SHIRE OF SHARK BAY
UNCONFIRMED MINUTES

27 October 2021

ORDINARY COUNCIL MEETING

MONKEY MIA DOLPHINS – SHARK BAY

DISCLAIMER

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

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

The unconfirmed minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 27 October 2021 commencing at 3.04 pm.

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1.0 DECLARATION OF OPENING

The President declared the Ordinary Council meeting open at 3.04 pm.

2.0 ACKNOWLEDGEMENT OF COUNTRY

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

3.0 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED

ATTENDANCES

Cr C Cowell	Denham Ward - President
Cr M Van Kova	Useless Loop / Pastoral Ward – Deputy President
Cr L Bellottie	Denham Ward
Cr E Fenny	Denham Ward
Cr G Ridgley	Useless Loop / Pastoral Ward
Cr M Smith	Denham Ward
Cr P Stubberfield	Denham Ward

Mr D Chapman	Chief Executive Officer
Ms A Pears	Executive Manager Finance and Administration
Ms D Wilkes	Executive Manager Community Development
Mr B Galvin	Works Manager
Mrs R Mettam	Executive Assistant

APOLOGIES

VISITORS
7 Visitor in the Gallery

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE

There were no previous public questions on notice.

5.0 PUBLIC QUESTION TIME

The President opened public question time at 3.04 pm.

Mrs Hargreaves asked if the gates and grid on the road to be re-installed on the common.

Cr Smith left the Council Chamber at 3.06 pm as has a licence to occupy on Reserve 49809 – Common.

Mrs Hargreaves was advised that the administration will assess the request.

Cr Smith returned to the Council Chamber at 3.13 pm.

The President closed public question time at 3.13 pm.

6.0 APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications for leave of absence from Councillor for the October 2021 Ordinary Council meeting.

7.0 PETITIONS

There were no petitions presented to the October 2021 Ordinary Council meeting.

8.0 CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 SEPTEMBER 2021

Moved Cr Fenny
Seconded Cr Ridgley

Council Resolution

That the minutes of the Ordinary Council meeting held on 29 September 2021, as circulated to all Councillors, be confirmed as a true and accurate record.

7/0 CARRIED

9.0 ANNOUNCEMENTS BY THE CHAIR

The Rates Incentive Prize was drawn during Announcements by the Chair by newly elected Cr Vankova.
1st Prize – Assessment # 4204 P Thompson – 17 Terry Deschamps Way Denham
2nd Prize –Assessment # 1516 J Standring – 5 Vlamingh Crescent Denham
3rd Prize – Assessment # 2002 P Cox – Lot 350 Hamelin Pool Road, Hamelin Pool

All Councillors now have Councillor email addresses which are to be used for all Council distributions and business.

Ms Pears, Executive Manager Finance and Administration left the Council Chamber at 3.25 pm.

10.0 PRESIDENT'S REPORT

10.1 CR COWELL
GV00002

Committee Membership

Member	Audit Committee
Member	Development Assessment Panel
Member (Chair)	Local Emergency Management Advisory Committee
Member	Western Australian Local Government Association – Gascoyne Zone
Ministerial Appointment	Gascoyne Development Commission

Meeting Attendance

29 Sept	Chief Executive Officer introduction to Shire Admin staff / local business operators
13 Oct	Special Meeting Western Australian Local Government Association State Council
14	Meeting with Chief Executive Officer
18	Travel to Carnarvon/Exmouth - Tour of Lighthouse and tourism development
19	Gascoyne Development Commission Board meeting - Exmouth Chair Gascoyne Development Commission Audit and Risk Committee meeting
26	Office of Auditor General - Audit committee forum
27	October Shire Council meeting

Signatures

Councillor	*Councillor Cowell*
Date of Report	15 October 2021

Moved	Cr Bellottie
Seconded	Cr Ridgely

Council Resolution
That Councillor Cowell's October 2021 report on activities as Council representative be received.

7/0 CARRIED

11.0 COUNCILLORS' REPORTS

No Councillor reports for the October 2021 Ordinary Council meeting.

12.0 ADMINISTRATION REPORT

12.1 ORDINARY COUNCIL MEETING DATES FOR 2022
CM00016

Author
Executive Assistant

Disclosure of Any Interest
Nil

Officer Recommendation
That Council, in accordance with Section 5.25(1)(a) of the *Local Government Act 1995*, approve the following schedule of meeting dates for Council's 2022 Ordinary meetings:
January 2022 – No ordinary meeting of Council to be held;
February 2022 – Wednesday 23 Commencing at 3.00 pm in Council Chambers;
March 2022 – Wednesday 30 Commencing at 3.00 pm in Council Chambers;
April 2022 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;
May 2022 – Wednesday 25 Commencing at 3.00 pm in Council Chambers;
June 2022 – Wednesday 29 Commencing at 3.00 pm in Council Chambers;
July 2022 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;
August 2022 – Wednesday 31 Commencing at 3.00 pm to be advised by Council;
September 2022–Wednesday 28 Commencing at 3.00 pm in Council Chambers;
October 2022 – Wednesday 26 Commencing at 3.00 pm in Council Chambers;
November 2022 –Wednesday 30 Commencing at 3.00 pm in Council Chambers; and
December 2022 – Wednesday 14 Commencing at 3.00 pm in Council Chambers.

AMENDMENT TO OFFICERS RECOMMENDATION
Reason: Council felt that it was good to have Council meetings around the Shire area.

Moved Cr Stubberfield
Seconded Cr Fenny

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 2022 Ordinary meetings:
January 2022 – No ordinary meeting of Council to be held;
February 2022 – Wednesday 23 Commencing at 3.00 pm in Council Chambers;
March 2022 – Wednesday 30 Commencing at 10.00 am at venue to be advised
April 2022 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;
May 2022 – Wednesday 25 Commencing at 3.00 pm in Council Chambers;
June 2022 – Wednesday 29 Commencing at 3.00 pm in Council Chambers;
July 2022 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;
August 2022 – Wednesday 31 Commencing at 10.00 pm at venue to be advised;
September 2022–Wednesday 28 Commencing at 3.00 pm in Council Chambers;
October 2022 – Wednesday 26 Commencing at 3.00 pm in Council Chambers;
November 2022 –Wednesday 30 Commencing at 3.00 pm in Council Chambers; and
December 2022 – Wednesday 14 Commencing at 3.00 pm in Council Chambers.
7/0 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 2022 for consideration and approval:

January 2022 – No ordinary meeting of Council to be held;
February 2022 – Wednesday 23 Commencing at 3.00 pm in Council Chambers;
March 2022 – Wednesday 30 Commencing at 3.00 pm in Council Chambers;
April 2022 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;
May 2022 – Wednesday 25 Commencing at 3.00 pm in Council Chambers;
June 2022 – Wednesday 29 Commencing at 3.00 pm in Council Chambers;
July 2022 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;
August 2022 – Wednesday 31 Commencing at 3.00 pm to be advised by Council;
September 2022–Wednesday 28 Commencing at 3.00 pm in Council Chambers;
October 2022 – Wednesday 26 Commencing at 3.00 pm in Council Chambers;
November 2022 –Wednesday 30 Commencing at 3.00 pm in Council Chambers; and
December 2022 – Wednesday 14 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 meetings have commenced at 3.00 pm for quite a number of years. This was to suit Council members. If Council members decides to change the time of the meeting then it can also be changed at this point.

Council regularly amends its December meeting due to Christmas. The schedule indicates that the December 2022 meeting be held on Wednesday 14 December in lieu of 28 December, being the last Wednesday in the month. This gives the Council Administration Staff time to get the minutes and correspondence out to the public before shutdown for the Christmas break.

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

> At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
> The ordinary council meetings; and
> The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

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

Policy Implications
Policy 1.1 - Meetings of Council
Ordinary Council meetings will be held on the last Wednesday of each month except January, unless resolved by Council to allow for other circumstances.

Financial Implications
The financial implication is the travel costs associated with all members of Council and Council staff traveling to the Council meeting site in August 2022 and the local public notice if Council decides to hold that meeting at a different location.

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 *D Chapman*
Date of Report 15 October 2021

Western Australia/Public holidays (2022)

New Year's Day	Mon, 3 Jan 2022
Australia Day	Wed, 26 Jan 2022
Labour Day	Mon, 7 Mar 2022
Good Friday	Fri, 15 Apr 2022
Easter Monday	Mon, 18 Apr 2022
Anzac Day	Mon, 25 Apr 2022
Western Australia Day	Mon, 6 June 2022
Queen's Birthday	Likely Mon, 26 Sept 2022
Christmas Day	Sun, 25 Dec 2022
Boxing Day	Mon, 26 Dec 2022
Christmas Day	Tue, 27 Dec 2022

12.2 CHRISTMAS/NEW YEAR CLOSURE 2021
CM00016

Author
Executive Assistant

Disclosure of Any Interest
Nil

Moved Cr Fenny
Seconded Cr Smith

Council Resolution
That the:

1. **Council's administration office and depot close for the Christmas/New Year period from close of business Thursday 23 December 2021 to Monday 3 January 2022 inclusive;**
2. **Shark Bay World Heritage Discovery and Visitor Centre be closed on 25 December 2021 and 1 January 2022; and operate at reduce hours from 24 December 2021 until 3 January 2022 inclusive;**
3. **Denham Refuse Site be:**
   a. **Closed on Saturday 25 December 2021;**
   b. **Closed on Sunday 26 December 2021; and**
   c. **Closed on Saturday 1 January 2022.**

7/0 CARRIED

Background
Council has previously closed the office and depot between Christmas and New Year. The public holidays for this period are Christmas Day being Saturday 25 December 2021, Boxing Day Sunday 26 December 2021, New Years Day, Saturday 1 January 2022 plus the Observed Holidays on Monday 27th December 2021, Tuesday 28 December 2021, and Monday 3 January 2022.

Comment

Administration Office and Depot

It is recommended that the office and depot be closed from the close of business Thursday 23 December 2021 and reopen on Tuesday 4 January 2022. This is a 7 working day and includes Public Holiday on Monday 27 December 2021, Tuesday 28 December 2021 and Monday 3 January 2022.

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, at reduced hours, throughout with the exception of Christmas Day 2021 and New Year's Day 2022 when the Centre would be closed.

Refuse Site
The refuse site would be closed on Saturday 25 December, Monday 27 December and Tuesday 28 December 2021 and then again from Saturday 1 January 2022 to Monday 3 January 2022.

The refuse site will be open for 4 hours on Monday 27 December 2021 and Monday 3 January 2022 from 8:00 am to 12:00 pm to allow caravan parks and businesses access to the refuse site.

Rubbish pickups will continue to be on Friday and Tuesday throughout the Christmas and New Year break.

Legal Implications
There are no 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 *D Chapman*

Date of Report 15 October 2021

12.3 MEDIUM TO LONG TERM LIFESTYLE ACCOMMODATION
GV00020

AUTHOR
Cr Mark Smith

DISCLOSURE OF ANY INTEREST
Declaration of Interest: Cr Smith
Nature of Interest: Impartiality Interest as author of the report

Moved Cr Smith
Seconded Cr Fenny

Council Resolution
That Council approve the investigation of options to address the shortage of medium-term and long-term accommodation for workers within the region primarily the township of Denham. This investigation should commence with the commissioning of a Business Development Plan to explore all available options.

7/0 CARRIED

Moved Cr Fenny
Seconded Cr Van Kova

Council Resolution
Approve the allocation of an estimated $40,000 in funds towards the cost of the Business Development Plan. This expenditure is currently unbudgeted, it is anticipated the required allocation could be accessed from the Infrastructure Reserves Fund.

7/0 ABSOLUTE MAJORITY

COMMENT
This will ensure the Shire of Shark Bay is Grant ready, well prepared and positioned to access the State Governments $875 million investment in Regional modular housing, a commitment announced by the Hon John Carey MLA, Minister for Housing; Local Government at the 2021 Western Australian Local Government Association Local Government Convention.

This initiative presents an opportunity for the Shire of Shark Bay to break the cycle of accommodation shortage and have a more robust and integrated community. The obvious lack of Medium-term, (0-6 month) and long term (6 months to several years) accommodation options is being expressed by every business you talk with.

With more holiday makers accessing Denham through Holiday Rentals, increases in Caravan Park bays both in Denham and Monkey Mia, combined with the sheer increase in visitor numbers and the duration of stays, unprecedented pressure is being placed on all services and infrastructure. From shops and pubs to medical and voluntary operations, all are suffering a lack of staff and worse still nowhere to house them when they arrive in town.

Holiday house rentals have positive benefits to the Denham economy, and we need to appreciate the position of owner who can access their house for personal use as well as enjoy a passive income from the rent to holidaymakers. By operating in this manner however it has the impact of placing pressure on the town through reduced long-term accommodation.

Investors and Developers looking to invest and construct in regional areas such as Denham will incur high costs for utility headworks, in freight and building materials, and a shortage of trades and trades assistants. There is little to no growth on Capital investment and return on investment is through rents charged only. Rent returns alone will not be enough to attract an investor to build the required accommodation and to break the cycle of medium to long term accommodation shortage.

Existing accommodation providers cannot be impacted by the development of any accommodation solution. Equally, it is unreasonable to expect the same businesses or any other business old and new, to have to purchase dwellings to house their staff or reside in housing less acceptable to hold a job. The consideration of staff housing in any operator's business plan would simply "blow the budget" on your startup costs. The cost to current business to invest in the purchase of 3 or 4 houses would be in the vicinity of more than a $1 million and could not be justified. Using the lodgings within their own business normally hired to holidaymakers, would come at a significant cost. Ordinarily these lodgings are hired out for several hundreds of dollars per night, not several hundred per week that an employee would expect to pay. Start to include families into the equation and costs skyrocket.

Businesses simply want their hired employees to come to and from there place of employment, their families to have a home, enjoy their lives in Shark Bay and be happy in their environment.

Currently the Shire of Shark Bay has business plan for 9, 3x2 houses for Shire employees on Hartog Crescent, and has made changes to ancillary dwelling requirements to encourage residential development of 9 new pensioner dwellings for 12 persons. These plans will in time reduce the cycle of long-term accommodation shortage.

With a strong medium to long term accommodation solution Business Development Plan, and commitment for the Shire of Shark Bay to partner with local business, we can prepare and position ourselves to act "now" for the future needs of Denham. The Business Development Plan will investigate the funding options available and sourcing of same, that will be needed to progress this project, along with the scoping of a robust short- and long-term management plan to ensure the preferred solution will prosper into the future.

LEGAL IMPLICATIONS
There are no legal implication relative to this report.

POLICY IMPLICATIONS
There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS
Currently there is no allocation for the commissioning of the proposed Business Development Plan within the Shires 2021/22 budget. It is anticipated the required allocation could be accessed from the Shires Infrastructure Reserves Fund.

STRATEGIC IMPLICATIONS
The Shire of Shark Bay Strategic Community Plan.

Economic Objective – Support local business and encourage further investment in the district.

Environment Objective – As well-planned built environment and infrastructure supporting our community.

Social Objective – Strong sense of spirit and pride in an inclusive community.

Leadership Objective – A transparent, resilient organisation demonstrating leadership and governance.

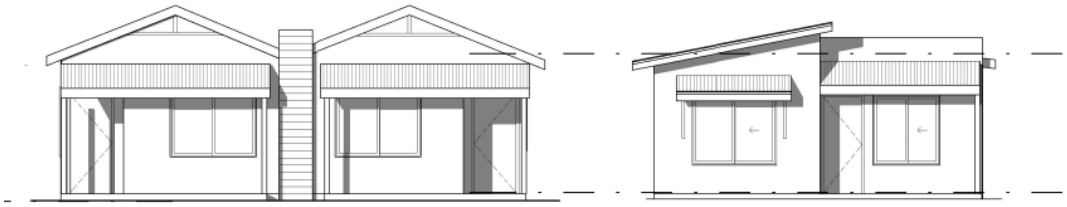
RISK MANAGEMENT
This is a low risk item to Council.

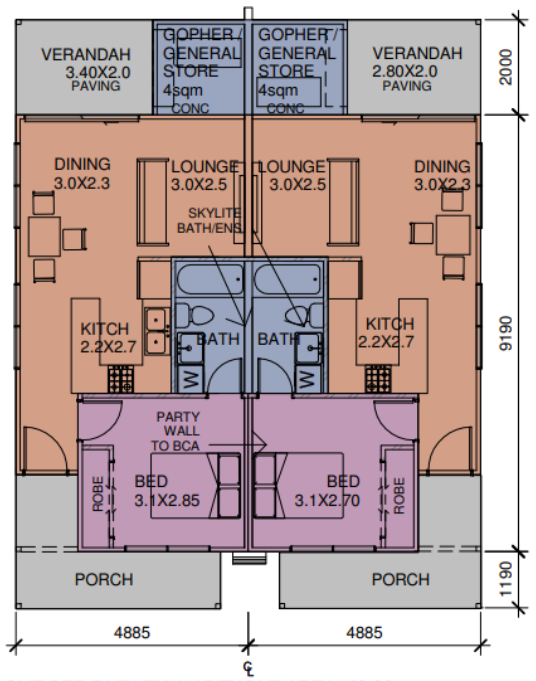
VOTING REQUIREMENTS
Absolute Majority Required

SIGNATURES

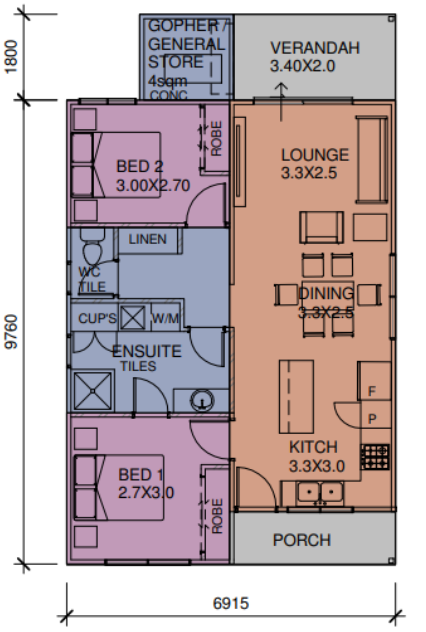
Author	*Cr Mark Smith*
Chief Executive Officer	*D Chapman*
Date of Report	18 October 2021

BRIGHTHOUSE





ONE BED DUPLEX HABITABLE AREA: 43.98 sqm



TWO BED UNIT HABITABLE AREA: 63.52 sqm

12.4 NEW LEASE FOR SHARK BAY SPEEDWAY
RES40771

AUTHOR
Executive Manager Community Development

DISCLOSURE OF ANY INTEREST
Nil

Moved Cr Ridgley
Seconded Cr Fenny

Council Resolution

1. **That a new lease for Reserve 40711 Lot 301 be negotiated with the Shark Bay Speedway Club (Inc.) for a period not exceeding 10 years, with all other conditions including lease payment to be ratified by Council.**

2. **That Council authorise the Chief Executive Officer to liaise with the Department of Planning, Lands and Heritage to request a change in the vesting of Reserve 40711 Lot 301 from "Speedway" to "Public Recreation (Speedway)".**

7/0 CARRIED

BACKGROUND
The Shark Bay Speedway has been in operation since 1999 and currently has over 100 members. It is one of the large community/sporting groups in Denham.

The Club operates from Reserve 40711 Lot 301, which is vested in the Shire for use as a "Speedway". The current lease expires on 31 December 2021, and the Club has written to the Shire requesting a new lease. The Speedway Club has also requested Council to apply for a change in the Vesting Order to allow the facility to be used for other recreational purposes, eg other sporting or community events.

Shire has the authority to hold and manage Reserve 40771 and under the Management Order, has the power to lease the whole or any portion of the land for any term not exceeding 10 years, subject to the approval of the Minister for Lands being first obtained.

COMMENT
The Speedway Club regularly runs race meets, and the annual Far Western Championship is one of the largest events in the State outside the metropolitan area. The Far Western brings several hundred visitors to Denham over the middle weekend of the July School holidays and conservatively injects tens of thousands of dollars into the local economy.

Currently the Vesting Order for Reserve 40711 Lot 301 has a permitted use of "Speedway" only. This is not consistent with either the Golf Club or Bowling, Sport and Recreation Club,
Bowling, Sport and Recreational Club - Permitted use Recreation (Bowling)

Boolbardie Golf Club – Permitted Use Public Recreation (Golf Course)

Note the Reserve leased to the Shark Bay Pistol Club is also vested only for Pistol Club

The Speedway Club is seeking Council support to apply to change the Vesting Order to allow for a broader range of activities at the facility. This would allow other community groups and individual to utilise the facility as explained in the attached letter.

Please note that a copy of the Speedway Lease has been attached under confidential attachments.

LEGAL IMPLICATIONS
Approval of the Minister under section 18(7) of the *Land Administration Act 1997* is a condition precedent to the grant of a lease.

POLICY IMPLICATIONS
There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS
The current lease allows for an annual lease payment to the Shire of $150.00, payable on request.

