be to provide advice and guidance to the local operations of Parenting Connection WA using local expertise and advice to inform local practice decision-making, and to enhance local community connection. The group will also provide input and guidance to the distribution of brokerage funds through local Parenting Capacity Funds.

COMMENT
The Coordinator of Parenting Connections – Gascoyne has requested that Shark Bay have a representative on the Local Area Partnership Group with the view to Shark Bay being effectively represented and being able to secure a share of the Parenting Capacity Funding of $30,000 for the Gascoyne region.

Funding can be spent in any areas that assist parents of children between 0-18 years.

The role of the representative would be a minimum of four (4) meetings per year – which can be conducted via teleconference if necessary. In addition, the role will extend to reading and approving regional grant applications under the Parenting Capacity Funds.

LEGAL IMPLICATIONS
There are no legal implications relating to this report.

POLICY IMPLICATIONS
There are no policy implication relating to this report

FINANCIAL IMPLICATIONS
The cost of attending meetings out of town.

STRATEGIC IMPLICATIONS
OUTCOME 3.1.2 Encourage inclusion, involvement and wellbeing.

RISK MANAGEMENT
There are no risks associated with this item.

VOTING REQUIREMENTS
Simple Majority Required

SIGNATURES

Author	*L Butterly*
Chief Executive Officer	*P Anderson*
Date of Report	October 2018

Parenting Connection

Supporting WA parents

Local Area Partnership Group
Terms of Reference

INTRODUCTION

The Parenting Connection WA is a state-wide service that provides both cohesion and consistency of Parenting Education services across WA, while ensuring that the local community's needs are collaboratively identified and met in each region. Parenting Connection WA aims to be:

- Responsive to parents and community
- Committed to building local community strengths
- Connected and engaged
- Inclusive and accessible
- Innovative, adaptable and courageous
- Evidence informed in our information and our practice
- Focussed on prevention and early intervention
- Committed to continuous improvement
- Partnership-based and collaborative.

The Local Area Partnership Group (LAPG) will work with the lead organisation of the area to deliver the outcomes of the Department of Communities initiative for Parenting Education Services for parents of children 0 – 18 yrs. The service commits to engage with local communities to ensure local community drives the planning, development and delivery of services in the local area.

PURPOSE

The purpose of the group will be to provide advice and guidance to the local operations of Parenting Connection WA using local expertise and advice to inform local practice decision-making, and to enhance local community connection. The group will also provide input and guidance to the distribution of brokerage funds through local Parenting Capacity Funds.

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Wanslea

AnglicareWA

Parenting Connection

supporting WA parents

There will be opportunity for feedback and input in between LAPG meetings via the use of emails distributed to all members.

Outside expertise may be called upon to attend LAPG meetings to present on evidence based research, local knowledge and information about the local community and organisations.

FACILITATION

The Parenting Coordinator chairs LAPG Meetings. The Chair is responsible for ensuring the LAPG meeting operates in an effective manner.

Conflict of Interest

If the LAPG members identify any conflict or potential conflict of interest between their business/ professional interests and their roles as members of the Group, upon the presentation of any Capacity Fund Application, they have a responsibility to declare this to the Chair immediately.

Where a conflict of interest has been declared, the member/s shall abstain from voting on that funding application.

Respectful Processes

The Chair shall endeavour to ensure that all members have a fair and reasonable opportunity to present opinions and information and provide opportunities for further collaboration and discussion. The LAPG is committed to the equitable resolution of disputes that have the potential to interfere with the achievement of the Parenting Connection WA objectives. The parties to any dispute will confer in good faith with a view to resolving the matter by conciliation.

Voting Process

For Capacity fund applications submitted to the LAPG to be approved, a majority of the members must vote in favour of the application. In instance where an application requiring approval between scheduled meetings, the Parenting Coordinator will provide opportunity for electronic feedback and approval of the Parenting Capacity Application.

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ROLE

The role of Attendees is to:

- Represent the local community agency and share information about local parenting education and support activities.
- Act as a conduit ensuring all relevant information from meetings is disseminated to the appropriate community agencies and parents within the area.
- Share skills, knowledge, emerging trends and practice wisdom to continuously provide opportunities which address gaps, limit duplication and build on the strengths of the community.
- Strengthen personal and professional relationships for effective collaborative opportunities resulting in joint partnerships, streamlined referral pathways and cohesive, holistic services for families.
- Be informed of Department of Communities and Lead agency evaluation requirements.

MEMBERSHIP

Membership of Local Area Partnership Groups could consist of:

- Local Parenting Partnership Coordinator (Parenting Coordinator);
- Parent representatives from the local community, including Aboriginal parents, CaLD parents, fathers and/or young parents.
- Representatives from local community services, relevant parenting services in particular;
- Relevant local government representative(s);
- Local representative(s) from relevant Government Departments; and
- Child and Parent Centres representative(s), where CPCs are located within the region.