STRATEGIC IMPLICATIONS
Shire of Shark Bay Strategic Community Plan 2020- 2030

5.1 Support provision of essential community services and facilities
5.2 Encourage inclusion, involvement and wellbeing

VOTING REQUIREMENTS
Simple Majority Required

SIGNATURES

Executive Manager Community Development	*D Wilkes*
Chief Executive Officer	*D Chapman*
Date of Report	20 October 2021

Shark Bay Speedway Club Inc
PO Box 53
Denham WA 6537
sharkbayspeedwayclub@outlook.com

President: Shaun Burton, 0448 442 884

11th October 2021

Shire of Shark Bay
Knight Terrace
Denham WA 6537

Dear Dale,

RE: Lease – Shark Bay Speedway Club

The Shark Bay Speedway Club committee met on 5 October 2021 to discuss our expiring lease with the Shire of Shark Bay at the end of 2021. The current lease commenced on 1 January 2012 and expires on 31 December 2021.

It was identified during our meeting, several requests we would like considered by the Shire of Shark Bay Council in regards to our future lease requirements. These include;

- A change of the reserve listing/name from "Speedway" to "Recreation – Speedway". This will allow for more flexibility of the use of the land.
- Our current lease does not allow other community groups or individuals etc to use or hire this space. For example, the Shark Bay Fishing Club storing their toilets at the venue (which we use for all our speedway meets) as well as any other community groups or individuals wanting to host a function at the space.

We appreciate your time in considering these changes in our future lease. Should you require any further clarification, please do not hesitate to contact myself on 0448 442 884.

Yours sincerely

Shaun Burton
President
Shark Bay Speedway Club

File 5
981

FORM LAA-1023

DUPLICATE

SECTION 46

WESTERN AUSTRALIA
LAND ADMINISTRATION ACT 1997
TRANSFER OF LAND ACT 1893 AS AMENDED

MANAGEMENT ORDER (XE)

RESERVE DESCRIPTION (NOTE 1)	EXTENT	VOLUME	FOLIO
40771	Whole	3111	631

MANAGEMENT BODY (NOTE 2)

Shire of Shark Bay of 42 Hughes Street, Denham, WA, 6537.

CONDITIONS (NOTE 3)

1) To be used for the designated purpose of "Speedway" only.
2) Power to lease (or sub lease or licence) for the designated purpose is granted for the whole or any portion thereof for any term not exceeding ten (10) years from the date of the lease, subject to the approval in writing of the Minister for Lands being first obtained to each and every lease or assignment of lease, pursuant also to the provisions of section 18 of the Land Administration Act 1997.

THE MINISTER FOR LANDS (IN THE NAME OF AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA) ORDERS THAT THE CARE, CONTROL AND MANAGEMENT OF THE ABOVE RESERVE BE PLACED WITH THE ABOVE DESCRIBED MANAGEMENT BODY FOR THE PURPOSE FOR WHICH THE LAND IS RESERVED UNDER SECTION 41 OF THE LAND ADMINISTRATION ACT 1997, AND FOR PURPOSES ANCILLARY OR BENEFICIAL TO THAT PURPOSE SUBJECT TO THE CONDITIONS STATED ABOVE

Dated this 30th day of June in the year 2003

ATTESTATION

PROJECT OFFICER
PILBARA REGION
LAND ADMINISTRATION SERVICES

WESTERN AUSTRALIA

REGISTER NUMBER	
350/DP193988	
DUPLICATE EDITION	DATE DUPLICATE ISSUED
N/A	N/A

VOLUME LR3111 FOLIO 631

RECORD OF QUALIFIED CERTIFICATE OF CROWN LAND TITLE

UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997

NO DUPLICATE CREATED

The undermentioned land is Crown land in the name of the STATE of WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 350 ON DEPOSITED PLAN 193988

STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)

STATUS ORDER/INTEREST: RESERVE UNDER MANAGEMENT ORDER

PRIMARY INTEREST HOLDER: SHIRE OF SHARK BAY OF 42 HUGHES STREET, DENHAM
(XE I535731) REGISTERED 2 JULY 2003

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. RESERVE 40771 FOR THE PURPOSE OF SPEEDWAY.
I535731 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED. WITH POWER TO LEASE FOR ANY TERM NOT EXCEEDING 10 YEARS, SUBJECT TO THE CONSENT OF THE MINISTER FOR LANDS. REGISTERED 2.7.2003.
2. I372081 TAKING ORDER. THE DESIGNATED PURPOSE OF SPEEDWAY. AS TO PORTION ONLY. REGISTERED 3.2.2003.

Warning: (1) A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.
(2) The land and interests etc. shown hereon may be affected by interests etc. that can be, but are not, shown on the register.
(3) The interests etc. shown hereon may have a different priority than shown.

----------END OF CERTIFICATE OF CROWN LAND TITLE----------

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP193988.
PREVIOUS TITLE: LR3119-551.
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AREA: SHIRE OF SHARK BAY.

NOTE 1: A000001A CORRESPONDENCE FILE 02706-1986-01RO.
NOTE 2: I372080 ALTERNATIVE PARCEL IDENTIFIER - DENHAM LOT 350.

DOLA USE ONLY, COPY OF ORIGINAL, NOT TO SCALE
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I-LEG-13506

41441

L.194

LAND ACT, 1933
(Section 33)

VESTING ORDER

File No. 2706/986

I, Professor Gordon Reid, Companion of the Order of Australia, Governor of the State of Western Australia, do hereby in pursuance of the powers enabling me in that behalf, and under and by virtue of the provisions of Section 33 of the Land Act, 1933, direct that Reserve No. 40771 (Denham Lot 301)

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

in trust for the following objects and purposes (that is to say) "Speedway"

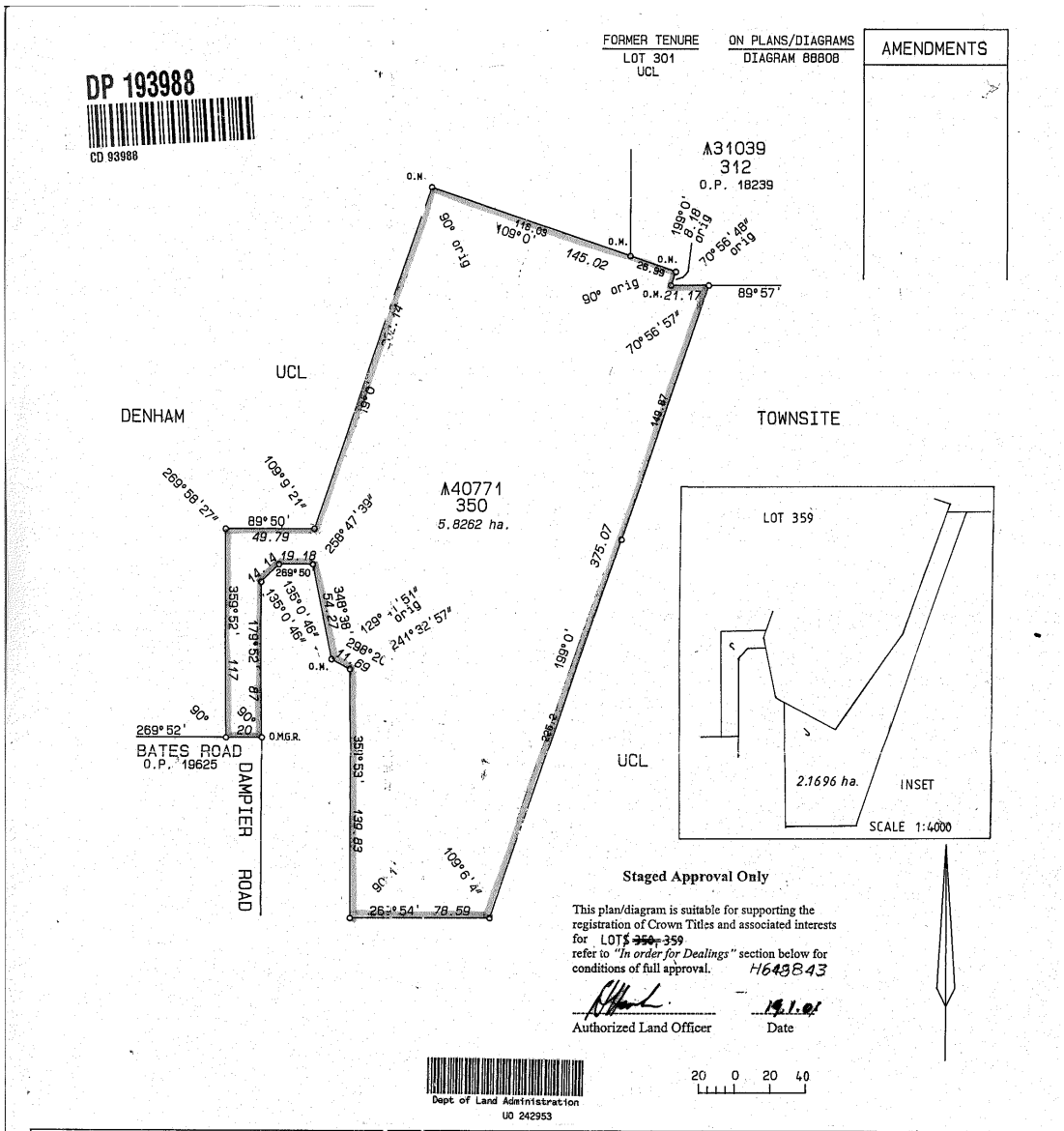
with power to the said Shire of Shark Bay

subject to the approval in writing of the Minister for Lands to each and every lease or assignment of lease being first obtained, to lease the whole or any portion thereof for any term, not exceeding ten (10) years from the date of the lease, subject nevertheless to the powers reserved to me by Section 37 of the said Act; provided that no such lease or assignment of lease shall be valid or operative until the approval of the Minister for Lands, or an officer authorised in that behalf by the Minister, has been endorsed on the Lease Instrument, or Deed of Assignment, as the case may be.

Given under my hand, at Perth

this 6th day
of December 1995

Gordon Reid
GOVERNOR



DISTRICT EDEL TOWNSITE DENHAM	DENHAM LOT 350	FILE 1373/985 V3 2706/986 SCALE 1: 2000 ALL DISTANCES ARE IN METRES
SURVEYOR'S CERTIFICATE – (REG 54) I IAN KELLY hereby certify that this plan is a correct representation of the survey and/or calculations from measurements recorded in the field book lodged for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged. Ian Kelly 3/10/1998 Licensed Surveyor Date	LOCAL AUTHORITY SHIRE OF SHARK BAY LOCALITY DENHAM PUBLIC PLAN(S) A 51 (2) 39.12 SURVEY INDEX PLAN(S) A 51 (10) 8.2 FIELD BOOK 77999 PAGE 5-19 AZIMUTH FROM D.P. 19625	APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION FILE FOR CHAIRMAN DATE TYPE OF VALIDATION FULL AUDIT DATE LEGAL COMPONENT M.B. DATE 11-11-98 CERTIFIED CORRECT DATE 13-11-98 EARLY ISSUE ☐ F.S.C. No. LODGED DATE 9-11-98	IN ORDER FOR DEALINGS SUBJECT TO 1. Redemption of A. FOR AUTHORIZED LAND OFFICER DATE 14-11-98 APPROVED AUTHORIZED LAND OFFICER DATE LAND ADMINISTRATION ACT DIAGRAM 93988
SURVEYOR'S CERTIFICATE – COMPILED I hereby certify that this compiled plan (a) is a correct and accurate representation of the survey(s) of the subject land; and (b) is in accordance with the relevant law in relation to which it is lodged. Licensed Surveyor Date		DOLA DEPARTMENT OF LAND ADMINISTRATION	
CC: 44098 975532.CSD			

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13.0 FINANCE REPORT

13.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED
CM00017

Author
Finance Officer / Accounts Payable

Disclosure of any Interest
Nil

Moved Cr Fenny
Seconded Cr Stubberfield

Council Resolution
That the cheques and electronic payments as per the attached schedules of accounts for payment totalling $580,830.26 be accepted.

7/0 CARRIED

Comment
The schedules of accounts for payment covering -

Municipal fund credit card direct debits for the month of September 2021 totalling $6,174.74

Municipal fund account cheque number 26949 totalling $144.89

Municipal fund direct debits to Council for the month of September 2021 totalling $23,503.62

Municipal fund account electronic payment numbers MUNI 28615 to 28720 totalling $425,858.74

Municipal fund account for September 2021 payroll totalling $116,013.17

Police Licensing for September 2021 transaction number 212203 totalling $9,135.10 and

No Trust fund account cheque numbers were issued for September 2021 totalling $0

The schedule of accounts submitted to each member of Council on 22 October 2021 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	*D Chapman*
Date of Report	19 October 2021

SHIRE OF SHARK BAY – CREDIT CARD
PERIOD – SEPTEMBER 2021

CREDIT CARD TOTAL $6,174.74

CEO

DATE	NAME	DESCRIPTION	AMOUNT
19/08/2021	INITIAL C TECHNOLOGY	TONERS FOR SBDC PRINTER – PO 10221	436.00
20/08/2021	SHIRE OF SHARK BAY	NUMBER PLATE CHANGE – CEO VEHICLE	18.30
			$454.30

EMCD

DATE	NAME	DESCRIPTION	AMOUNT
19/08/2021	SHIRE OF SHARK BAY	THANK A VOLUNTEER DAY GIFTS PO 10225	697.00
25/08/2021	SHIRE OF SHARK BAY	ACCOMMODATION GYMCARE – PETER CLEMENTS PO 10232	149.00
26/08/2021	REX TRAVEL INSURANCE	AIRFARE GYMCARE PETER CLEMENTS PO 10238	17.33
27/08/2021	REGIONAL EXPRESSS	AIRFARE GYMCARE PETER CLEMENTS PO 10238	585.12
			$1448.45

EMFA

DATE	NAME	DESCRIPTION	AMOUNT
16/08/2021	TELSTRA	RECHARGE MODEM TO UPGRADE MPEG2 TO MPEG4 TV SIGNAL	30.00
18/08/2021	SHIRE OF SHARK BAY	ACCOMMODATION COUNCIL ELECTIONS GRAHAM LITTLE PO 10213	489.00
23/08/2021	EBAY	MOBILE PHONE CASE FOR REFUSE SITE PHONE PO 10226	7.99
27/08/2021	BELONG	1GB MONTHLY TELEVISION CONNECTION WITH N-COM	10.00
31/08/2021	SHIRE OF SHARK BAY	BIN CHARGE AND ESL CHARGES FOR CRC, ST JOHN AND SES – TO BE ONCHARGED	1725.10
31/08/2021	LASER CORP HOLDINGS PTY	USB-C MULTICARD READER & 3 PORT USB HUB FOR SBDC TABLET	24.99
1/09/2021	AUSTRALIA POST	GIFT CARD FOR CEO	205.95
1/09/2021	SURF N DOLPHIN	FAREWELL GIFTS CEO	43.50
1/09/2021	SHIRE OF SHARK BAY	FAREWELL GIFTS CEO	281.70
7/09/2021	CROWN PROMENADE PERTH	ACCOMMODATION AND MEALS CR MARK SMITH PO 10270 WALGA CONVENTION	728.64
8/09/2021	REGIONAL EXPRESS	AIRFARE CR MARK SMITH WALGA CONVENTION PO 10269	725.12
			$ 4271.99

SHIRE OF SHARK BAY – MUNI CHQ
SEPTEMBER 2021
CHEQUE # 26949

CHQ #	DATE	NAME	DESCRIPTION	AMOUNT
26949	20/09/2021	WATER CORPORATION - OSBORNE PARK	WATER AND SERVICE CHARGES FOR SHIRE PREMISES	-144.89
			TOTAL	**$144.89**

SHIRE OF SHARK BAY – MUNI DIRECT DEBITS
SEPTEMBER 2021

DD #	DATE	NAME	DESCRIPTION	AMOUNT
BPAY	03/09/2021	AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	-274.47
BPAY	03/09/2021	GESB	SUPERANNUATION CONTRIBUTIONS	760.72
DD16270.1	12/09/2021	AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	-3759.49
DD16270.2	12/09/2021	SPIRIT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-218.79
DD16270.3	12/09/2021	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-463.83
DD16270.4	12/09/2021	MERCER SUPER TRUST	SUPERANNUATION CONTRIBUTIONS	-421.56
DD16270.5	12/09/2021	NGS SUPER	SUPERANNUATION CONTRIBUTIONS	-174.44
DD16270.6	12/09/2021	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-241.58
DD16270.7	12/09/2021	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.96
DD16270.8	12/09/2021	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.95
DD16270.9	12/09/2021	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-410.90
DD16285.1	26/09/2021	AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	-4061.40

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD16285.2	26/09/2021	SPIRIT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-65.49
DD16285.3	26/09/2021	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-463.83
DD16285.4	26/09/2021	MERCER SUPER TRUST	SUPERANNUATION CONTRIBUTIONS	-426.89
DD16285.5	26/09/2021	NGS SUPER	SUPERANNUATION CONTRIBUTIONS	-83.36
DD16285.6	26/09/2021	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-241.58
DD16285.7	26/09/2021	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.95
DD16285.8	26/09/2021	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.95
DD16285.9	26/09/2021	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-452.78
DD16270.10	12/09/2021	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-222.11
DD16270.11	12/09/2021	REST	SUPERANNUATION CONTRIBUTIONS	-521.84
DD16270.12	12/09/2021	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1014.24
DD16270.13	12/09/2021	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1893.20
DD16270.14	12/09/2021	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-239.40
DD16270.15	12/09/2021	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-222.11
DD16285.10	26/09/2021	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-222.11
DD16285.11	26/09/2021	REST	SUPERANNUATION CONTRIBUTIONS	-1350.91
DD16285.12	26/09/2021	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-989.87
DD16285.13	26/09/2021	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-410.90
DD16285.14	26/09/2021	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1926.37
DD16285.15	26/09/2021	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-233.64
			TOTAL	**$23,503.62**

SHIRE OF SHARK BAY – MUNI EFT
SEPTEMBER 2021
EFT 28615-28720

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT28615	02/09/2021	JAMES SNR POLAND	BOOKEASY AUGUST 2021	-80.00
EFT28616	02/09/2021	SHARK BAY AVIATION	BOOKEASY AUGUST 2021	-6314.00
EFT28617	02/09/2021	BAY LODGE MIDWEST OASIS	BOOKEASY AUGUST 2021	-494.00
EFT28618	02/09/2021	BLUE LAGOON PEARLS	BOOKEASY AUGUST 2021	-2828.00
EFT28619	02/09/2021	DENHAM SEASIDE CARAVAN PARK	BOOKEASY AUGUST 2021	-684.08
EFT28620	02/09/2021	HARTOG COTTAGES	BOOKEASY AUGUST 2021	-2024.30
EFT28621	02/09/2021	HAMELIN POOL CARAVAN PARK AND TOURIST CENTRE	BOOKEASY AUGUST 2021	-104.22
EFT28622	02/09/2021	HERITAGE RESORT	BOOKEASY AUGUST 2021	-838.80
EFT28623	02/09/2021	INTEGRITY COACH LINES (AUST) PTY LTD	BOOKEASY AUGUST 2021	-292.40
EFT28624	02/09/2021	ISLAND LIFE ADVENTURES PTY LTD	BOOKEASY AUGUST 2021	-16008.70
EFT28625	02/09/2021	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	FAREHARBOR AUGUST 2021	-12379.20
EFT28626	02/09/2021	MONKEYMIA WILDSIGHTS	BOOKEASY AUGUST 2021	-1442.32
EFT28627	02/09/2021	ON THE DECK @ SHARK BAY	BOOKEASY AUGUST 2021	-359.04
EFT28628	02/09/2021	SHARK BAY DIVE AND MARINE SAFARIS	BOOKEASY AUGUST 2021	-6550.76
EFT28629	02/09/2021	SHARK BAY HOTEL MOTEL	BOOKEASY AUGUST 2021	-1287.00
EFT28630	02/09/2021	SHARK BAY CARAVAN PARK	BOOKEASY AUGUST 2021	-1323.16
EFT28631	02/09/2021	SHARK BAY 4WD TOURS	BOOKEASY AUGUST 2021	-2992.20
EFT28632	02/09/2021	SHARK BAY COASTAL TOURS	BOOKEASY AUGUST 2021	-1020.80
EFT28633	02/09/2021	SHIRE OF SHARK BAY	BOOKEASY & FAREHARBOR COMMISSION AUGUST 2021	-8195.46
EFT28634	02/09/2021	SHARK BAY SEAFRONT APARTMENTS	BOOKEASY AUGUST 2021	-1229.36
EFT28635	02/09/2021	WULA GURA NYINDA ECO ADVENTURES	BOOKEASY AUGUST 2021	-422.40

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT28636	07/09/2021	URL NETWORKS PTY LTD	AUGUST 2021 VOIP CALL CHARGES - SHIRE PHONE	-184.28
EFT28637	03/09/2021	CONSTRUCTION TRAINING FUND	CTF LEVY COLLECTED PERMIT #3380	-17883.50
EFT28638	03/09/2021	BOC LIMITED	GAS CONTAINER RENTAL	-58.64
EFT28639	03/09/2021	MR CP & MRS K CONNELL	SBDC MERCHANDISE REFUND	-12.95
EFT28640	03/09/2021	CONTROLLED IRRIGATION SUPPLIES AUSTRALIA	4 X AC IRRITROL COILS FOR HALL RETICULATION	-80.00
EFT28641	03/09/2021	COLETTE WOOD	LIBRARY CARD DEPOSIT REFUND	-50.00
EFT28642	03/09/2021	DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY	BSL LEVY COLLECTION PERMIT #3380	-12251.50
EFT28643	03/09/2021	DENHAM MEATS	COUNTRY CREW BUTCHER ACCOUNT	-271.17
EFT28644	03/09/2021	ETCHED GLASS DESIGN	SBDC MERCHANDISE	-2370.50
EFT28645	03/09/2021	FIRE & EMERGENCY SERVICES AUTHORITY OF WA	ESL INCOME - LOCAL GOVERNMENT OPT B 2021/2022	-65742.00
EFT28646	03/09/2021	FAR WEST ELECTRICAL	INSTALLATION OF LIGHTING TO WEST END TOILET BLOCK, CONTROLLED BY MOTION DETECTORS	-1423.40
EFT28647	03/09/2021	GERALDTON LOCK AND KEY SPECIALISTS	PADLOCK STAINLESS STEEL SWING HANDLE - FORESHORE POWERBOX	-160.00
EFT28648	03/09/2021	HOWLETT & CO VEGETATION MANAGEMENT PTY LTD	REMOVE ALL TREES AND SMALLER VEGETATION TO GROUND LEVEL - SPRAY WITH ROUND UP - SUMP CNR DURLACHER AND HUGHES STREETS	-2200.00
EFT28649	03/09/2021	HMAS SYDNEY & VLSV ASSOCIATION	SPONSORSHIP OF HMAS SYDNEY MEMORIAL EVENT - COUNCIL RESOLUTION JUNE 2021	-3000.00
EFT28650	03/09/2021	HORIZON POWER	AUGUST STREET LIGHTING - SHIRE OF SHARK BAY	-4209.45
EFT28651	03/09/2021	MARKET FORCE PTY LTD	ADVERTISING LOCAL PLANNING SCHEME AMENDMENT	-1226.67
EFT28652	03/09/2021	MCLEODS BARRISTERS AND SOLICITORS	LEASE AMENDMENTS - SHOP 3 69 KNIGHT TERRACE	-261.78
EFT28653	03/09/2021	MIDWEST FIRE PROTECTION SERVICE	JUNE HALF YEARLY SERVICE ALARM, FIRE AND JACKING PUMPSET - SBDC	-1359.60
EFT28654	03/09/2021	MERYL VAUGHAN	GYM CARD DEPOSIT REFUND	-30.00

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT28655	03/09/2021	NATURALISTE PLUMBING PTY LTD	HIRE OF MINI DIGGER TO DIG OUT AN AREA FOR SAND PIT AND RE INSTALL SAND PIT - DAY CARE	-600.00
EFT28656	03/09/2021	PROFESSIONAL PC SUPPORT	COMPUTER SUPPORT - EXCHANGE SERVER UPDATES	-231.00
EFT28657	03/09/2021	PAPER PLUS OFFICE NATIONAL	SHIRE OFFICE STATIONERY	-217.75
EFT28658	03/09/2021	RAW BAYKER	SBDC MERCHANDISE	-343.00
EFT28659	03/09/2021	LYONS ENTERPRISES-SHARK BAY CAR HIRE	AUGUST 2021 CAR HIRE FOR VISITING MEDICAL STAFF	-892.38
EFT28660	03/09/2021	ROBERT SMITH	LIBRARY CARD DEPOSIT REFUND	-50.00
EFT28661	03/09/2021	RAY WHITE REAL ESTATE SHARK BAY	RENT FOR 12 MEAD STREET - 20 SEPT TO 17 OCT - CDO POSITION	-1100.00
EFT28662	03/09/2021	WINC AUSTRALIA PTY LIMITED	STATIONERY ORDER SHIRE OFFICE	-396.09
EFT28663	03/09/2021	SETON AUSTRALIA	FLOOR MAT FOR INSIDE DEPOT OFFICE	-343.07
EFT28664	03/09/2021	SHARK BAY HOTEL MOTEL	CATERING FOR STAFF FUNCTION	-264.00
EFT28665	03/09/2021	SHARK BAY CLEANING SERVICE	MONTHLY CLEANING ACCOUNT - AUGUST 2021	-21146.53
EFT28666	03/09/2021	MCKELL FAMILY TRUST	MONTHLY RUBBISH COLLECTION AND STREET SWEEPING - AUGUST 2021	-11719.05
EFT28667	03/09/2021	SHIRE OF SHARK BAY	CTF LEVY COMMISSION PERMIT #3380	-26.50
EFT28668	03/09/2021	TELSTRA CORPORATION LTD	TELEPHONE SERVICE FOR SMS TO PUBLIC WITH COMMUNITY MESSAGES	-158.73
EFT28669	03/09/2021	WESTRAC EQUIPMENT PTY LTD	FILTER STRAP – DEPOT TOOLS	-17.04
EFT28670	03/09/2021	AFGRI EQUIPMENT	HYDRAULIC HOSE FOR P156 GRADER	-422.33
EFT28671	21/09/2021	AUSTRALIAN TAXATION OFFICE	AUGUST 2021 BAS	-59215.00
EFT28672	14/09/2021	ARTHUR EYRE ELECTRICAL PTY LTD	INSTALL NEW 6MM 20AMP CIRCUIT FOR NEW MORGUE WIRED FROM EXISTING SWITCHBOARD. COMMISION NEW CIRCUIT AND NEW BUILDING.	-685.87
EFT28673	14/09/2021	AUSTRALIA POST	SHIRE POSTAGE COSTS AUGUST 2021	-933.83
EFT28674	14/09/2021	BRIAN CHILD	REPAIR LEAKING PIPE IN BATHROOM WALL – 51 DURLACHER ST, NEW SINK MIXER FOR NEW	-1410.00

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
			MORGUE, NEW SHOWER HEAD AND NEW TAPS TO LAUNDRY AND BATHROOM - 80 DURLACHER STREET	
EFT28675	14/09/2021	BOOKEASY AUSTRALIA PTY LTD	BOOKEASY COMMISSION - AUGUST 2021	-1097.43
EFT28676	14/09/2021	BOB WADDELL & ASSOCIATES	CONTRACT RATES OFFICER FEES	-264.00
EFT28677	14/09/2021	CONTROLLED IRRIGATION SUPPLIES AUSTRALIA	IRRIGATION PARTS FOR RETICULATION TOWN HALL	-231.00
EFT28678	14/09/2021	DENHAM MEATS	COUNTRY CREW BUTCHER ACCOUNT	-95.47
EFT28679	14/09/2021	DENHAM IGA X-PRESS	MONTHLY SUPERMARKET ACCOUNT - AUGUST 2021	-920.75
EFT28680	14/09/2021	FAR WEST ELECTRICAL	MAINTENANCE CALLOUT FEE - HMAS SYDNEY MEMORIAL LIGHT NOT WORKING REPLACE TIMER SYSTEM FOR MEMORIAL LIGHTS	-508.20
EFT28681	14/09/2021	GYM CARE	NEW LAT BAR FOR COMMUNITY GYM	-165.00
EFT28682	14/09/2021	REFUEL AUSTRALIA (formerly GERALDTON FUEL COMPANY)	MONTHLY BULK FUEL AND OIL ACCOUNT - AUGUST 2021	-18721.86
EFT28683	14/09/2021	GERALDTON HYDRAULICS	SEAL KITS FOR P168 HINO TRUCK	-705.56
EFT28684	14/09/2021	HOT TONER	OFFICE PHOTOCOPIER TONERS	-619.00
EFT28685	14/09/2021	TOLL IPEC PTY LTD	TOLL IPEC FREIGHT ACCOUNT	-190.41
EFT28686	14/09/2021	SHARK BAY MARINE AND HARDWARE	MITRE 10 HARDWARE ACCOUNT - AUGUST 2021	-1382.51
EFT28687	14/09/2021	PRACTICAL PRODUCTS PTY LTD	REPLACEMENT OF TOWN HALL FRIDGE UNDER INSURANCE	-4587.00
EFT28688	14/09/2021	BUCKINGHAM PEWTER	SBDC MERCHANDISE	-264.00
EFT28689	14/09/2021	SETON AUSTRALIA	NEW SCRAPER MAT FOR DEPOT	-271.92
EFT28690	14/09/2021	SCIENCE AND NATURE PTY LTD	SBDC MERCHANDISE	-741.62
EFT28691	14/09/2021	WEST COAST FASTENERS PTY LTD	SIGN BOLTS FOR SHIRE STREET SIGN MAINTENANCE	-23.76
EFT28692	14/09/2021	WA HOLIDAY GUIDE PTY LTD	WA HOLIDAY GUIDE COMMISSION FEE - AUGUST 2021	-124.74
EFT28693	14/09/2021	WAJON PUBLISHING COMPANY	SBDC MERCHANDISE	-472.00
EFT28694	17/09/2021	ARCUS AUSTRALIA PTY LTD	CONTAINED MORTUARY REFRIGERATOR	-46090.00
EFT28695	17/09/2021	BRIAN CHILD	PLUMBING WORK - MENS SHED	-13000.00
EFT28696	17/09/2021	BRIAN JOHN GALVIN	SALARY SACRIFICE 2021/2022 SHIRE RATES	-1713.79
EFT28697	17/09/2021	BOB WADDELL & ASSOCIATES	CONTRACT RATES OFFICER FEES	-132.00

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT28698	17/09/2021	DENHAM MEATS	COUNTRY CREW BUTCHER ACCOUNT	-126.55
EFT28699	17/09/2021	DEBORAH ANN WILKES	REIMBURSEMENT OF PERTH CONFERENCE ATTENDANCE COSTS	-729.00
EFT28700	17/09/2021	RICHARD EDMUND FENNY	SBDC MERCHANDISE	-650.00
EFT28701	17/09/2021	GERALDTON HYDRAULICS	HYDRAULIC HOSE FOR P168 HINO TRUCK	-140.20
EFT28702	17/09/2021	HARE & FORBES PYT LTD	NEW BENCH VICES AND ATTACHMENTS - DEPOT	-1090.80
EFT28703	17/09/2021	TOLL IPEC PTY LTD	SHIRE FREIGHT ACCOUNT	-176.39
EFT28704	17/09/2021	KRISTY ANNE BLACKMAN	REIMBURSEMENT OF TRAVEL/MEALS DOT TRAINING PERTH – TO BE REIMBURESED BY DOT	-1245.69
EFT28705	17/09/2021	MESSY MOMENTS	WINTER FESTIVAL STALL INCLUDES ACCOMODATION AND TRAVEL	-1200.00
EFT28706	17/09/2021	OCLC (UK) LTD	AMLIB LIBRARY MAINTENANCE AND SUBSCRIPTION 2021/2022	-2138.53
EFT28707	17/09/2021	OFFICEWORKS LTD	SHIRE OFFICE STATIONERY	-742.20
EFT28708	17/09/2021	PURCHER INTERNATIONAL PTY LTD	FREIGHT FOR PARTS RETURNED	-33.00
EFT28709	17/09/2021	PROFESSIONAL PC SUPPORT	SHIRE OFFICE SERVER MAINTENANCE	-308.00
EFT28710	17/09/2021	PAULS TYRES	4 NEW TYRES FOR P168 HINO TRUCK AND TYRES, WHEEL BEARINGS AND SEALS FOR TRAILER P183	-2365.00
EFT28711	17/09/2021	R & L COURIERS	MONTHLY FREIGHT ACCOUNT - AUGUST 2021	-490.05
EFT28712	17/09/2021	SHARK BAY COMMUNITY RESOURCE CENTRE	SHARK BAY RECREATION CENTRE MANAGEMENT AND INSCRIPTION POSTS - AUGUST 2021	-4592.75
EFT28713	17/09/2021	SHARK BAY SKIPS	LOOP TURN OFF AND FORESHORE SKIP BIN MONTHLY ACCOUNT – JULY AND AUGUST 2021	-10076.00
EFT28714	17/09/2021	SCIENCE AND NATURE PTY LTD	SBDC MERCHANDISE	-145.20
EFT28715	17/09/2021	TRUCKLINE PARTS CENTRE	AIR FILTERS FPR PP126 GENERATOR	-280.32
EFT28716	17/09/2021	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES - AUGUST 2021	-2598.75
EFT28717	17/09/2021	TOTAL UNIFORMS	STAFF UNIFORMS SBDC AND SHIRE OFFICE	-945.78
EFT28718	17/09/2021	VISIT BRANDS PTY LTD	SBDC MERCHANDISE	-1122.77
EFT28719	17/09/2021	YOGA EVERYWHERE	SBDC MERCHANDISE	-1779.58

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT28720	23/09/2021	PRESTIGE INSTALLATIONS (WA) PTY LTD	SUPPLY AND INSTALL 4 AIRCONDITIONERS TO SHIRE ADMINISTRATION OFFICE AND 3 AIRCONDITIONERS TO TOWN HALL	-20742.35
			TOTAL	**$425,858.74**

SHIRE OF SHARK BAY – MUNI
ELECTRONIC PAYROLL TRANSACTIONS
SEPTEMBER 2021

DATE	NAME	DESCRIPTION	AMOUNT
14/09/2021	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 12 SEPTEMBER 2021	$59,158.00
28/09/2021	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 26 SEPTEMBER 2021	$56,855.17
		TOTAL	**$116,013.17**

SHIRE OF SHARK BAY
SEPTEMBER 2021
POLICE LICENSING TRANSACTION # 212203

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
212203	30/09/2021	COMMISSIONER OF POLICE	POLICE LICENSING SEPTEMBER 2021	9135.10
			TOTAL	**$9,135.10**

13.2 FINANCIAL REPORTS TO 30 SEPTEMBER 2021
CM00017

Author
Executive Manager Finance and Administration

Disclosure of Any Interest
Nil

Mr Galvin, Works Manager left the Council Chamber at 4.02 pm.

Moved Cr Fenny
Seconded Cr Cowell

Council Resolution
That the monthly financial report to 30 September 2021 as attached be received.
7/0 CARRIED

Mr Galvin, Works Manager returned to the Council Chamber at 4.05 pm.

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 2021** are attached.

VARIANCE ANALYSIS
The Shire is unable to process Depreciation until the Financial Audit for 2020/2021 is completed and the Asset Module is rolled forward into the 2021/2022 Financial Year. Due to depreciation having a major impact on the analysis outcome reporting on variances will be delayed until the audit is completed.

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

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

FINANCIAL IMPLICATIONS
The financial report shows the financial position of the Shire has exceeded the year to date budget as a result of strategies put in place to address the significant adverse trend in the financial position of the Shire, as the Operating Surplus Ratio has been below the Department of Local Government, Sports and Cultural Industries standard for the past three years. In addition, due to the COVID-19 pandemic further strategies were implemented in the budget to further reduce expenditure in anticipation of an adverse impact on cashflow forecast for the 2021/2022 financial year.

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	*D Chapman*
Date of Report	19 October 2021

SHIRE OF SHARK BAY

MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the period ending 30 September 2021

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

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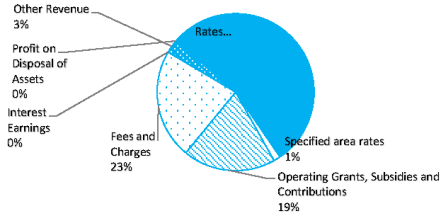
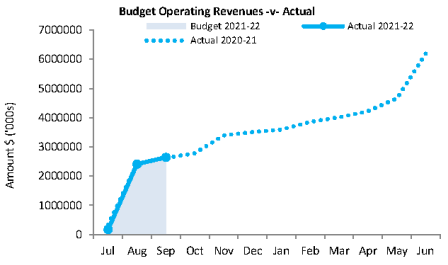
MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

SUMMARY INFORMATION - GRAPHS

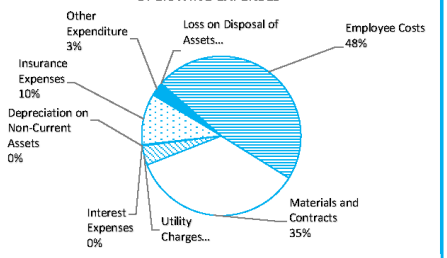
OPERATING ACTIVITIES

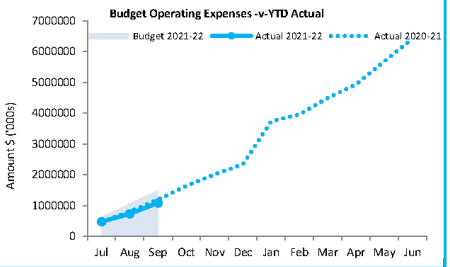
OPERATING REVENUE





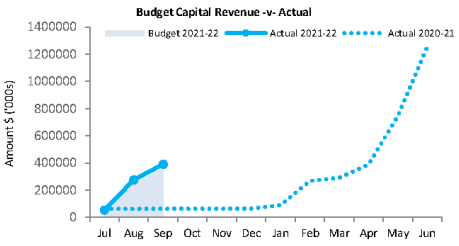
OPERATING EXPENSES



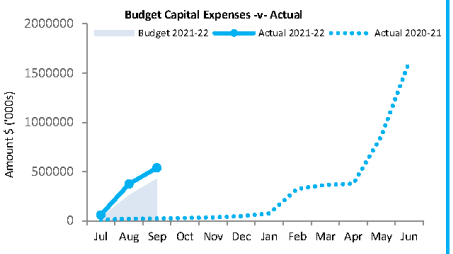


INVESTING ACTIVITIES

CAPITAL REVENUE

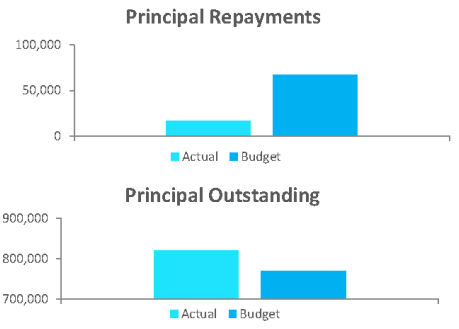


CAPITAL EXPENSES

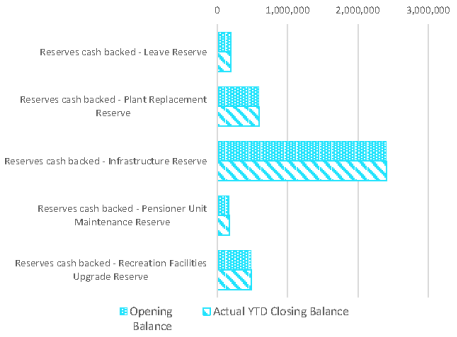


FINANCING ACTIVITIES

BORROWINGS



RESERVES



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

MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

EXECUTIVE SUMMARY

Funding surplus / (deficit) Components

Funding surplus / (deficit)

	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)
Opening	$1.78 M	$1.78 M	$1.77 M	($0.01 M)
Closing	$0.00 M	$3.20 M	$3.16 M	($0.05 M)

Refer to Statement of Financial Activity

Cash and cash equivalents

	$7.32 M	% of total
Unrestricted Cash	$3.41 M	46.7%
Restricted Cash	$3.90 M	53.3%

Refer to Note 2 - Cash and Financial Assets

Payables

	$0.46 M	% Outstanding
Trade Payables	$0.38 M	
Over 30 Days		35.3%
Over 90 Days		32.2%

Refer to Note 5 - Payables

Receivables

	$0.10 M	% Collected
Rates Receivable	$0.39 M	78.4%
Trade Receivable	$0.10 M	
Over 30 Days		7.9%
Over 90 Days		3%

Refer to Note 3 - Receivables

Key Operating Activities

Amount attributable to operating activities

Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)
($0.28 M)	$1.55 M	$1.55 M	($0.00 M)

Refer to Statement of Financial Activity

Rates Revenue

YTD Actual	$1.47 M	% Variance
YTD Budget	$1.46 M	0.3%

Refer to Note 6 - Rate Revenue

Operating Grants and Contributions

YTD Actual	$0.51 M	% Variance
YTD Budget	$0.50 M	1.0%

Refer to Note 12 - Operating Grants and Contributions

Fees and Charges

YTD Actual	$0.60 M	% Variance
YTD Budget	$0.61 M	(2.0%)

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities

Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)
($1.30 M)	($0.11 M)	($0.15 M)	($0.03 M)

Refer to Statement of Financial Activity

Proceeds on sale

YTD Actual	$0.06 M	%
Adopted Budget	$0.25 M	(76.6%)

Refer to Note 7 - Disposal of Assets

Asset Acquisition

YTD Actual	$0.54 M	% Spent
Adopted Budget	$2.57 M	(79.1%)

Refer to Note 8 - Capital Acquisition

Capital Grants

YTD Actual	$0.33 M	% Received
Adopted Budget	$1.03 M	(67.6%)

Refer to Note 8 - Capital Acquisition

Key Financing Activities

Amount attributable to financing activities

Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)
($0.20 M)	($0.02 M)	($0.02 M)	($0.00 M)

Refer to Statement of Financial Activity

Borrowings

Principal repayments	$0.02 M
Interest expense	($0.00 M)
Principal due	$0.82 M

Refer to Note 9 - Borrowings

Reserves

Reserves balance	$3.90 M
Interest earned	$0.00 M

Refer to Note 10 - Cash Reserves

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

KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 30 SEPTEMBER 2021

STATUTORY REPORTING PROGRAMS

Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

PROGRAM NAME AND OBJECTIVES	ACTIVITIES
GOVERNANCE To provide a decision making process for the efficient allocation of scarce resources.	Expenses associated with the provision of services to members of council and elections.
GENERAL PURPOSE FUNDING To collect revenue to allow for the provision of services.	Rates and associated revenues, general purpose government grants, interest revenue and other miscellaneous revenues such as commission on Police Licensing. This also includes the costs 'associated with raising these revenues e.g. valuation expenses, debt collection and overheads.
LAW, ORDER, PUBLIC SAFETY To provide services to help ensure a safer and environmentally conscious community.	Enforcement of Local Laws, fire prevention, animal control and the provision of ranger services.
HEALTH To provide an operational framework for environmental and community health.	Health inspection services, food quality control and mosquito control.
HOUSING To provide and maintain housing for the elderly and staff.	Provision and maintenance of rented housing accommodation for pensioners and employees.
COMMUNITY AMENITIES To provide services required by the community.	Sanitation, stormwater drainage, protection of the environment, public conveniences, cemeteries and town planning.
RECREATION AND CULTURE To establish and effectively manage infrastructure and resources which will help the social wellbeing of the community.	Parks, gardens and recreation reserves, library services, television and radio re-broadcasting, swimming facilities, walk trails, youth recreation, Shark Bay World Heritage Discovery and Visitor Centre, foreshore, public halls and the Shark Bay Recreation Centre.
TRANSPORT To provide safe, effective and efficient transport services to the community.	Construction and maintenance of roads, footpaths, drainage, parking facilities, traffic control, depot operations, marine facilities and street cleaning.
ECONOMIC SERVICES To help promote the Shire and its economic wellbeing	Tourism, community development, building services and private works.
OTHER PROPERTY AND SERVICES To monitor and control council's overhead operating accounts.	Plant maintenance, administration, labour overheads and stock.

STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

STATUTORY REPORTING PROGRAMS

	Ref Note	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		$	$	$	$	%	
Opening funding surplus / (deficit)	1(c)	1,780,950	1,780,950	**1,769,190**	(11,760)	(0.66%)	
Revenue from operating activities							
Governance		15,310	3,975	**5,145**	1,170	29.43%	
General purpose funding - general rates	6	1,425,451	1,425,451	**1,429,449**	3,998	0.28%	
General purpose funding - other		990,515	277,720	**282,671**	4,951	1.78%	
Law, order and public safety		88,181	19,888	**21,945**	2,057	10.34%	
Health		1,800	675	**984**	309	45.78%	
Housing		132,470	33,098	**32,929**	(169)	(0.51%)	
Community amenities		340,884	264,610	**260,881**	(3,729)	(1.41%)	
Recreation and culture		358,670	89,110	**166,198**	77,088	86.51%	▲
Transport		521,522	272,151	**265,361**	(6,790)	(2.49%)	
Economic services		873,228	217,519	**156,489**	(61,030)	(28.06%)	▼
Other property and services		40,000	9,999	**22,037**	12,038	120.39%	▲
		4,788,031	**2,614,196**	**2,644,089**	29,893		
Expenditure from operating activities							
Governance		(337,247)	(127,541)	**(53,408)**	74,133	58.12%	▲
General purpose funding		(117,947)	(24,837)	**(28,118)**	(3,281)	(13.21%)	
Law, order and public safety		(310,286)	(72,187)	**(59,830)**	12,357	17.12%	▲
Health		(90,370)	(14,349)	**(13,488)**	861	6.00%	
Housing		(218,961)	(58,135)	**(25,784)**	32,351	55.65%	▲
Community amenities		(694,962)	(169,792)	**(140,147)**	29,645	17.46%	▲
Recreation and culture		(2,220,762)	(581,606)	**(365,707)**	215,899	37.12%	▲
Transport		(1,778,107)	(290,326)	**(248,790)**	41,536	14.31%	▲
Economic services		(1,068,714)	(158,989)	**(169,632)**	(10,643)	(6.69%)	▼
Other property and services		(39,500)	191	**15,338**	15,147	(7930.37%)	
		(6,876,856)	**(1,497,571)**	**(1,089,566)**	408,005		
Non-cash amounts excluded from operating activities	1(a)	1,810,040	438,028	**(3,877)**	(441,905)	(100.89%)	▼
Amount attributable to operating activities		**(278,785)**	**1,554,653**	**1,550,646**	(4,007)		
Investing Activities							
Proceeds from non-operating grants, subsidies and contributions	13	1,031,415	308,640	**334,574**	25,934	8.40%	▲
Proceeds from disposal of assets	7	245,273	57,273	**57,273**	0	0.00%	
Payments for property, plant and equipment and infrastructure	8	(2,574,525)	(480,600)	**(538,654)**	(58,054)	(12.08%)	▼
Amount attributable to investing activities		**(1,297,837)**	**(114,687)**	**(146,807)**	(32,120)		
Financing Activities							
Transfer from reserves	10	1,174,998	0	**0**	0	0.00%	
Repayment of debentures	9	(67,132)	(16,979)	**(16,979)**	0	0.00%	
Transfer to reserves	10	(1,312,194)	0	**(983)**	(983)	0.00%	
Amount attributable to financing activities		**(204,328)**	**(16,979)**	**(17,962)**	(983)		
Closing funding surplus / (deficit)	1(c)	**0**	**3,203,937**	**3,155,067**	(48,870)		

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold. Refer to Note threshold. Refer to Note 16 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2021-22 year is $5,000 or 5.00% whichever is the greater.

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

KEY TERMS AND DESCRIPTIONS
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

NATURE OR TYPE DESCRIPTIONS

REVENUE

RATES
All rates levied under the *Local Government Act 1995.* Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts and concessions offered. Exclude administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS
Refers to all amounts received as grants, subsidies and contributions that are not non-operating grants.

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS
Amounts received specifically for the acquisition, construction of new or the upgrading of identifiable non financial assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

REVENUE FROM CONTRACTS WITH CUSTOMERS
Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.

FEES AND CHARGES
Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

SERVICE CHARGES
Service charges imposed under *Division 6 of Part 6 of the Local Government Act 1995. Regulation 54 of the Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

INTEREST EARNINGS
Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

OTHER REVENUE / INCOME
Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

PROFIT ON ASSET DISPOSAL
Excess of assets received over the net book value for assets on their disposal.

EXPENSES

EMPLOYEE COSTS
All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

MATERIALS AND CONTRACTS
All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)
Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

INSURANCE
All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

LOSS ON ASSET DISPOSAL
Shortfall between the value of assets received over the net book value for assets on their disposal.

DEPRECIATION ON NON-CURRENT ASSETS
Depreciation expense raised on all classes of assets.

INTEREST EXPENSES
Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

OTHER EXPENDITURE
Statutory fees, taxes, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.

STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

BY NATURE OR TYPE

	Ref Note	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		$	$	$	$	%	
Opening funding surplus / (deficit)	1(c)	1,780,950	1,780,950	**1,769,190**	(11,760)	(0.66%)	
Revenue from operating activities							
Rates	6	1,425,451	1,425,451	**1,429,449**	3,998	0.28%	
Specified area rates	6	36,884	36,884	**36,884**	0	0.00%	
Operating grants, subsidies andcontributions	12	1,463,615	500,265	**505,105**	4,840	0.97%	
Fees and charges		1,681,997	608,011	**596,136**	(11,875)	(1.95%)	
Interest earnings		8,640	2,216	**1,733**	(483)	(21.80%)	
Other revenue		146,671	37,394	**70,905**	33,511	89.62%	▲
Profit on disposal of assets	7	24,773	3,975	**3,877**	(98)	(2.47%)	
		4,788,031	**2,614,196**	**2,644,089**	29,893		
Expenditure from operating activities							
Employee costs		(2,287,732)	(490,114)	**(520,069)**	(29,955)	(6.11%)	▼
Materials and contracts		(2,155,494)	(368,348)	**(385,557)**	(17,209)	(4.67%)	
Utility charges		(178,475)	(44,634)	**(42,855)**	1,779	3.99%	
Depreciation on non-current assets		(1,753,645)	(442,003)	**0**	442,003	100.00%	▲
Interest expenses		(24,622)	2,900	**2,899**	(1)	0.03%	
Insurance expenses		(192,630)	(92,827)	**(113,749)**	(20,922)	(22.54%)	▼
Other expenditure		(203,090)	(62,545)	**(30,235)**	32,310	51.66%	▲
Loss on disposal of assets	7	(81,168)	0	**0**	0	0.00%	
		(6,876,856)	**(1,497,571)**	**(1,089,566)**	408,005		
Non-cash amounts excluded from operating activities	1(a)	1,810,040	438,028	**(3,877)**	(441,905)	(100.89%)	▼
Amount attributable to operating activities		**(278,785)**	**1,554,653**	**1,550,646**	(4,007)		
Investing activities							
Proceeds from non-operating grants, subsidies and contributions	13	1,031,415	308,640	**334,574**	25,934	8.40%	▲
Proceeds from disposal of assets	7	245,273	57,273	**57,273**	0	0.00%	
Payments for property, plant and equipment and infrastructure	8	(2,574,525)	(480,600)	**(538,654)**	(58,054)	(12.08%)	▼
Amount attributable to investing activities		**(1,297,837)**	**(114,687)**	**(146,807)**	(32,120)		
Financing Activities							
Transfer from reserves	10	1,174,998	0	**0**	0	0.00%	
Repayment of debentures	9	(67,132)	(16,979)	**(16,979)**	0	0.00%	
Transfer to reserves	10	(1,312,194)	0	**(983)**	(983)	0.00%	
Amount attributable to financing activities		**(204,328)**	**(16,979)**	**(17,962)**	(983)		
Closing funding surplus / (deficit)	1(c)	**0**	**3,203,937**	**3,155,067**	(48,870)		

KEY INFORMATION

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

Refer to Note 16 for an explanation of the reasons for the variance.

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

MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

BASIS OF PREPARATION

BASIS OF PREPARATION

REPORT PURPOSE
This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996* , *Regulation 34* . Note: The statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

BASIS OF ACCOUNTING
This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying regulations.

The *Local Government (Financial Management) Regulations 1996* take precedence over Australian Accounting Standards. Regulation 16 prohibits a local government from recognising as assets Crown land that is a public thoroughfare, such as land under roads, and land not owned by but under the control or management of the local government, unless it is a golf course, showground, racecourse or recreational facility of State or regional significance. Consequently, some assets, including land under roads acquired on or after 1 July 2008, have not been recognised in this financial report. This is not in accordance with the requirements of *AASB 1051 Land Under Roads paragraph 15* and *AASB 116 Property, Plant* and Equipment *paragraph 7.*

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

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 30 September 2021

SIGNIFICANT ACCOUNTING POLICES

CRITICAL ACCOUNTING ESTIMATES
The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

THE LOCAL GOVERNMENT REPORTING ENTITY
All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.
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 14 to these financial statements.

GOODS AND SERVICES TAX
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.

ROUNDING OFF FIGURES
All figures shown in this statement are rounded to the nearest dollar.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

NOTE 1
STATEMENT OF FINANCIAL ACTIVITY INFORMATION

(a) Non-cash items excluded from operating activities

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

Non-cash items excluded from operating activities	Notes	Adopted Budget	YTD Budget (a)	YTD Actual (b)
		$	$	$
Adjustments to operating activities				
Less: Profit on asset disposals	7	(24,773)	(3,975)	(3,877)
Add: Loss on asset disposals	7	81,168	0	0
Add: Depreciation on assets		1,753,645	442,003	0
Total non-cash items excluded from operating activities		**1,810,040**	**438,028**	**(3,877)**

(b) Adjustments to net current assets in the Statement of Financial Activity

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

		Last Year Closing 30 June 2021	This Time Last Year 30 September 2020	Year to Date 30 September 2021
Adjustments to net current assets				
Less: Reserves - restricted cash	10	(3,901,203)	(2,924,828)	(3,902,186)
Add: Borrowings	9	67,131	74,957	67,131
Total adjustments to net current assets		**(3,834,072)**	**(2,849,871)**	**(3,835,055)**

(c) Net current assets used in the Statement of Financial Activity

Current assets				
Cash and cash equivalents	2	6,875,899	5,669,459	7,315,215
Rates receivables	3	14,153	1,329,251	388,999
Receivables	3	205,418	80,912	100,977
Other current assets	4	162,179	138,305	122,963
Less: Current liabilities				
Payables	5	(1,032,618)	(305,197)	(462,746)
Borrowings	9	(67,131)	(74,957)	(67,131)
Contract liabilities	11	(336,526)	(388,447)	(189,753)
Provisions	11	(218,112)	(263,385)	(218,402)
Less: Total adjustments to net current assets	1(b)	(3,834,072)	(2,849,871)	(3,835,055)
Closing funding surplus / (deficit)		**1,769,190**	**3,336,070**	**3,155,067**

CURRENT AND NON-CURRENT CLASSIFICATION

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

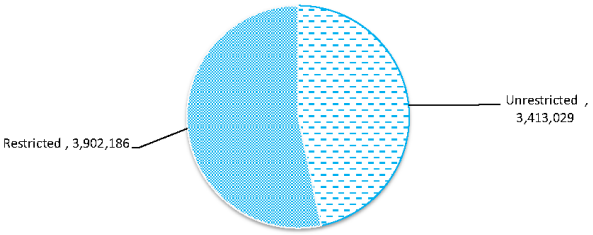
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

OPERATING ACTIVITIES
NOTE 2
CASH AND FINANCIAL ASSETS

Description	Classification	Unrestricted	Restricted	Total Cash	Trust	Institution	Interest Rate	Maturity Date
		$	$	$	$			
Cash on hand								
Municipal Bank Account	Cash and cash equivalents	354,589	0	354,589	0	Bankwest	0.01%	At Call
Municipal Telenet Saver	Cash and cash equivalents	3,057,540	0	3,057,540	0	Bankwest	0.15%	At Call
Trust Bank Account	Cash and cash equivalents	0	0	0	0	Bankwest	0.00%	At Call
Reserve Bank Account	Cash and cash equivalents	0	179	179	0	Bankwest	0.00%	At Call
Reserve Telenet Saver Account	Cash and cash equivalents	0	3,902,007	3,902,007	0	Bankwest	0.15%	At Call
Till Floats	Cash and cash equivalents	900	0	900	0	N/A	0.00%	On Hand
Total		**3,413,029**	**3,902,186**	**7,315,215**	**0**			
Comprising								
Cash and cash equivalents		3,413,029	3,902,186	7,315,215	0			
		3,413,029	**3,902,186**	**7,315,215**	**0**			

KEY INFORMATION

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



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

OPERATING ACTIVITIES
NOTE 3
RECEIVABLES

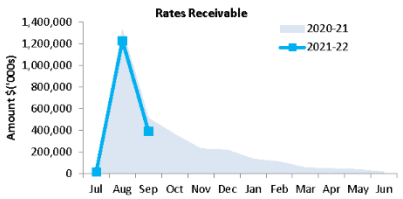
Rates receivable	30 Jun 2021	30 Sep 2021
	$	$
Opening arrears previous years	32,544	14,153
Levied this year	1,773,706	1,787,974
Less - collections to date	(1,770,286)	(1,413,128)
Equals current outstanding	**14,153**	**388,999**
Net rates collectable	**14,153**	**388,999**
% Collected	98%	78.4%

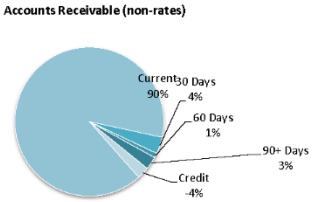
Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	$	$	$	$	$	$
Receivables - general	(1,560)	53,521	2,160	604	1,668	56,393
Percentage	(2.8%)	94.9%	3.8%	1.1%	3%	
Balance per trial balance						
Sundry receivable						56,393
GST and FBT receivable						16,809
Tenancy Bond - 12 Mead Street						1,360
ESL Levied						0
State Revenue Pensioner Rebate						26,415
Total receivables general outstanding						**100,977**

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods 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 impairment of receivables is raised when there is objective evidence that they will not be collectible.





NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD ENDED 30 SEPTEMBER 2021

OPERATING ACTIVITIES
NOTE 4
OTHER CURRENT ASSETS

Other current assets	Opening Balance 1 July 2021	Asset Increase	Asset Reduction	Closing Balance 30 September 2021
	$	$	$	$
Inventory				
Fuel and materials	26,431		0	26,431
Merchandise	96,532		0	96,532
Prepayments				
Prepayments	0		0	0
Accrued income	39,216		(39,216)	0
Total other current assets	**162,179**	**0**	**(39,216)**	**122,963**

Amounts shown above include GST (where applicable)

KEY INFORMATION

Inventory

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

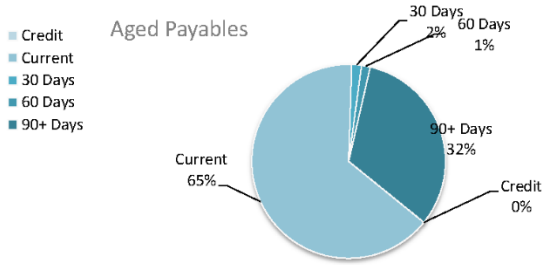
Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

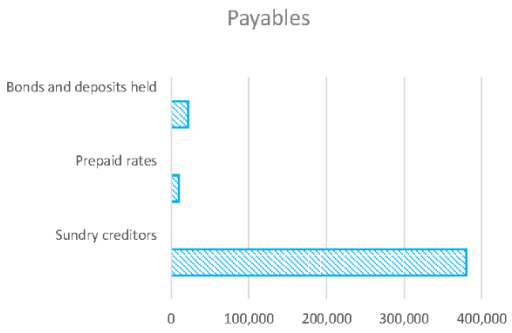
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

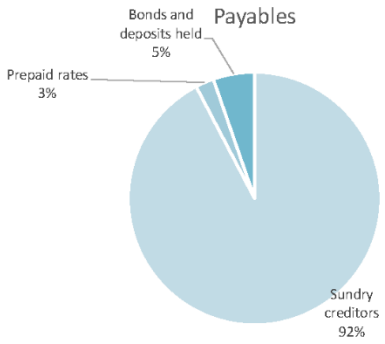
OPERATING ACTIVITIES
NOTE 5
Payables

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	$	$	$	$	$	$
Payables - general	0	255,481	6,393	5,749	127,358	394,981
Percentage	0%	64.7%	1.6%	1.5%	32.2%	
Balance per trial balance						
Sundry creditors						380,363
Prepaid rates						9,729
Bonds and deposits held						21,850
Payables - Other						7,308
ESL Levied						596
Total payables general outstanding						**462,746**
Amounts shown above include GST (where applicable)						

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







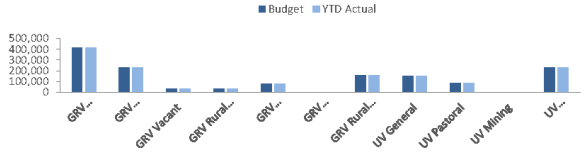
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

OPERATING ACTIVITIES
NOTE 6
RATE REVENUE

General rate revenue		Budget						YTD Actual			
	Rate in $ (cents)	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
RATE TYPE				$	$	$	$	$	$	$	$
Gross rental value											
GRV Residential	0.10593	326	3,906,042	413,751	0	0	413,751	416,417	0	176	416,593
GRV Commercial	0.10886	41	2,135,007	232,406			232,406	232,406	0	0	232,406
GRV Vacant	0.10593	18	330,101	34,966	0	0	34,966	34,966	0	0	34,966
GRV Rural Commercial	0.11009	5	315,380	34,721	0	0	34,721	34,720	0	0	34,720
GRV Industrial / Residential	0.11722	48	658,843	77,228	0	0	77,228	77,228	0	0	77,228
GRV Industrial / Residential Vacant	0.10593	0	0	0	0	0	0	0	0	0	0
GRV Rural Resort	0.11621	2	1,346,800	156,506	0	0	156,506	156,506	0	0	156,506
Unimproved value											
UV General	0.21330	7	714,543	152,412	0	0	152,412	152,412	0	0	152,412
UV Pastoral	0.14608	11	598,906	87,487	0	0	87,487	87,487	0	0	87,487
UV Mining	0.29093	1	8,500	2,473	0	0	2,473	2,473	0	0	2,473
UV Exploration	0.27973	10	816,219	228,318	0	0	228,318	228,318	0	0	228,318
Sub-Total		**469**	**10,830,341**	**1,420,268**	**0**	**0**	**1,420,268**	**1,422,933**	**0**	**176**	**1,423,109**
Minimum payment	**Minimum $**										
Gross rental value											
GRV Residential	898	50	372,152	44,900	0	0	44,900	44,900	0	0	44,900
GRV Commercial	898	17	93,833	15,266	0	0	15,266	15,266	0	0	15,266
GRV Vacant	898	81	256,029	72,738	0	0	72,738	72,738	0	0	72,738
GRV Rural Commercial	898	0	0	0	0	0	0	0	0	0	0
GRV Industrial / Residential	898	2	12,741	1,796	0	0	1,796	1,796	0	0	1,796
GRV Industrial / Residential Vacant	560	0	0	0	0	0	0	0	0	0	0
GRV Rural Resort	898	0	0	0	0	0	0	0	0	0	0
Unimproved value											
UV General	754	6	9,438	4,524	0	0	4,524	4,524	0	0	4,524
UV Pastoral	943	0	0	0	0	0	0	0	0	0	0
UV Mining	943	1	700	943	0	0	943	943	0	0	943
UV Exploration	943	1	2,115	943	0	0	943	943	0	0	943
Sub-total		**158**	**747,008**	**141,110**	**0**	**0**	**141,110**	**141,110**	**0**	**0**	**141,110**
Concession							(135,927)				(134,770)
Amount from general rates							**1,425,451**				**1,429,449**
Total general rates							**1,425,451**				**1,429,449**
Specified area rates	**Rate in $ (cents)**										
Monkey Mia Bore Replacement	0.028372		1,300,000	36,884	0	0	36,884	36,884	0	0	36,884
Total specified area rates			**1,300,000**	**36,884**	**0**	**0**	**36,884**	**36,884**	**0**	**0**	**36,884**
Total							**1,462,335**				**1,466,333**