ATTENDANCE

The Parenting Coordinator or proxy must attend all scheduled meetings. LAPG members are encouraged to attend all scheduled meetings. An agreed schedule of at least quarterly meetings, in person or via electronic platforms, is developed by the Parenting Coordinator. Notification of Venue, Agenda and previous Minutes is provided by the Parenting Coordinator to members at least one week prior to the scheduled meeting.

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For members unable to attend a scheduled meeting and who have notified the Parenting Coordinator at least 24 hrs before the scheduled meeting will be given an opportunity for electronic feedback and approval of Capacity fund application. The feedback and approval must be received by the Parenting Coordinator before the commencement of the schedule meeting.

Review of Terms of Reference

These Terms of Reference will be reviewed annually.

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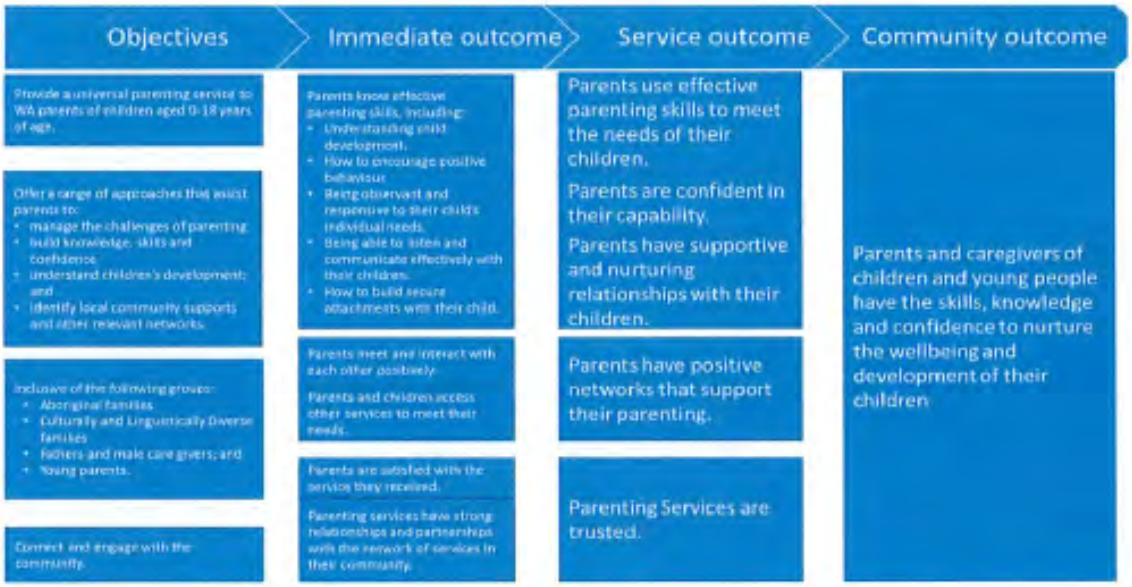
Parenting Connection WA - 9 Key Principles of The Way We Work Together

(Information for potential Parenting Capacity Funded Services)

Parenting Connection WA – Program Outcomes

(information for potential Parenting Capacity Funded Services)



16.4 NINETY DEGREE FIVE 2016 INSCRIPTION EXHIBITION – RAC LOAN
ED00005

AUTHOR
Executive Manager Community, Tourism & Economic Development

DISCLOSURE OF ANY INTEREST
Declaration of Interest: Cr Bellottie
Nature of Interest: Impartiality Interest as a member of the Malgana Board.

Officer Recommendation
That Council approves up to eighteen pieces of the 2016 Inscription Collection through a twelve month loan agreement for the purposes of a temporary public display in the RAC Monkey Mia Dolphin Resort Malgana Centre, and

That the Shark Bay World Heritage Discovery and Visitor Centre trained staff are involved in the recording, packing, transporting and hanging of the chosen items, and

That the provenance of the artists, including the interpretations is protected.

AMENDMENT TO OFFICER'S RECOMMENDATION
Reason: Council considered that the pieces of the 2016 Inscription Collection could be utilised in other areas of the RAC Resort and amended the recommendation.

Moved Cr Laundry
Seconded Cr Ridgely

Council Resolution
That Council approves up to eighteen pieces of the 2016 Inscription Collection through a twelve month loan agreement for the purposes of a temporary public display in the RAC Monkey Mia Dolphin Resort, and

That the Shark Bay World Heritage Discovery and Visitor Centre trained staff are involved in the recording, packing, transporting and hanging of the chosen items, and

That the provenance of the artists, including the interpretations is protected.
5/0 CARRIED

BACKGROUND
At the November 2016 Ordinary Council Meeting, Council agreed to purchase the *2016 Inscription* Photographic Collection from Ninety Degree Five (ND5) for $5,500. There is 40 pieces to the Collection – of which 37 are exhibition worthy. As part of the purchase, it was agreed by Council that the Collection would not be sold.