KEY INFORMATION

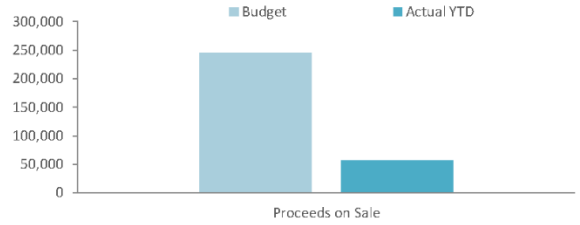
Prepaid rates are, until the taxable event for the rates has occurred, refundable at the request of the ratepayer. Rates received in advance give rise to a financial liability. On 1 July 2020 the prepaid rates were recognised as a financial asset and a related amount was recognised as a financial liability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



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

OPERATING ACTIVITIES
NOTE 7
DISPOSAL OF ASSETS

		Budget				YTD Actual			
Asset Ref.	Asset description	Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		$	$	$	$	$	$	$	$
	Plant and equipment								
	Governance								
MV188	CEO Vehicle	53,298	57,273	3,975	0	53,396	57,273	3,877	0
MV194	EMFA Vehicle	13,665	25,000	11,335	0	0	0	0	0
	Economic services								
MV195	EMCD Vehicle	15,537	25,000	9,463	0	0	0	0	0
	Transport								
MV198	Dual Cab Ute - Gardener	22,582	25,000	2,418	0	0	0	0	0
MV197	Dual Cab Ute - Ranger	22,582	25,000	2,418	0	0	0	0	0
MV163	Refuse Site Loader	90,665	40,000	0	(50,665)	0	0	0	0
MV167	3 Tonne Town Truck	28,336	18,000	0	(10,336)	0	0	0	0
MV168	5 Tonne Town Truck	55,003	30,000	0	(25,003)	0	0	0	0
		301,668	**245,273**	**29,609**	**(86,004)**	**53,396**	**57,273**	**3,877**	**0**



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS

Capital acquisitions	Adopted Budget	YTD Budget	YTD Actual	YTD Actual Variance
	$	$	$	$
Buildings	170,000	0	0	0
Buildings - specialised	425,287	190,000	220,070	30,070
Furniture and equipment	20,000	0	0	0
Plant and equipment	605,100	58,100	58,074	(26)
Heritage Assets	50,000	0	0	0
PPE - user defined 2				0
PPE - user defined 3				0
PPE - user defined 4				0
PPE - user defined 5				0
Infrastructure - roads other	369,958	55,000	92,416	37,416
Infrastructure - roads town	430,000	0	0	0
Infrastructure - footpaths	319,000	160,000	151,086	(8,914)
Infrastructure - drainage				0
Infrastructure - streetscapes				0
Infrastructure - public facilities	185,180	17,500	17,008	(492)
Total Capital Acquisitions	**2,574,525**	**480,600**	**538,654**	**58,054**
Capital Acquisitions Funded By:				
	$	$	$	$
Capital grants and contributions	**1,031,415**	**308,640**	**334,574**	25,934
Other (disposals & C/Fwd)	**245,273**	**57,273**	**57,273**	0
Cash backed reserves				
Reserves cash backed - Plant Replacement Reserve	**359,827**	**0**	**0**	0
Reserves cash backed - Infrastructure Reserve	**730,171**	**0**	**0**	0
Reserves cash backed - Pensioner Unit Maintenance Reserve	**35,000**	**0**	**0**	0
Reserves cash backed - Recreation Facilities Upgrade Reserve	**50,000**	**0**	**0**	0
Contribution - operations	**122,839**	**114,687**	**146,807**	32,120
Capital funding total	**2,574,525**	**480,600**	**538,654**	**58,054**

SIGNIFICANT ACCOUNTING POLICIES

All assets are initially recognised at cost. 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 local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS (CONTINUED)

Capital expenditure total
Level of completion indicators

- 0%
- 20%
- 40%
- 60%
- 80%
- 100%
- Over 100%

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

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

	Account Description	Strategic Plan Reference	Class	Adopted Budget	YTD Budget	YTD Actual	Variance (Under)/Over
05204736	Shire Office Asbestos Removal	3.1, 4.1	Buildings	75,000	0	0	0
09128001	Capital Works 5 Spaven Way	4.1	Buildings	10,000	0	0	0
09128020	Capital Works 65 Brockman St	4.1	Buildings	10,000	0	0	0
09128040	Capital Works 80 Durlacher St	4.1	Buildings	10,000	0	0	0
09128050	Capital Works 51 Durlacher St	4.1	Buildings	10,000	0	0	0
25104785	Pensioner Units Capital	4.1	Buildings	45,000	0	0	0
25104790	Pensioner Shed Door/Water Pipe Replacement	4.1	Buildings	10,000	0	0	0
			Buildings Total	**170,000**	**0**	**0**	**0**

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

		Account Description	Strategic Plan Reference	Class	Adopted Budget	YTD Budget	YTD Actual	Variance (Under)/Over
	5204975	Office Furniture & Equipment	4.1, 7.1	Furniture & equipment	20,000	0	0	0
				Furniture & Equipment Total	**20,000**	**0**	**0**	**0**
	30404756	Morgue Building	4.1	Buildings - Specialised	70,000	70,000	70,774	(774)
	35104705	Town Hall Asbestos Removal	3.1, 4.1	Buildings - Specialised	75,000	0	0	0
	35104706	Town Hall Access	4.1, 5.1, 5.2	Buildings - Specialised	40,000	0	0	0
	35104732	Child Care Building	4.1, 5.1, 5.2	Buildings - Specialised	0	0	3,286	(3,286)
		Comments: Sand Pit and Shade Sails installed as per Original Plans						
	35104733	Mens Shed Building	5.1	Buildings - Specialised	110,287	90,000	91,015	(1,015)
	35104734	Mens Shed Site Works	5.1	Buildings - Specialised	10,000	0	0	0
		Comments: Men Shed has commenced						
	36004993	SBDC Door Upgrade	4.1, 5.1, 5.2	Buildings - Specialised	25,000	25,000	21,925	3,075
	36004994	SBDC Roof Upgrade	4.1, 5.1, 5.2	Buildings - Specialised	30,000	0	0	0
	36004997	SBDC Lighting Upgrade	4.1, 5.1, 5.2	Buildings - Specialised	5,000	5,000	5,199	(199)
	36004998	SBDC Airconditioner Upgrade	4.1, 5.1, 5.2	Buildings - Specialised	50,000	0	0	0
	45104722	Depot Office Awning	4.1	Buildings - Specialised	10,000	0	234	(234)
	10305311	DFES - SES Capital Expenditure	4.1	Buildings - Specialised	0	0	27,637	(27,637)
				Buildings - Specialised Total	**425,287**	**190,000**	**220,070**	**(30,070)**
	35605182	Heritage Stables Refurbishment	4.1	Heritage Assets	50,000	0	0	0
				Heritage Assets Total	**50,000**	**0**	**0**	**0**
	45145251	Footpath Construction (As Per Denham Footpath Plan)	1.1, 4.1, 5.1	Infrastructure - footpaths	59,000	0	0	0
	45145257	Francis Street Lighting	1.1, 4.1, 5.1	Infrastructure - footpaths	80,000	80,000	73,515	6,485
	45145259	Stella Rowley Drive Dual Footpath	1.1, 4.1, 5.1	Infrastructure - footpaths	100,000	0	0	0
	45145258	Stella Rowley Drive Lighting	1.1, 4.1, 5.1	Infrastructure - footpaths	80,000	80,000	77,571	2,429
				Infrastructure - footpaths Total	**319,000**	**160,000**	**151,086**	**8,914**

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

		Account Description	Strategic Plan Reference	Class	Adopted Budget	YTD Budget	YTD Actual	Variance (Under)/Over
	30401932	Cemetery Shade	4.1	Infrastructure - public facilities	5,000	0	0	0
	30445151	Hamelin Pool Carpark	4.1	Infrastructure - public facilities	10,000	0	0	0
	35205537	Adventure Park Lighting Upgrade	4.1, 5.1, 5.2	Infrastructure - public facilities	15,000	0	0	0
	35302284	Little Lagoon Upgrades, Gazebo, Bollards and Signage	3.1, 4.1	Infrastructure - public facilities	35,000	5,000	4,778	222
	35302285	Little Lagoon Trail Planning	3.1, 4.2	Infrastructure - public facilities	19,980	12,500	12,230	270
	35304741	Recreation Centre Panel And Paint Upgrade	4.1	Infrastructure - public facilities	50,000	0	0	0
	35305508	Skate Park Upgrade	4.1, 5.1, 5.2	Infrastructure - public facilities	30,200	0	0	0
	35305560	Charlie Sappie Park Bed Removal and Replacement	4.1	Infrastructure - public facilities	20,000	0	0	0
				Infrastructure - public facilities Total	**185,180**	**17,500**	**17,008**	**492**
	45150038	RRG Useless Loop Road 20-21 *Comments: Project finalised in August*	1.1	Infrastructure - roads other	0	0	40,155	(40,155)
	45150040	RRG Useless Loop Road 21-22	1.1	Infrastructure - roads other	229,958	55000	52,261	
	45150041	RRG Eagle Bluff Road 21-22	1.1	Infrastructure - roads other	140,000	0	0	0
				Infrastructure - roads other Total	**369,958**	**55,000**	**92,416**	**(40,155)**
	45180092	R2R Durlacher Street 21-22	1.1	infrastructure - roads town	430,000	0	0	
	45180091	R2R Brockman Street 20-21 *Comment: Brockman Street works in progress.*	1.1	Infrastructure - roads town	0	0	0	0
				Infrastructure - roads town Total	**430,000**	**0**	**0**	**0**

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

	Account Description	Strategic Plan Reference	Class	Adopted Budget	YTD Budget	YTD Actual	Variance (Under)/Over
	45205475 Major Plant items - Capital	4.1	Plant and equipment	20,000	0	0	0
	45205346 Town Gardener's Ute	4.1	Plant and equipment	46,000	0	0	0
	45205501 Town Truck - 5 Tonne	4.1	Plant and equipment	80,000	0	0	0
	45205502 Town Truck - 3 Tonne	4.1	Plant and equipment	65,000	0	0	0
	45205504 Refuse Site Loader	4.1	Plant and equipment	220,000	0	0	0
	45205515 Rangers Vehicle	4.1	Plant and equipment	46,000	0	0	0
	50104002 EMCD Vehicle	4.1	Plant and equipment	35,000	0	0	0
	5205335 CEO Vehicle Replacement	4.1	Plant and equipment	58,100	58,100	58,074	26
	5205338 EMFA Vehicle Replacement	4.1	Plant and equipment	35,000	0	0	0
			Plant and equipment Total	**605,100**	**58,100**	**58,074**	**26**
			Grand Total	**2,574,525**	**480,600**	**538,654**	**(60,793)**

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

FINANCING ACTIVITIES
NOTE 9
BORROWINGS

Repayments - borrowings

Information on borrowings			New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
Particulars	Loan No.	1 July 2021	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		$	$	$	$	$	$	$	$	$
Recreation and culture										
Town Oval Bore	58	767,895	0	0	0	32,829	767,895	735,066	(3,525)	22,040
Economic services										
Monkey Mia Bore	57	70,012	0	0	16,979	34,303	53,033	35,709	626	2,582
Total		837,907	0	0	16,979	67,132	820,928	770,775	(2,899)	24,622
Current borrowings		67,132					67,131			
Non-current borrowings		770,775					753,797			
		837,907					820,928			

All debenture repayments were financed by general purpose revenue.

KEY INFORMATION
All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

OPERATING ACTIVITIES
NOTE 10
CASH RESERVES

Cash backed reserve

Reserve 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
	$	$	$	$	$	$	$	$	$
Reserves cash backed - Leave Reserve	195,536	350	49	0	0	0	0	195,886	195,585
Reserves cash backed - Plant Replacement Reserve	595,873	500	150	350,000	0	(359,827)	0	586,546	596,023
Reserves cash backed - Infrastructure Reserve	2,401,214	1,500	605	874,154	0	(730,171)	0	2,546,697	2,401,819
Reserves cash backed - Pensioner Unit Maintenance Reserve	172,508	120	44	35,000	0	(35,000)	0	172,628	172,552
Reserves cash backed - Recreation Facilities Upgrade Reserve	484,265	500	122	50,000	0	(50,000)	0	484,765	484,387
Reserves cash backed - Monkey Mia Jetty Reserve	22,155	30	6	0	0	0	0	22,185	22,161
Reserves cash backed - Share Fire System Reserve	29,652	40	7	0	0	0	0	29,692	29,659
	3,901,203	**3,040**	**983**	**1,309,154**	**0**	**(1,174,998)**	**0**	**4,038,399**	**3,902,186**

KEY INFORMATION

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

OPERATING ACTIVITIES
NOTE 11
OTHER CURRENT LIABILITIES

Other current liabilities	Note	Opening Balance 1 July 2021	Liability Increase	Liability Reduction	Closing Balance 30 September 2021
		$	$	$	$
Contract liabilities					
Unspent grants, contributions and reimbursements					
- operating	**12**	33,396	609,947	(535,105)	108,238
- non-operating	**13**	303,130	112,959	(334,574)	81,515
Total unspent grants, contributions and reimbursements		336,526	722,906	(869,679)	189,753
Provisions					
Annual leave		113,343	290	0	113,633
Long service leave		104,769	0	0	104,769
Total Provisions		218,112	290	0	218,402
Total other current assets		**554,638**	**723,196**	**(869,679)**	**408,155**

Amounts shown above include GST (where applicable)

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 12 and 13

KEY INFORMATION

Provisions

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

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

Employee benefits

Short-term employee benefits

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

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

Other long-term employee benefits

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

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

Contract liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer. Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

NOTE 12
OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent operating grant, subsidies and contributions liability					Operating grants, subsidies and contributions revenue					
	Liability 1 July 2021	Increase in Liability	Liability Reduction (As revenue)	Liability 30 Sep 2021	Current Liability 30 Sep 2021	Adopted Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	YTD Revenue Actual
	$	$	$	$	$	$	$	$	$	$	$
Operating grants and subsidies											
General purpose funding											
WALGGC - Grants Commission - General	0	170,401	(170,401)	0	0	714,127	178,532	714,127	0	714,127	170,401
WALGGC - Grants Commission - Roads	0	63,421	(63,421)	0	0	208,136	52,034	208,136	0	208,136	63,421
Law, order, public safety											
FESA Grant - Bush Fire Brigade	2,517	0	(2,517)	0	0	10,069	2,517	10,069	0	10,069	2,517
FESA Grant - SES	11,050	0	(11,050)	0	0	46,315	11,050	46,315	0	46,315	11,050
FESA Grant - AWARE Funding	19,829	0	(1,591)	18,238	18,238	19,829	0	19,829	0	19,829	1,591
Transport											
Main Roads Road WA Preservation Grant	0	124,069	(124,069)	0	0	124,069	124,069	124,069	0	124,069	124,069
Main Roads WA Useless Loop Maintenance	0	132,000	(132,000)	0	0	330,000	132,000	330,000	0	330,000	132,000
Economic services											
Department of Communities - Thank A Volunteer	0	0	0	0	0	700	0	700	0	700	0
	33,396	489,891	(505,049)	18,238	18,238	1,453,245	500,202	1,453,245	0	1,453,245	505,049
Operating contributions											
Recreation and culture											
Contributions - HMAS Sydney Exhibit	0	56	(56)	0	0	250	63	250	0	250	56
Transport											
DPLH - Natural Gas Pipeline Corridor Road Maintenance Contribution	0	0	0	0	0	10,120	0	0	0	0	0
Economic services											
RAC Caravan Park Rental (Full Year Expiry)	0	120,000	(30,000)	90,000	90,000	0	0	0	0	0	0
	0	120,056	(30,056)	90,000	90,000	10,370	63	250	0	250	56
TOTALS	33,396	609,947	(535,105)	108,238	108,238	1,463,615	500,265	1,453,495	0	1,453,495	505,105

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

NOTE 13
NON-OPERATING GRANTS AND CONTRIBUTIONS

	Unspent non operating grants, subsidies and contributions liability					Non operating grants, subsidies and contributions revenue					
Provider	Liability 1 July 2021	Increase in Liability	Liability Reduction (As revenue)	Liability 30 Sep 2021	Current Liability 30 Sep 2021	Adopted Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	YTD Revenue Actual (b)
	$	$	$	$	$	$	$	$	$	$	$
Non-operating grants and subsidies											
Housing											
CHO Pensioner Unit Roof Upgrade	20,000	0	0	20,000	20,000	20,000	0	20,000	0	20,000	0
Recreation and culture											
FESA SES - Rear Verandah	0	27,637	(27,637)	0	0	0	0	0	0	0	27,637
Little Lagoon WA State Trail Planning Program	10,580	0	(10,580)	0	0	13,640	13,640	0	0	0	10,580
Gaming Community Chest - Mens Shed	0	0	0	0	0	110,287	0	0	0	0	0
Transport									0		
RRG Grants - Capital Projects	0	85,322	(44,994)	40,328	40,328	213,305	45,000	213,305	0	213,305	44,994
Roads to Recovery - Capital Projects	3,235	0	0	3,235	3,235	297,245	0	297,245	0	297,245	0
Local Roads and Community Infrastructure	269,315	0	(251,363)	17,952	17,952	376,938	250,000	376,938	0	376,938	251,363
	303,130	**112,959**	**(334,574)**	**81,515**	**81,515**	**1,031,415**	**308,640**	**907,488**	**0**	**907,488**	**334,574**
TOTALS	**303,130**	**112,959**	**(334,574)**	**81,515**	**81,515**	**1,031,415**	**308,640**	**907,488**	**0**	**907,488**	**334,574**

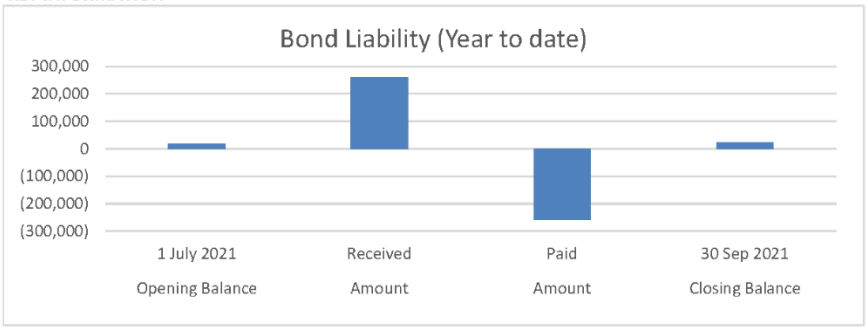
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

NOTE 14
BOND LIABILITY

Funds held for the purpose of bonds or levies (previously trust) and which are reported as a liability are as follows:

Description	Opening Balance 1 July 2021	Amount Received	Amount Paid	Closing Balance 30 Sep 2021
	$	$	$	$
CITF Levy	0	17,900	(17,900)	**0**
Library Card Bond	50	100	(100)	**50**
Bookeasy- Sales	1,294	167,449	(168,087)	**656**
Kerb/Footpath Deposit	6,800	1,000	0	**7,800**
Bond Key	5,050	410	(250)	**5,210**
Equipment Bond	200	0	0	**200**
Hall Bond	825	885	0	**1,710**
Police Licensing	2,106	59,995	(58,865)	**3,236**
Election Deposit	0	480	0	**480**
Marquee Deposit	0	0	0	**0**
Building Licence Levy	0	13,316	(13,316)	**0**
Road Reserve - Hughes Street	2,298	0	0	**2,298**
Rates Unidentified Deposit	210	0	0	**210**
	18,833	**261,535**	**(258,518)**	**21,850**

KEY INFORMATION



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2021

NOTE 16
EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.
The material variance adopted by Council for the 2021-22 year is $5,000 or 5.00% whichever is the greater.