The Ninety Degree Five artists include, Peter Eastway, Michael Fletcher, Tony Hewitt, Christian Fletcher and Les Walking.

COMMENT

Since taking ownership in 2016, the Collection has formed an important element of the annual exhibition program for the Rose de Freycinet Gallery.

The current planned *2016 Inscription* Collection program for the Gallery is from December 2018 – March 2019; and November 2019 to February 2020. A combination of between 20-28 pieces are exhibited at any one time.

Central to the Collection, is the photographer's interpretation of their work which forms an essential component of the exhibition.

As part of the redevelopment of the Monkey Mia Dolphin Resort, the RAC has built the Malgana Centre. The intent of the Malgana Centre, which will be open to the public, is to present and display cultural heritage information about the past and present Malgana people through works of art and other items of cultural significance.

The RAC has written to Council requesting a loan of up to twenty (20) items of the *2016 Inscription* Collection for a period of twelve months. Please see attached letter.

RAC explains they will work with Malgana people to identify specific pieces from the Collection *'which present special meaning to the group and the meaning will be set out on a plaque to accompany the imagery when displayed'*.

In terms of maintaining the intrinsic value of the *2016 Inscription* Collection, Council should consider protecting the provenance and authenticity of the original artist's work and their associated interpretation.

In determining the request, it is important that Council consider the *Moral Rights* of the creators of this Collection – ND5. Under Arts Law, moral rights protects the personal relationship between a creator and their work, even if the creator no longer owns the work, or the copyright in the work. Moral rights concerns the creator's right to be properly attributed or credited, and that their original work is protected.

LEGAL IMPLICATIONS

Council to ensure they meet the obligations under Australian Arts Law - Moral Rights of the creator.
There is a requirement for a formal Loan Agreement between the Shire and the RAC for the selected pieces of the 2016 Inscription Collection.

POLICY IMPLICATIONS

There are no policy implication relating to this report

FINANCIAL IMPLICATIONS

The cost of staff hours in assisting with selection, packing, transporting and hanging of each chosen item.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT
There are no risks associated with this report.

VOTING REQUIREMENTS
Simple Majority Required

SIGNATURES

Author	*L Butterly*
Chief Executive Officer	*P Anderson*
Date of Report	25 October 2018

For the better

23 October 2018

Paul Anderson
CEO
Shire of Shark Bay
65 Knight Terrace
Denham WA 6537

Dear Paul

RE: "2016 – Shark Bay: Inscription" Aerial Photography – Medium Term Loan

As part of the redevelopment of the Monkey Mia Dolphin Resort, we have built the Malgana Centre, which forms part of our arrivals building.

The Malgana Centre was built for the Malgana people to showcase the aboriginal heritage for the area. At present they are working with RAC to develop a Strategic and Operational Business Plan to develop the aboriginal cultural centre. The intent is that the Malgana Centre, which is open to the public, will present and display information about the past and present Malgana people, which is of significance.

Until the centre is finalised, we are looking at utilising the space to display the Malgana people's artworks, along with aerial images of Shark Bay, showing the relevance of this landscape to the Malgana people.

RAC would like to borrow, for display in the Malgana Centre, up to 20 of the *"2016 – Shark Bay: Inscription"* aerial photographs for a period of up to 12 months.

Working with the Malgana people, the photographs will be chosen, which present special meaning to the group and the meaning will be set out on a plaque to accompany the imagery when displayed.

We look forward to your support on this important initiative.

Yours sincerely

Dean Massie
General Manager Operations
RAC Parks and Resorts

rac.com.au

17.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There are no motions of which previous notice haven been given for the October Ordinary Council meeting.

18.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

There was no Urgent Business Presented to the October 2018 Ordinary Council meeting.

19.0 MATTERS BEHIND CLOSED DOORS

Moved Cr Laundry
Seconded Cr Capewell

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

5/0 CARRIED

19.1 PRELIMINARY REVISED PLAN FOR PROPOSED OUTBUILDING – LOT 39 (4) SELLENGER HEIGHTS, DENHAM
P4222

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 Capewell
Seconded Cr Bellottie

Council Resolution
That Council:

1. **Note that preliminary revised plans have been lodged informally for an Outbuilding on Lot 39 (4) Sellenger Heights Denham and resolve to pursue Option 2 - Invite the applicant to lodge the revised plans as outlined in this report.**

2. **Note that a formal planning application has not been lodged so Council is not being requested to determine the proposal.**

3. **Authorise the Chief Executive Officer to advise the applicant that:**

(i) The Shire is prepared to consider the revised plan however requests a front elevation be provided showing the proposed two storey dwelling with outbuilding behind (to scale).