Reporting Program	Var. $	Var. %		Timing/ Permanent	Explanation of Variance
	$	%			
Revenue from operating activities					
Governance	1,170	29.43%		Timing	No Reportable Variance
General purpose funding - rates	3,998	0.28%		Timing	No Reportable Variance
General purpose funding - other	4,951	1.78%		Timing	No Reportable Variance
Law, order and public safety	2,057	10.34%		Timing	No Reportable Variance
Health	309	45.78%		Timing	No Reportable Variance
Housing	(169)	(0.51%)		Timing	No Reportable Variance
Community amenities	(3,729)	(1.41%)		Timing	No Reportable Variance
Recreation and culture	77,088	86.51%	▲	Permanent	Increases in SBDC Sales and Commission, CDP Employer Incentive, Insurance Reimbursement and Hire of SBDC Gallery in excess of YTD Budget
Transport	(6,790)	(2.49%)		Timing	No Reportable Variance
Economic services	(61,030)	(28.06%)	▼	Timing	Private Works Income YTD Budget ahead of YTD Actual causing variance
Other property and services	12,038	120.39%	▲	Permanent	CDP Employment Incentive Funding not included in Budget
Expenditure from operating activities					
Governance	74,133	58.12%	▲	Timing	Governance expenditure less than YTD Budget
General purpose funding	(3,281)	(13.21%)		Timing	No Reportable Variance
Law, order and public safety	12,357	17.12%	▲	Timing	Variance due to Depreciation not run until Audit Completion
Health	861	6.00%		Timing	No Reportable Variance
Housing	32,351	55.65%	▲	Timing	Variance due to Depreciation not run until Audit Completion
Community amenities	29,645	17.46%	▲	Timing	Refuse Operating Expenditure less than YTD Budget and Depreciation not run until Audit Completion
Recreation and culture	215,899	37.12%	▲	Timing	Variance due to Depreciation not run until Audit Completion
Transport	41,536	14.31%	▲	Timing	Variance due to Depreciation not run until Audit Completion
Economic services	(10,643)	(6.69%)	▼	Timing	Private Works Expenditure YTD Budget ahead of YTD Actual causing variance.
Other property and services	15,147	(7930.37%)		Timing	Variance due to Depreciation not run until Audit Completion
Investing activities					
Proceeds from non-operating grants, subsidies and contributions	25,934	8.40%	▲	Timing	FESA Capital Grant received for SES Rear Verandah not included in budget (Offset by Expenditure below)
Proceeds from disposal of assets	0	0.00%		Timing	No Reportable Variance
Payments for property, plant and equipment and infrastructure	(58,054)	(12.08%)	▼	Timing	SES Rear Verandah not included in Budget - Refer to Operating Grant Received above and RRG Useless Loop 20-21 capital works finalised in August 2021
Financing actvities					
Proceeds from new debentures	0	0.00%		Timing	No Reportable Variance
Transfer from reserves	0	0.00%		Timing	No Reportable Variance
Repayment of debentures	0	0.00%		Timing	No Reportable Variance
Transfer to reserves	(983)	0.00%		Timing	No Reportable Variance

14.0 TOWN PLANNING REPORT

14.1 PROPOSED OUTBUILDING – LOT 226 (24) FRY COURT, DENHAM
P1444

AUTHOR
Liz Bushby, Town Planning Innovations

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

Moved Cr Smith
Seconded Cr Stubberfield

Officer Recommendation
That Council:

1. Note that the plans lodged as part of this new planning application are identical to plans already refused by Council at the Ordinary Meeting held on the 28 July 2021 – refer Attachment 1 (July minutes).
2. Note that the application for an outbuilding on Lot 226 (24) Fry Court has not been re-advertised for public comment, as the same plans were already advertised prior to the July 2021 refusal.
3. Determine to refuse the Outbuilding proposed on Lot 226 (24) Fry Court, Denham for the following reasons:
   (i) The outbuilding does not meet the alternative Design Principle 5.4.3 P3 of the Residential Design Codes as the wall and roof height will detract from the visual amenity of the adjacent lots.
   (ii) Approval of the proposed outbuilding will set an undesirable precedent for similar sized structures in the locality.
4. Advise the applicant that Council had already refused an application with identical outbuilding plans at the meeting held on the 28 July 2021, and the application does not contain any new information that warrants or justifies a different decision.

0/7 LOST

AMENDMENT TO OFFICERS RECOMMENDATION
Reason: Council felt that the proposed outbuilding was not going to detract from the streetscape or the visual amenity of residents of neighbouring properties.

Moved Cr Smith
Seconded Cr Fenny

Council Resolution
Determine that the outbuilding meets the alternative Design Principle 5.4.3 P3 of the Residential Design Codes as 'it *does not detract from the streetscape or the visual amenity of residents of neighbouring properties*' and approve the Outbuilding on Lot 226 (24) Fry Court, Denham subject to the following conditions:

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

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

(iii) The building is only approved for non habitable purposes.

(iv) 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.

7/0 CARRIED

BACKGROUND

- ***Zoning***

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

The lot has an approximate area of 1119m^2 and contains an existing house. A location plan is included over page.

- ***Existing Approvals***

Council resolved to grant conditional approval of a second hand dwelling on Lot 226 Fry Court at the Ordinary Meeting held in October 2019.

- ***Relevant Council decision***

There have been two previous planning applications lodged for an outbuilding on this lot, and both applications were refused. The history is summarised below:

a) On the 28 April 2021 Council resolved to defer determination of a proposed outbuilding application and invited the applicant to lodge revised plans to address concerns over height and impact on neighbours.

b) On the 26 May 2021 Council considered revised plans and resolved to refuse the application due to concerns over non-compliance with the Design Principles of the Residential Design Codes and impact on streetscape.

c) On the 28 July 2021 Council refused a second application for an outbuilding which entailed revised plans – refer to Attachment 1 (July minutes).

- ***Location***

A location plan is included over page for ease of convenience.

COMMENT

- ***Description of application***

The applicant has lodged a new planning application with plans for an outbuilding proposed to the rear of the existing house. As explained in the background section of this report, these same plans were already refused by Council in July 2021.

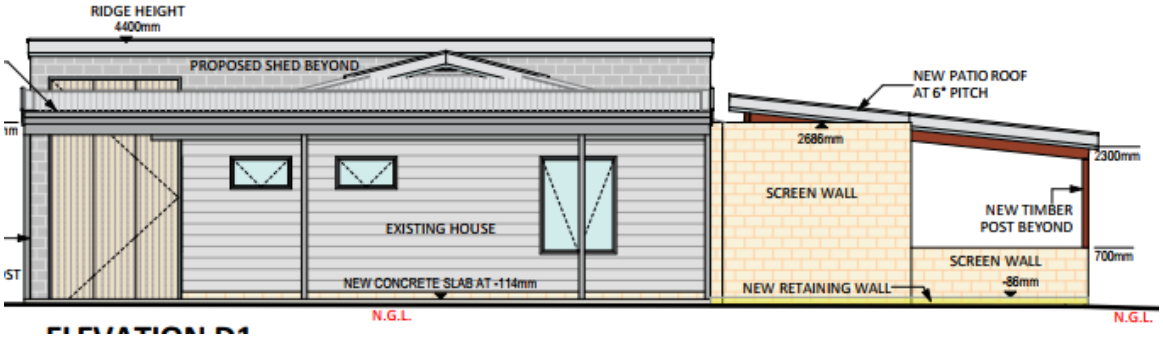
The applicant has advised that the outbuilding height and size is proposed as the owner has a boat approximately 6 metres long. The owner also has a motorhome with a height of 3.7 m, hence a 3.8 m opening is proposed for adequate clearance.

The owner would like to store these items in the outbuilding to protect them from the elements. A toilet is proposed in the outbuilding however it is for convenience.

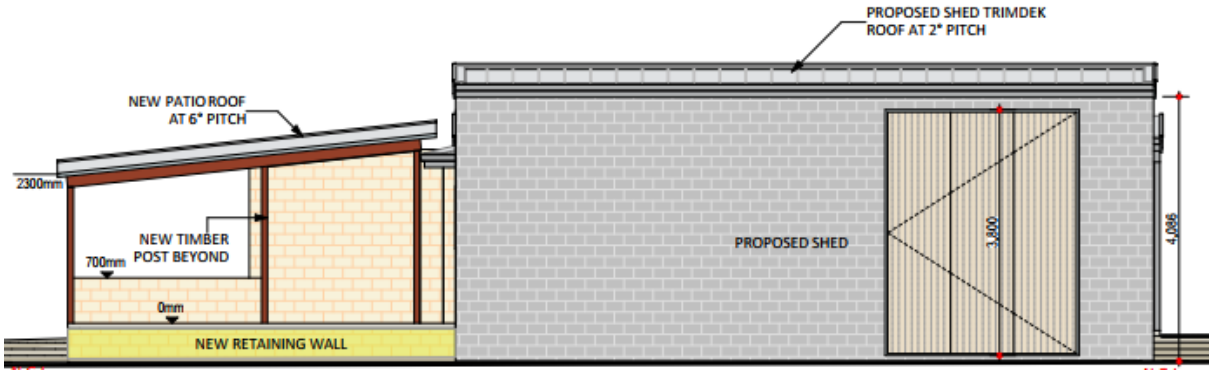
The site plan and elevations are included over page for ease of reference. A copy of the complete set of plans is available to Councillors on request.

The applicant has advised that a deck, carport, and patio addition is proposed however that component of future development complies with the 'deemed to comply' provisions of the Residential Design Codes. Development that complies with the Residential

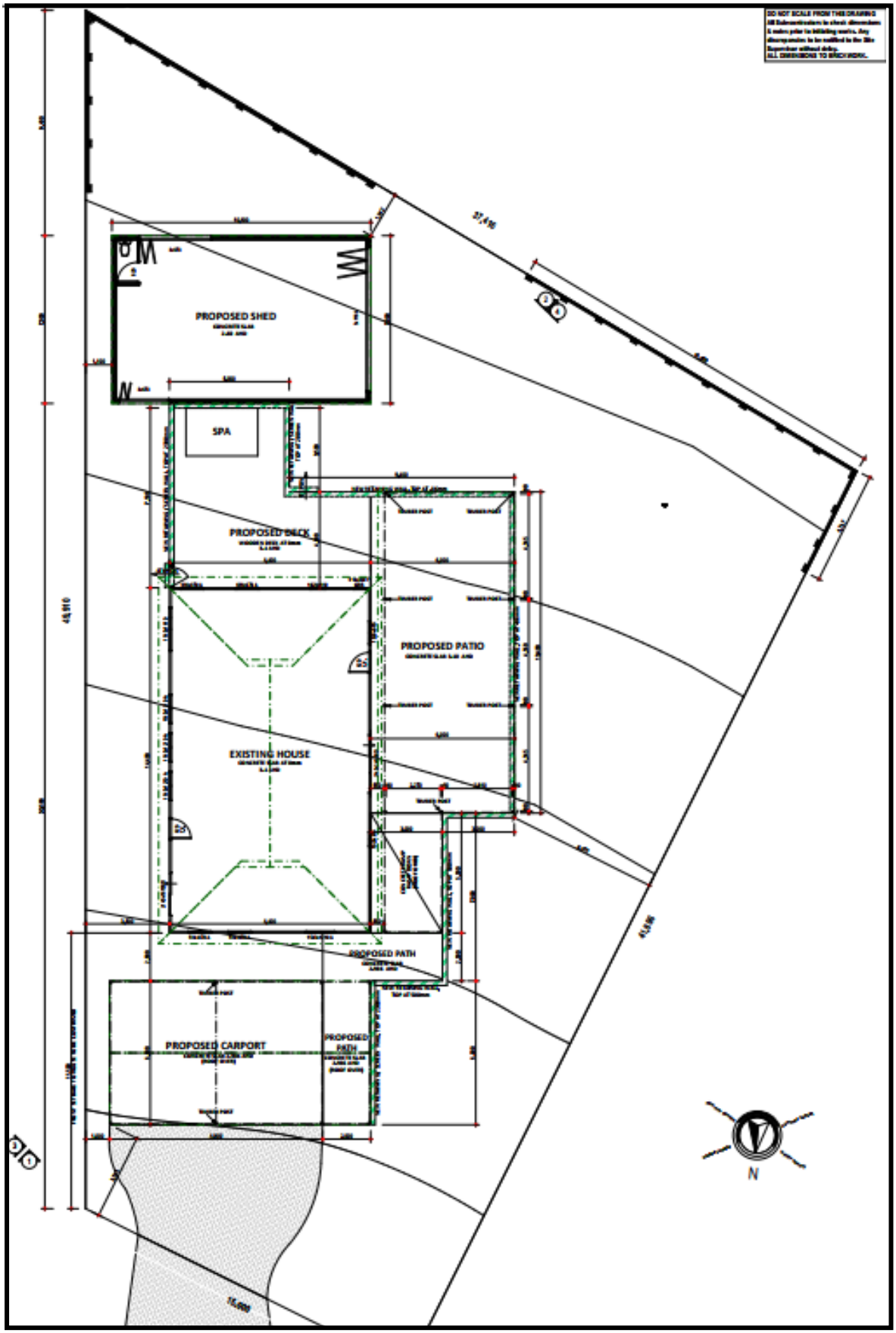
Design Codes does not need planning approval. Other future development has only been shown on the plans for context.

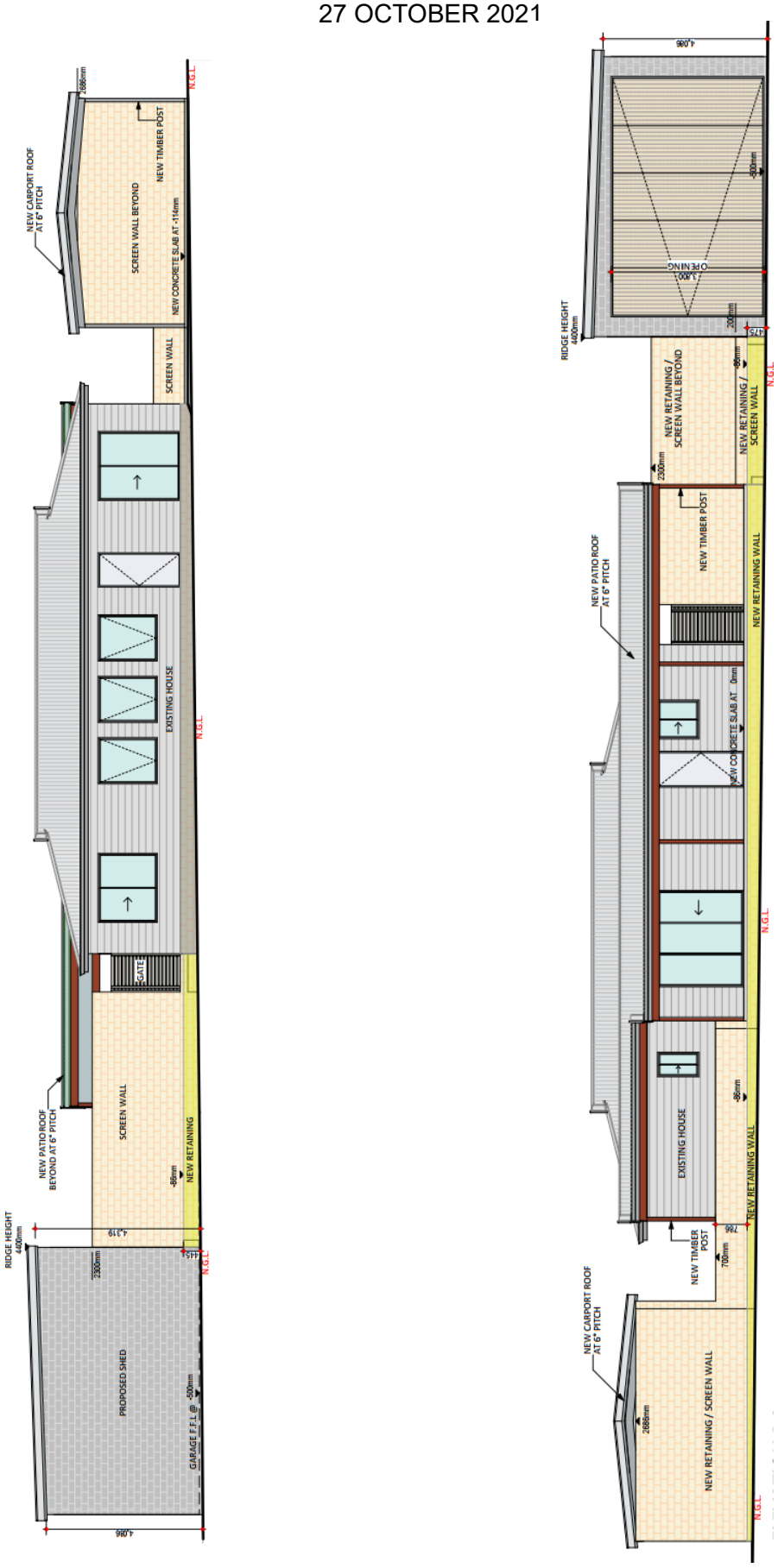


Above: Front Elevation



Above: Rear (South) Elevation


PROPOSED SHED
SPA
PROPOSED DECK
PROPOSED PATIO
EXISTING HOUSE
PROPOSED PATH
PROPOSED CARPORT
PROPOSED PATH
N


NEW CARPORT ROOF AT 6° PITCH
SCREEN WALL BEYOND
NEW TIMBER POST
NEW CONCRETE SLAB AT -114mm
SCREEN WALL
EXISTING HOUSE
N.G.L.
GATE
NEW PATIO ROOF BEYOND AT 6° PITCH
SCREEN WALL
NEW RETAINING
RIDGE HEIGHT 4400mm
PROPOSED SHED
GARAGE F.F.L @ -500mm
OPENING
NEW RETAINING / SCREEN WALL BEYOND
NEW RETAINING / SCREEN WALL
NEW PATIO ROOF AT 6° PITCH
NEW TIMBER POST
NEW RETAINING WALL
EXISTING HOUSE
NEW TIMBER POST
NEW CARPORT ROOF AT 6° PITCH
NEW RETAINING / SCREEN WALL

- ***Applicant advice***

Town Planning Innovations sought clarification from the applicant as to why identical plans have been re-lodged. On the 22 September 2021 the applicant advised that :

"*Plans are the same. Eric Roulston has been in contact with several councillors, and they collectively invited submission of a fresh development approval application. I understand the departing Chief Executive Officer is also aware of the situation.*"

- ***Residential Design Codes***

The Residential Design Codes ('the Codes') operate as State Planning Policy 7.3 and are produced by the Western Australian Planning Commission.

The Codes provide guidance for the site and development requirements applicable to residential development throughout the state of Western Australia.

The Codes have two separate options for the assessment of development including 'Deemed to Comply' criteria and alternative 'Design Principles'.

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

Clause 5.4.3 C3 B 'deemed to comply' criteria / Outbuildings that:	Officer Comment (Town Planning Innovations)
(i) individually or collectively does not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Variation. A floor area of 84m^2 is proposed for the new outbuilding. This does not include the additional floor area of unauthorised sea containers on the lot.
(ii) setback in accordance with Table 2a.	Complies.
(iii) does not exceed a wall height of 2.4 metres	Variation. A wall height of 4.086 to 4.319m is proposed.
(iv) does not exceed a ridge height of 4.2 metres	Variation. The maximum ridge height on the front elevation is 4.4 metres.
(vi) not located within the primary or secondary street setback area; and	Complies.
vi) do not reduce the open space and outdoor living area requirements in table 1.	Complies.

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

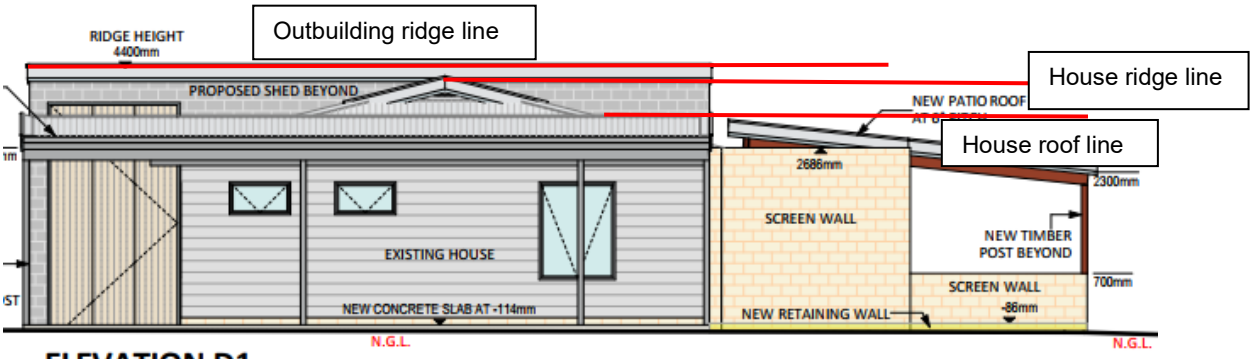
"*Outbuildings that do not detract from the streetscape or the visual amenity of residents of neighbouring properties*".

The Shire Council already made a determination that the outbuilding does not meet Design Principle' (5.4.3 P3) in July 2021.

No new information or modifications are proposed that warrant or justify any different decision.

- ***Site Photographs***

The front elevation demonstrates that the outbuilding ridge will be visible above the roofline of the existing house.



Above: Front Elevation

Above: Photograph of existing house

The main consideration for Council is the visual impact of the wall height and ridge height to adjacent neighbouring lots to the south /rear and east side, as well as the precedent that will be set by approval of the proposed development.

The Shire has historically had regard for owners storage needs but has balanced that with the need to also protect residential amenity and the character of the locality.

Site photographs are included overpage for information. Where the house on Lot 226 is visible, the outbuilding will be visible (as it is proposed to be higher).

1. View from Knight Terrace looking north across No 149 towards the rear of 24 Fry Court

2. View from No 149 Knight Terrace to sea containers at the rear of 24 Fry Court. Enlargement of sea containers below.

3. View from in front of No 149 & No 151 Knight Terrace to the house at 24 Fry Court.

- ***Consultation***

The previous identical application was referred to nearby and adjacent landowners and no submissions were received. Irrespective that there has not been any neighbour objections, Council has to independently determine whether a proposal complies with the Design Principle of the Codes.

- ***State Planning Policy 3.7 – Planning for Bushfire Protection***

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'.

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

A Bushfire Attack Level assessment is not required as part of the planning process for lots less than 1100m^2. The lot has an area marginally above that at 1119m^2.

The applicant has lodged a Bushfire Attack Level report that was completed for the existing house in August 2019. The Bushfire Attack Level stated that '*reliance on the*

assessment and determination of the Bushfire Attack level contained within the report should not be extend beyond a period of 12 months from the date of issue of the report ' (ie 29 August 2020).

The report identified that highest Bushfire Attack Level would be 12.5, which is acceptable. Whilst the Bushfire Attack Level report has expired, it is considered that this matter can be adequately addressed as part of the separate Building Permit stage.

LEGAL IMPLICATIONS

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

Planning and Development (Local Planning Schemes) Regulations 2015 -

Clause 61(1)(d) only exempts outbuildings from the need for planning approval where no variation to the 'deemed to comply' provisions of the Residential Design Codes are proposed.

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

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

POLICY IMPLICATIONS

The Residential Design Codes operate as a State Planning Policy. Revised Residential Design Codes became operative on the 2 July 2021.

Whilst not a planning policy, the Shire has a Code of Conduct for Councillors which states:

- As a representative of the community, Elected Members need to be not only responsive to community views, but communicate decisions of Council or a committee adequately, with good faith and not adversely reflect on those decisions externally.
- Elected Members, Committee Members and employees must respect the decision-making processes within a local government which are based on a decision of the majority of the Council or a committee.
- Elected Members, Committee Members and employees must convey information concerning adopted policies, procedures and decisions of the Shire accurately.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS
Any decision on this application may have implications for other lots in Fry Court in terms of the height and sizes of outbuildings.

RISK MANAGEMENT
This is a low risk item to Council.

VOTING REQUIREMENTS
Simple Majority Required

SIGNATURES

Author	*L Bushby*
Chief Executive Officer	*D Chapman*
Date of Report	15 October 2021

ATTACHMENT # 1

14.0 TOWN PLANNING REPORT

14.1 PROPOSED OUTBUILDING – LOT 226 (24) FRY COURT, DENHAM
P1444

AUTHOR
Liz Bushby, Town Planning Innovations

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

Officer Recommendation
That Council:

1. Note that two options have been outlined in this report in regards to the proposed outbuilding.
2. Note that the application for an outbuilding on Lot 226 (24) Fry Court was advertised for public comment, and no submissions were received.
3. Determine to pursue:

3a *Option 1 – Refuse the Outbuilding proposed on Lot 226 (24) Fry Court, Denham for the following reasons:*

(i) The outbuilding does not meet the alternative Design Principle 5.4.3 P3 of the Residential Design Codes as the wall and roof height will detract from the visual amenity of the adjacent lots.

(ii) Approval of the proposed outbuilding will set an undesirable precedent for similar sized structures in the locality.

OR

3b. *Option 2 : Approve the Outbuilding*

Determine that the outbuilding meets the alternative Design Principle 5.4.3 P3 of the Residential Design Codes as 'it *does not detract from the streetscape or the visual amenity of residents of neighbouring properties*' and approve the Outbuilding on Lot 226 (24) Fry Court, Denham subject to the following conditions:

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

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

(iii) The building is only approved for non habitable purposes.

(iv) 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.

4. Authorise the Chief Executive Officer to write to the owner and advise that the sea containers on Lot 226 are unauthorised development, that no planning or

building approvals have been granted for sea containers, that the Shire does not support retention of the sea containers and request removal within 45 days.

Moved Cr Ridgley
Seconded Cr Cowell

Council Resolution

That Council:

1. **Note that two options have been outlined in this report in regards to the proposed outbuilding.**
2. **Note that the application for an outbuilding on Lot 226 (24) Fry Court was advertised for public comment, and no submissions were received.**
3. ***Refuse the Outbuilding proposed on Lot 226 (24) Fry Court, Denham for the following reasons:***
   - **(i) The outbuilding does not meet the alternative Design Principle 5.4.3 P3 of the Residential Design Codes as the wall and roof height will detract from the visual amenity of the adjacent lots.**
   - **(ii) Approval of the proposed outbuilding will set an undesirable precedent for similar sized structures in the locality.**
4. **Authorise the Chief Executive Officer to write to the owner and advise that the sea containers on Lot 226 are unauthorised development, that no planning or building approvals have been granted for sea containers, that the Shire does not support retention of the sea containers and request removal within 45 days.**

5/2 CARRIED

BACKGROUND

- ***Zoning***

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

The lot has an approximate area of 1119m^2 and contains an existing house. A location plan is included over page.

- ***Existing Approvals***

Council resolved to grant conditional approval of a second hand dwelling on Lot 226 Fry Court at the Ordinary Meeting held in October 2019.

- ***Relevant Council decision***

There has been one previous planning application lodged for an outbuilding on this lot, and that application was refused. The history is summarised below:

a) On the 28 April 2021 Council resolved to defer determination of the proposed outbuilding application and invited the applicant to lodge revised plans to address concerns over height and impact on neighbours.

b) On the 26 May 2021 Council considered revised plans and resolved to refuse the application due to concerns over non-compliance with the Design Principle of the Residential Design Codes and impact on streetscape.

Photograph of outbuilding on Lot 11, (153) Knight Terrace has been provided by applicant. (Approved 2001)

COMMENT

- ***Description of application***

The applicant has lodged a new planning application with revised plans for an outbuilding proposed to the rear of the existing house.

The changes are summarised below:

Description	Plans considered in April 2021	Revised Plans lodged May 2021	Current Application

Dimensions	7 metres by 12 metres	7 metres by 12 metres	7 metres by 10.8 metres
Floor Area	84m².	84m².	75.6m²
Wall Height	A wall height of 4.2 to 4.46 metres is proposed. The height varies due to the skillion roof design. The wall height of the west elevation varies between 4.46 metres to 4.621 metres (from natural ground level) due to ground level differences.	Front Elevation – 3.981 to 4.241m Rear Elevation – 4.175 to 4.41m Varies due to the skillion roof design and Natural Ground Level. The wall height of the west elevation varies between 4.085 metres to 4.246 metres (from natural ground level) due to ground level differences.	Front Elevation – 4.319 metres Rear Elevation – 4.086 metres Side East Elevations – 4.086 to 4.319 metres (skillion roof)
Ridge Height	The maximum ridge height (on the west elevation) varied between 4.46 metres to 4.621 metres (from natural ground level) due to ground level differences.	The revised plans show the higher wall facing the owners house instead of the neighbour. The maximum ridge height on the front elevation is 4.48 metres. The highest ridge height on the east elevation is 4.6 metres.	The outbuilding is proposed to the rear of the house. The maximum ridge height on the front elevation is 4.4 metres (-0.08m). The highest ridge height on the east elevation is 4.4 metres (-0.2m).

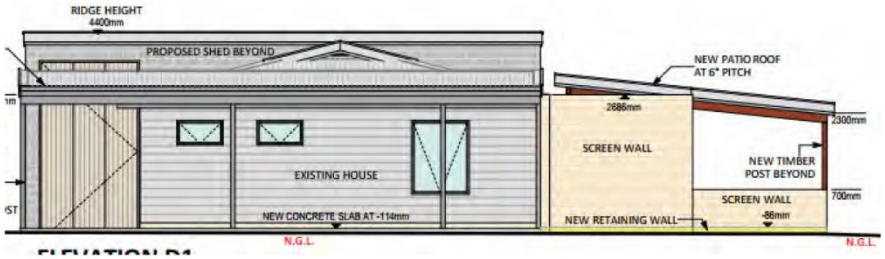
The revised plans propose to have a 1.1 metre setback to the nearest east side boundary, and a 1.972 metres setback to the south rear boundary.

The applicant has advised that the outbuilding height and size is proposed as the owner has a boat approximately 6 metres long. The owner also has a motorhome with a height of 3.7 m, hence a 3.8 m opening is proposed for adequate clearance.

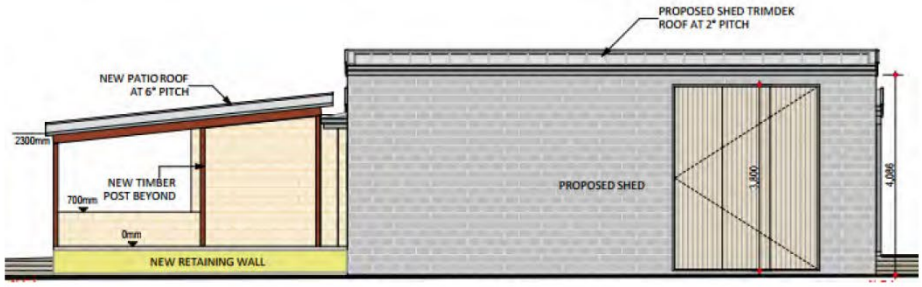
The owner would like to store these items in the outbuilding to protect them from the elements. A toilet is proposed in the outbuilding however it is for convenience.

A revised site plan and elevations are included below and over page for ease of reference. A copy of the complete set of plans is available to Councillors on request.

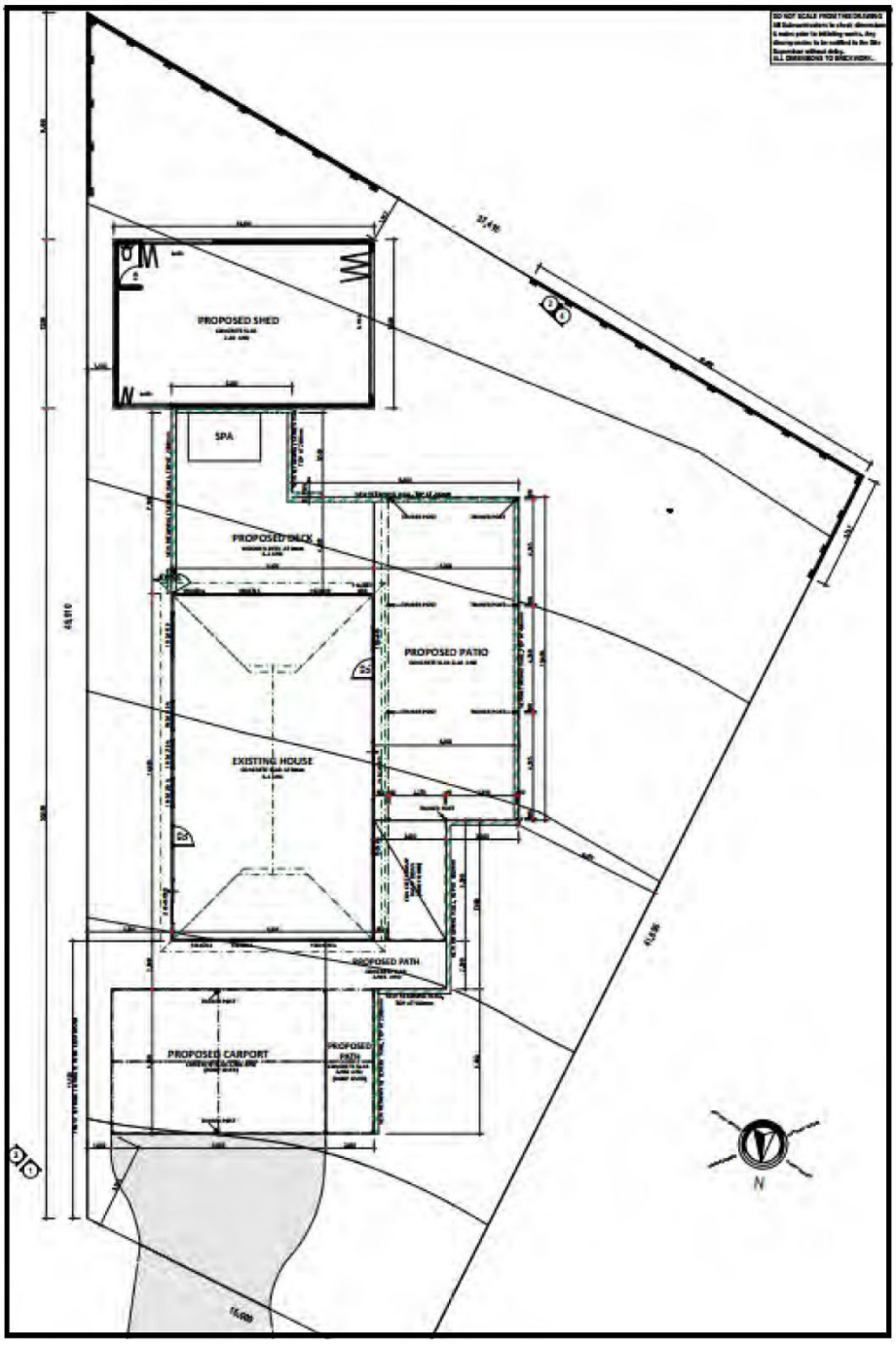
The applicant has advised that a deck, carport, and patio addition is proposed however that component of future development complies with the 'deemed to comply' provisions of the Residential Design Codes. Other future development has been shown on the plans for context.



Above: Front Elevation



Above: Rear (South) Elevation


PROPOSED SHED
SPA
PROPOSED DECK
PROPOSED PATIO
EXISTING HOUSE
PROPOSED PATH
PROPOSED CARPORT
PROPOSED PATH
N

NEW CARPORT ROOF AT 6° PITCH
SCREEN WALL BEYOND
NEW TIMBER POST
SCREEN WALL
EXISTING HOUSE
NEW PATIO ROOF BEYOND AT 6° PITCH
NEW RETAINING
RIDGE HEIGHT
PROPOSED SHED
NEW RETAINING / SCREEN WALL BEYOND
NEW RETAINING / SCREEN WALL
NEW PATIO ROOF AT 6° PITCH
NEW RETAINING WALL
N.G.L.

- ***Residential Design Codes***

The Residential Design Codes ('the Codes') have two separate options for the assessment of development including 'Deemed to Comply' criteria and 'Design Principles'.

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

Clause 5.4.3 C3 B 'deemed to comply' criteria / Outbuildings that:	Officer Comment – Town Planning Innovations
(i) individually or collectively does not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Variation. A floor area of 84m^2 is proposed for the new outbuilding. This does not include the additional floor area of unauthorised sea containers on the lot.
(ii) setback in accordance with Table 2a.	Complies.
(iii) does not exceed a wall height of 2.4 metres	Variation. A wall height of 4.086 to 4.319m is proposed.
(iv) does not exceed a ridge height of 4.2 metres	Variation. The maximum ridge height on the front elevation is 4.4 metres.
(vi) not located within the primary or secondary street setback area; and	Complies.
vi) do not reduce the open space and outdoor living area requirements in table 1.	Complies.

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

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

- ***Applicant Justification***

The applicant is of the view that the proposed outbuilding complies with the design principle (above) based on the following:

a. The outbuilding does not detract from the streetscape, particularly as it is proposed in the rear yard behind the existing dwelling (including proposed carport, patio and side fencing that are exempt from the need for development approval).
b. The visual amenity of residents or neighbouring properties is not impacted, as the structure remains fundamentally a structure of modest height, and at a scale

commensurate with other outbuildings in the coastal communities of the North West (i.e. where boat ownership, caravan ownership, individual storage needs etc. is greater), and where such oversized / over-height outbuildings are generally accepted.

c. The outbuilding is needed as the owner and her husband have a substantial motorhome, caravan and trailered boat which can be seen in aerial photos. The salt in the air and minerals / iron in the pindan soil in Shark Bay are a catalyst for corrosion, so it is important that vehicles, trailers, machinery and other susceptible property are stored out of the elements.

The applicant also requested that the following photograph of an outbuilding at 153 Knight Terrace Denham be included.

Town Planning Innovations Comment: *The Shire records show that the above outbuilding was approved in 2001. It is not known how accurate the plans are as they are hand drawn and have been scanned, but it has a floor area of 76.29m^2. Reports on the outbuilding were referred to Council on 15 December 2000 and 31 January 2001. The reports do not include any information on the Residential Design Codes.*

- ***Relevant Decisions on Outbuildings***

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

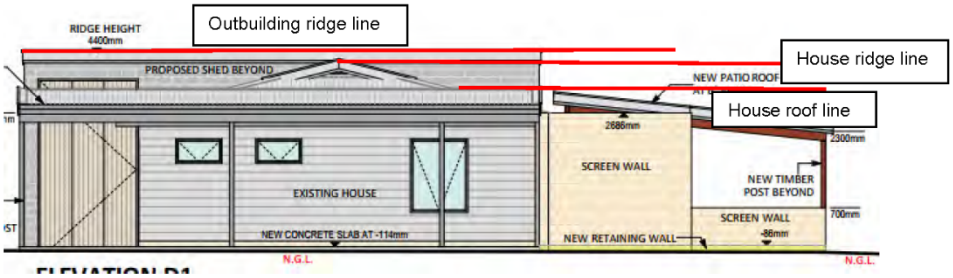
Council has approved some other outbuildings with roof heights above 4.4 metres – refer table below (highlighted).

Address	Wall Height	Ridge Height	Floor Area	Council meeting date
Lot 36 (5) Dirk Place Denham	4	4.6	54m²	February 2017
Lot 182 (4) Fletcher Court, Denham	4.2	4.2	88m²	Delegated authority after general report to Council in May 2015
Lot 83 (47) Hartog Crescent, Denham	4	4.611	94m²	Delegated authority after general report to Council in March 2015
Lot 185 (10) Hoult Street, Denham	2.9			April 2015
Lot 154 (7) Sunter Place Denham	3.7	4.2	88.07m²	December 2015
Lot 249 (4) Talbot Street, Denham	3.425	4.232	78m²	June 2015
Lot 210 (10) Edwards Street, Denham	3.5	4.088	36.3m²	July 2014
Lot 294 (33) Hughes Street, Denham (abuts child care centre and church)	3.6	5	90m²	September 2014
Lot 191 (Strata Lot 2 – 71A) Brockman Street, Denham	2.7	3.571	58.5m²	August 2024
Lot 200 (39) Capewell Drive, Denham (alteration and extension of existing outbuilding)	2.7-2.9	3.504	54m²	February 2024
Lot 264 (Unit 2) Mead Street, Denham	3	4.2	68m²	August 2024
Lot 85 (43) Hartog Crescent, Denham	4.5	5.029	54m²	April 2012
Lot 216 (5) Poland Road, Denham	4.1	4.95	80m²	July 2012
Lot 39 (4) Sellenger Heights, Denham	4.2	4.9	89.9m²	Refused February 2018
Lot 39 (4) Sellenger Heights, Denham (Revised plans lodged after refusal issued in February 2018)	3.45 metres to 3.845 metres	3.845 metres	77m²	February 2019
Lot 223 (10) Fry Court Denham	2.6 metres to 2.8 metres.	4.2	129m²	Delegated authority after general report to Council in March 2019
Lot 4 (145) Knight Terrace, Denham	3 metres	4.7	73.73m²	March 2020
Lot 159 (37) Durlacher Street, Denham	3.6 metres	4.31 metres	29.6m² is proposed and the existing	August 2020

			outbuilding is 44.4m².	
Lot 224 (9) Leeds Court, Denham	3.7 metres	4.16 metres	96m² in addition to a 54m² existing outbuilding.	September 2020
Lot 61 (8) Hartog Crescent, Denham	2.7 metres	4.065 metres	60m²	December 2020
Lot 148 (71) Durlacher Street, Denham	2.7 metres	3.22 metres	60m²	December 2020
Lot 105 (9) Oakley Ridge, Denham	3 metres	3.8 metres	72m²	February 2021
Lot 160 (22) Capewell Drive, Denham	3.5 metres	4.11 metres	56m²	March 2021

- ***Site Photographs***

The proposed outbuilding location is more beneficial from the Fry Court streetscape view, as it will partially screened by the existing house. The front elevation, however, demonstrates that the outbuilding ridge will be visible above the roofline of the existing house.



Above: Front Elevation

Above: Photograph of existing house

There is some vegetation on adjacent 26 Fry Court, and a rear boundary wall is proposed which will partially screen the outbuilding. A portion of the walls will be visible from neighbouring properties.