(ii) A 1.8 metre dividing fence should be shown on elevations to assist with neighbour consultation and visual impact assessment.

(iii) This is not a guarantee of any forthcoming approval however the Shire encourages lodgement of the revised plans to allow for formal neighbour consultation and final assessment.

(iv) A Bushfire Attack Level report by an accredited fire consultant needs to be lodged as part of any new planning application.

4. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine any formal application lodged with revised plans for an outbuilding on Lot 39 (No 4) Sellenger Heights Denham.

5/0 CARRIED

19.2 NEW INTEGRATED TOOL CARRIER
PL00003 / CM00065

AUTHOR
WORKS MANAGER

DISCLOSURE OF ANY INTEREST
Nil

Moved Cr Capewell
Seconded Cr Ridgely

Council Resolution
That the recommendation submitted by the Works Manager in the confidential evaluation report for Supply and Delivery of One New 7.5 - 9.5 Tonne Integrated Tool Carrier as per the conditions of quote be considered.

5/0 CARRIED

Moved Cr Capewell
Seconded Cr Laundry

Council Resolution
That Council appoint CJD for the supply of a new Volvo L50H and the sale to CJD of councils Caterpillar IT14G integrated tool carrier, based on the assessment of the Capability, Warranty and pricing considerations offered under PS 2018/2019-01 Supply and Delivery of one new 7.5 - 9.5 Tonne Integrated Tool Carrier.

That Council instruct Administration to initiate modifications to the Roodberg Jinker to enable operation with the recommended loader utilising savings contained within the plant replacement budget for 2018/2019

5/0 CARRIED

19.3 LEASE OF RESERVE 50101 EDEL LOCATION 106
RES 50101

Author
Chief Executive Officer

Disclosure of Any Interest
Nil

Moved Cr Ridgley
Seconded Cr Bellottie

Council Resolution
That the recommendation presented in the confidential report by the Chief Executive Officer regarding the lease of Reserve 50101 Edel Location 106 be considered.

5/0 CARRIED

Cr Laundry left the Council Chamber at 6.15 pm.
Cr Laundry returned to the Council Chamber at 6.18 pm.

Moved Cr Capewell
Seconded Cr Laundry

Council Resolution
That the lease with Kimberley Outback Tours Pty Ltd on Reserve 50101 Edel location 106 for the designated purpose of Aquaculture and Associated Tourism activities in accordance with the Management Order be approved and the Shire President and Chief Executive Officer be authorised to sign and affix the Common Seal of the Shire of Shark Bay to the finalised lease document.

5/0 CARRIED

19.4 APPLICATION TO STATE ADMINISTRATIVE TRIBUNAL FOR REVIEW OF SHIRE DECISION – LOT 2 (8B) LEEDS COURT, DENHAM
P4235

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 Ridgley
Nature of Interest: Proximity Interest as lives across the road.

Cr Ridgley left the Council Chamber at 6.27 pm

Moved Cr Bellottie
Seconded Cr Capewell

Council Resolution
That Council consider the recommendation submitted by Town Planning Innovations in the confidential report.

4/0 CARRIED

Moved Cr Bellottie
Seconded Cr Capewell

Council Resolution
That Council

1. **Note that an application has been lodged to the State Administrative Tribunal seeking a review of the Shire decision to refuse an application for retrospective planning approval for a pergola on Lot 2 (8) Leeds Court, Denham.**

2. **Authorise Liz Bushby of Town Planning Innovations to attend the Directions Hearing at State Administrative Tribunal scheduled for the 2 November 2018 (in Perth), and any future Directions Hearings (only if required by the Chief Executive Officer).**

3. **In the event that State Administrative Tribunal refers the matter to mediation, authorise the Chief Executive Officer to participate in mediation sessions.**

4. **Note that:**

   (i) The Chief Executive Officer and / or any Councillors who may participate in mediation will need to provide Town Planning Innovations with any unavailable dates as State Administrative Tribunal needs to be notified at the Directions Hearing on the 2 November 2018.

   (ii) There is potential for future Direction Hearings to be held directly with the Chief Executive Officer by teleconference, and for mediation to be by teleconference.

4/0 CARRIED

Cr Ridgely returned to Council Chamber at 6.33 pm.

Moved Cr Bellottie
Seconded Cr Laundry

Officer Recommendation
That the meeting be reopened to the members of the public.

5/0 CARRIED

At 6.34 pm 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).

20.0 DATE AND TIME OF NEXT MEETING

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 28 November 2018, commencing at 3.00 pm.

21.0 CLOSURE OF MEETING

As there was no further business the President closed the Ordinary Council meeting at 6.37pm.