The main consideration for Council is the visual impact of the wall height and ridge height to adjacent neighbouring lots to the south /rear and east side, as well as the precedent that will be set by approval of the proposed development.

The Shire has historically had regard for owners storage needs but has balanced that with the need to also protect residential amenity and the character of the locality.

Site photographs are included overpage to assist. Where the house on Lot 226 is visible, the outbuilding will be visible (as it is proposed to be higher).

1. View from Knight Terrace looking north across 149 towards the rear of 24 Fry Court

2. View from 149 Knight Terrace to sea containers at the rear of 24 Fry Court. Enlargement of sea containers below.

Note: Existing vegetation on adjacent 26 Fry Court visible in background.

3. View from 149 Knight Terrace to adjacent 151 Knight Terrace.

4. View from in front of 149 & 151 Knight Terrace to the house at 24 Fry Court.

- ***Consultation***

The application was referred to nearby and adjacent landowners and no submissions have been received.

- ***State Planning Policy 3.7 – Planning for Bushfire Protection***

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'.

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

A Bushfire Attack Level assessment is not required as part of the planning process for lots less than 1100m^2. The lot has an area marginally above that at 1119m^2.

The applicant has lodged a Bushfire Attack Level report that was completed for the existing house in August 2019. The Bushfire Attack Level stated that '*reliance on the assessment and determination of the Bushfire Attack Level contained within the report should not be extend beyond a period of 12 months from the date of issue of the report* ' (ie 29 August 2020).

The report identified that highest Bushfire Attack Level would be 12.5, which is acceptable. Whilst the Bushfire Attack Level report has expired, it is considered that this matter can be adequately addressed as part of the separate Building Permit stage.

Council has discretion over whether to require an updated Bushfire Attack Level assessment as part of the planning process.

- **OPTIONS AVAILABLE TO COUNCIL –**

Option 1 – Refuse the Outbuilding

Irrespective of the lack of neighbours' objections it is the Council's role to:
(a) independently assess and consider whether the outbuilding will have any negative impact on amenity or neighbouring lots;
(b) determine whether the outbuilding meets the Design Principle of the Codes.

Council may determine that the outbuilding does not meet the alternative Design Principle 5.4.3 P3 of the Residential Design Codes if of the view that it will detract from the visual amenity of the southern and eastern neighbouring properties, and that approval will set an undesirable precedent for similar sized outbuildings within Fry Court and Denham townsite.

Option 2 : Approve the Outbuilding

To approve the outbuilding Council would need to be satisfied that the outbuilding meets the alternative Design Principle 5.4.3 P3 of the Residential Design Codes and

that 'it *does not detract from the streetscape or the visual amenity of residents of neighbouring properties.*'

- ***Sea Containers***

Two sea containers have been placed on the lot without any planning approval or building approval. It is not known if the owner intends to retain sea containers on the lot, which is relevant as their floor areas would also be taken into account for the aggregate floor area of outbuildings.

It is recommended that the Shire write to the owner and advise that the sea containers are unauthorised development, that the Shire does not support retention of the sea containers and request removal within 45 days.

LEGAL IMPLICATIONS

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

Planning and Development (Local Planning Schemes) Regulations 2015 -

Clause 61(1)(d) only exempts outbuildings from the need for planning approval where no variation to the 'deemed to comply' provisions of the Residential Design Codes are proposed.

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

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

POLICY IMPLICATIONS

The Residential Design Codes operate as a State Planning Policy. Revised Residential Design Codes became operative on the 2 July 2021.

There are no local policy implications.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Any decision on this application may have implications for other lots in Fry Court in terms of the height and sizes of outbuildings.

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	16 July 2021

14.2 APPLICATION SEEKING RETROSPECTIVE PLANNING APPROVAL FOR A HOLIDAY HOUSE – LOT 40 (6) SELLENGER HEIGHTS, DENHAM
P4223

AUTHOR
Liz Bushby

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*

Cr Fenny Proximity Interest and left the Council Chamber at 4.20 pm

Officer Recommendation
That Council:

A. Note that the application for a Holiday House on Lot 40 (6) Sellenger Heights, Denham has been advertised for public comment and no submissions have been received.

B. Approve the application seeking retrospective planning approval for the existing single house on Lot 40 (6) Sellenger Heights, Denham to be used as a Holiday House subject to the following conditions:

(i) This approval is valid for a maximum of 12 months from the date of this planning consent. Following the 12 month period this approval shall expire and become void.

(ii) This approval for a Holiday House is issued to Keith Bourke and Tracey Thompson-Bourke as the landowners of Lot 40 (6) Sellenger Heights, Denham. This approval shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted.
Should there be a change of ownership of Lot 40 this approval is cancelled and expires.

(iii) The plans lodged with this application shall form part of this approval, with the exception of the car parking layout which shall be in accordance with Condition (iv).

(iv) Car parking areas with capacity to accommodate a minimum of 4 car parking bays are to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance with the attached plan submitted with the application.

(v) All guest car parking shall be accommodated within the boundary of Lot 40 at all times.

(vi) The owner shall implement the measures in the Management Plan lodged and approved as part of this application.

(vii) The owner shall continue to engage a local property manager to manage the holiday house in accordance with the Management Plan approved as part of this application.
If an alternative manager is engaged (other than the agent stated in the Management Plan), then a revised Management Plan is to be lodged for separate written approval by the Chief Executive Officer with revised contact details for the property manager.

(viii) The owner shall keep and maintain a working fire extinguisher on the premises at all times in accordance with the Management Plan approved as part of this application, or any revised Management Plan approved separately in writing by the Chief Executive Officer.

(ix) An A3 laminated copy of each fire escape plan (for the ground floor and second storey) approved as part of this application shall be displayed in prominent places within the existing dwelling.

(x) The existing landscaping in front of the dwelling shall be retained and maintained.

(xi) No guest shall be accommodated for periods totalling more than 3 months in any 12 month period.

(xii) The maximum number of persons to be accommodated at any one shall be limited to 12.

(xiii) If any sign is installed to advertise or identify the holiday house it shall only be located within the lot boundary and the sign face shall not exceed an area of 0.2 square metres.

C. Note that two options have been outlined in the body of this report in regards to the crossover standards to be applied and resolve to pursue:

Option 1 – Vary the Policy requirement for a sealed, paved or concrete crossover;

OR

Option 2 - Include a condition (xiv) to require a formal constructed crossover as follows:

(xiv) The owner to install and construct a new crossover within 4 months from the date of this planning consent or an alternative time period approved separately by the Shire Chief Executive Officer in writing. The crossover shall be constructed out of:

a. A 150 mm compacted and water bound road base driveway, sealed with two coat of bitumen and topped with an approved aggregate; or

b. A minimum of 100 mm reinformed concrete over a compacted sub-base; or

c. A minimum of 50 mm thick brick pavers.

D. Resolve to include the following footnotes on the formal planning determination notice:

Footnotes:

(i) The Shire will maintain a holiday house register. Where a planning approval is issued Lot 40 will automatically be listed on the holiday house register until such time as the approval expires.

It is important to note that the Parliament of Western Australia, Economics and Industry Standing Committee released a report on its inquiry into short-term rentals on Thursday, 26 September 2019.

The Committee Report is titled "*Levelling the Playing Field: managing the impact of the rapid increase of Short-Term Rentals in Western Australia.*"

The State Government has adopted a whole-of-Government approach to respond to the 10 enquiry recommendations.

An interagency working group has been established and the State Government is committed to ensuring that all short-term rental properties are registered and display a valid registration number.

When the State implements a registration scheme the Shire will be in a position to provide a holiday house register for State use.

(ii) This initial approval is limited to a 12 month period in accordance with Clause 32.15.4 of the Shire of Shark Bay Local Planning Scheme No 4. The Shire has discretion to issue subsequent approvals for a Holiday house for terms of one year, 3 years or up to a maximum of 5 years.

Moved Cr Stubberfield
Seconded Cr Smith

Council Resolution

That Council:

A. Note that the application for a Holiday House on Lot 40 (6) Sellenger Heights, Denham has been advertised for public comment and no submissions have been received.

B. Approve the application seeking retrospective planning approval for the existing single house on Lot 40 (6) Sellenger Heights, Denham to be used as a Holiday House subject to the following conditions:

(i) This approval is valid for a maximum of 12 months from the date of this planning consent. Following the 12 month period this approval shall expire and become void.

(ii) This approval for a Holiday House is issued to Keith Bourke and Tracey Thompson-Bourke as the landowners of Lot 40 (6) Sellenger Heights, Denham. This approval shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted.

Should there be a change of ownership of Lot 40 this approval is cancelled and expires.

(iii) The plans lodged with this application shall form part of this approval, with the exception of the car parking layout which shall be in accordance with Condition (iv).

(iv) Car parking areas with capacity to accommodate a minimum of 4 car parking bays are to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance with the attached plan submitted with the application.

(v) All guest car parking shall be accommodated within the boundary of Lot 40 at all times.

(vi) The owner shall implement the measures in the Management Plan lodged and approved as part of this application.

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

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

(viii) The owner shall keep and maintain a working fire extinguisher on the premises at all times in accordance with the Management Plan approved as part of this application, or any revised Management Plan approved separately in writing by the Chief Executive Officer.

(ix) An A3 laminated copy of each fire escape plan (for the ground floor and second storey) approved as part of this application shall be displayed in prominent places within the existing dwelling.

(x) The existing landscaping in front of the dwelling shall be retained and maintained.

(xi) No guest shall be accommodated for periods totalling more than 3 months in any 12 month period.

(xii) The maximum number of persons to be accommodated at any one shall be limited to 12.

(xiii) If any sign is installed to advertise or identify the holiday house it shall only be located within the lot boundary and the sign face shall not exceed an area of 0.2 square metres.

C. Note that two options have been outlined in the body of this report in regards to the crossover standards to be applied and resolve to pursue:

<u>Option 1</u> – Vary the Policy requirement for a sealed, paved or concrete crossover;

D. Resolve to include the following footnotes on the formal planning determination notice:

<u>Footnotes:</u>

(i) The Shire will maintain a holiday house register. Where a planning approval is issued Lot 40 will automatically be listed on the holiday house register until such time as the approval expires.

It is important to note that the Parliament of Western Australia, Economics and Industry Standing Committee released a report on

its inquiry into short-term rentals on Thursday, 26 September 2019.

The Committee Report is titled "*Levelling the Playing Field: managing the impact of the rapid increase of Short-Term Rentals in Western Australia.*"

The State Government has adopted a whole-of-Government approach to respond to the 10 enquiry recommendations.

An interagency working group has been established and the State Government is committed to ensuring that all short-term rental properties are registered and display a valid registration number.

When the State implements a registration scheme the Shire will be in a position to provide a holiday house register for State use.

(ii) This initial approval is limited to a 12 month period in accordance with Clause 32.15.4 of the Shire of Shark Bay Local Planning Scheme No 4.

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

6/0 CARRIED

Cr Fenny returned to Council Chamber at 4.23

BACKGROUND

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

A Draft Policy was adopted for public advertising on the 19 December 2018. Advertising was delayed until after the holiday period.

Following advertising, a preliminary report on the Draft Local Planning Policy was referred to the Ordinary Meeting of Council held on the 27 November 2019.

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

The Policy was revised in accordance with the November 2019 Council resolution.

The Shire Council adopted Local Planning Policy No 1 (with modifications) at the meeting held in September 2020. Council also resolved to allow a 12 month transitional period for owners to comply with the Scheme, and apply for planning approval.

- ***Relevant Council decision : Holiday Houses***

On the 28 July 2021, Council adopted the following resolution at it's Ordinary Meeting;

"*1. Note that:*

(a) All new applications for any holiday house will be referred to Council for determination, and the initial approval period will be for 12 months.

(b) A flyer on Holiday Houses will be sent out with this year's Rate Notices to raise public awareness of the need for planning approval for Holiday Houses.

(c) Local Planning Policy No 1 : Holiday Houses in Residential Areas can be viewed on the Shire website.

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 any subsequent planning applications for renewal of an existing approval for any holiday house within Denham townsite.

3. Resolve to allow the 12 month transitional period to be between August 2021 and August 2022. "

- ***Location***

Lot 40 is located within a subdivision that was initially created by LandCorp and is known as 'Denham Estate'.

Development WA is now responsible for the sale of remaining lots within the estate.

There are specific Design Guidelines that are applied and implemented by the developer to guide the style of housing in this area.

A location plan is included below for ease of reference.

The lot is in close proximity to the beach and amenities available along Knight Terrace.

COMMENT

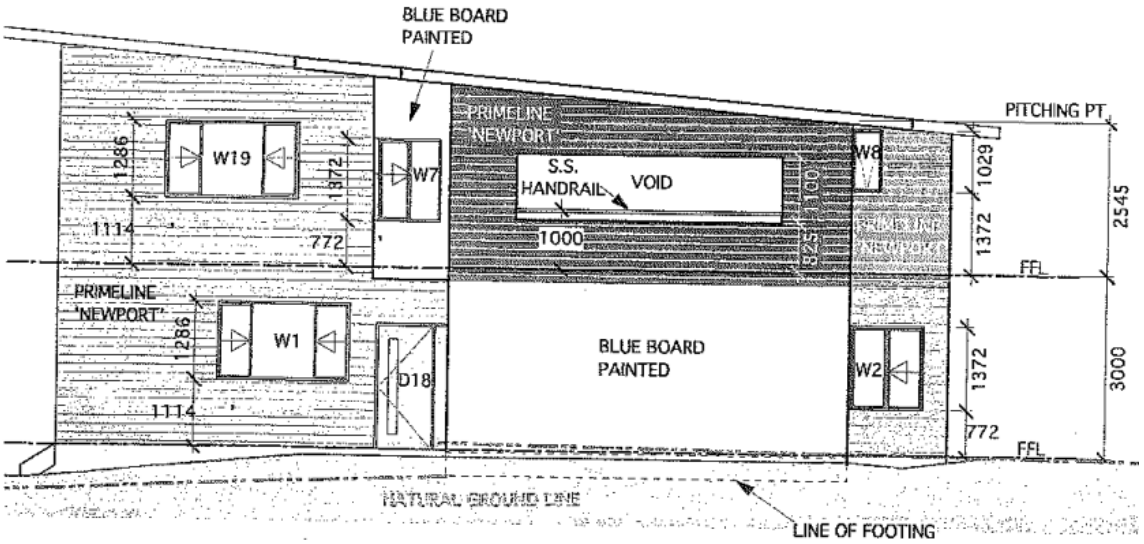
- ***Description of proposal***

The owners have advised that they have utilised the existing single house on Lot 40 as a holiday house since it was constructed in 2009, and the property is managed by Ray White Shark Bay.

The application is summarised as follows:

(i) The house will accommodate a maximum of 12 persons at any one time.
(ii) The house has 6 bedrooms, 3 on the ground floor and 3 on the second floor.
(iii) The front yard consists of river rock handstand and a site plan has been lodged showing 5 on site carparking bays.
(iv) The owners intend to continue to use Ray White as the property manager. The property manager is responsible for all bookings, provision of information to guests, monitoring the property, ongoing maintenance, and dealing with any complaints.

The front elevation is included over page.



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

Lot 40 is zoned 'Residential' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

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

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

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

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

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

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

An extract of Table 1 is included overpage.

TABLE 1

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

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

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

The Local Planning Policy is relatively new and will be reviewed in the future.

It reflects the requirements of the Scheme provisions, and generally accords with the Western Australian Planning Commission Holiday House Guidelines which recommend that:

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

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

Policy Requirement	Comment
1. A site plan or good quality clear aerial showing the existing house, existing buildings, driveway, and guest parking areas. The location, number and dimensions of parking areas should be clearly marked on the plan.	The owners have lodged a detailed site plan showing access and carparking bays.
2. An internal floor plan showing the house layout, the use of each room, and number of double, single or bunk beds per room (including fold out couches).	The owners have lodged detailed floor plans showing 6 bedrooms.
3. Carparking to be provided at a rate of 1 space every 3 guests.	Four carparking bays are required. The owners have shown 5 bays on their site plan, however a site inspection revealed one bay is not practical due to a row of bougainvillea in front of the garage. The owners can provide 4 carparking bays, and there is additional room for on site carparking to the side of the house.

4. A Management Plan that addresses how the land use will be managed on a day to day basis to maximise protection of residential amenity, including details of how noise issues will be addressed by the Manager (handling of complaints), and full contact details of the Manager or employee of the Manager.	The Policy includes an example Management Plan that can be used as a base. Ray White have prepared a Management Plan in consultation with Town Planning Innovations and the owners that details their role as property manager, responsibilities, booking procedures, and procedures for complaints. The plan also outlines some of the owners responsibilities. The Management Plan is included as Attachment 1.
5. A Fire and Emergency Response Plan that includes detailed fire escape route maps, provision of a fire extinguisher and emergency contact numbers.	The Policy includes an example Fire and Emergency Response Plan template that can be modified by owners to suit their premises. The owners have lodged detailed floor plans that show the location of smoke detectors, a fire extinguisher, fire blanket, outdoor hose, escape routes and assembly point at the front of the lot. The fire escape route plans can be displayed in the dwelling.

There are two subjective aspects of the Policy that are highlighted for Councillor discussion:

(A) Landscaping

The Policy states that where landscaping forms part of the character of an existing streetscape then holiday houses should also include landscaping to blend in and contribute to the existing streetscape.

The Policy also states that '*extensive hardstand and gravel areas should be avoided unless it is consistent with the character already established in the existing streetscape'*.

Town Planning Innovations has liaised with the Manager of Works in regards to the existing streetscape, and landscaping in the area is relatively minimalistic.

Based on the information available, the front yard of the holiday house on Lot 40 is consistent with the existing streetscape, therefore no additional landscaping is recommended by Town Planning Innovations.

Council can impose a condition requiring additional landscaping to be installed if it forms a view that other nearby dwellings have more substantial landscaping, and that additional landscaping would better fit in with the existing streetscape.

(B) Crossover

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

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

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

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

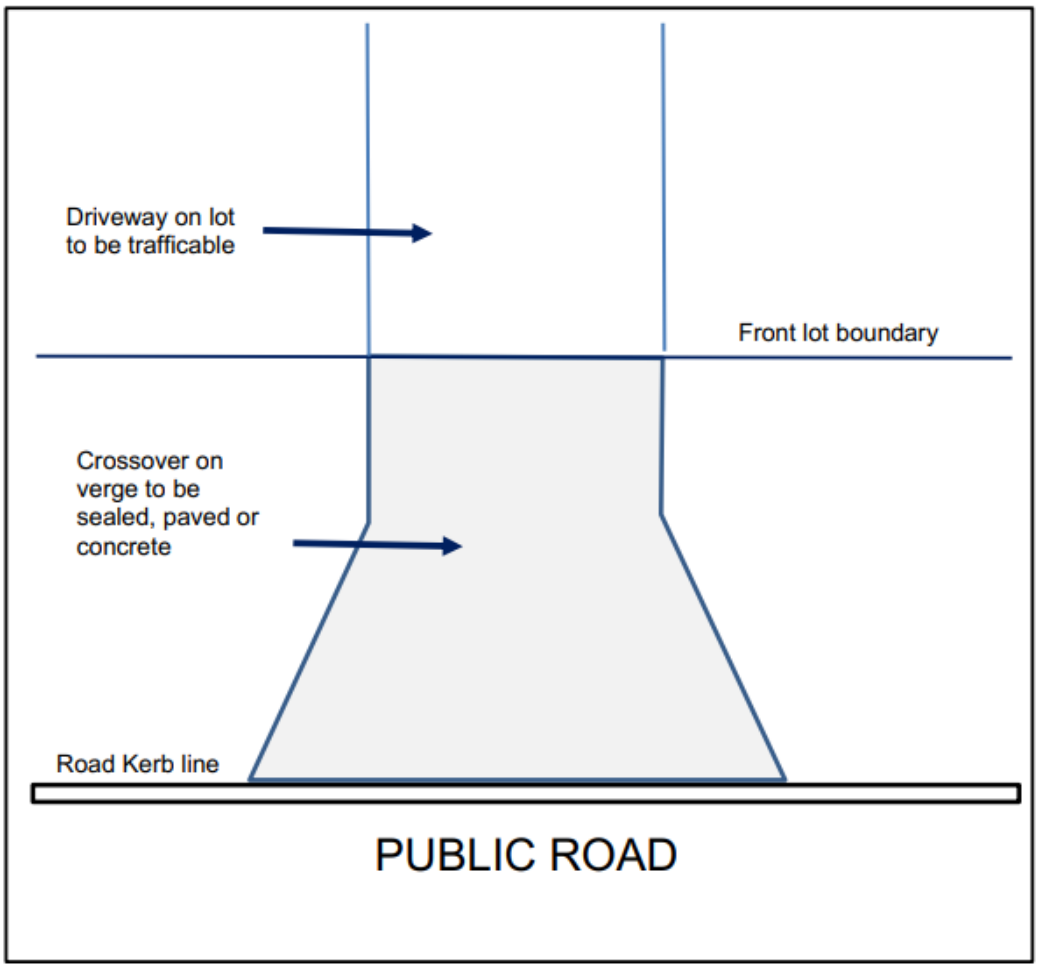


Figure 1

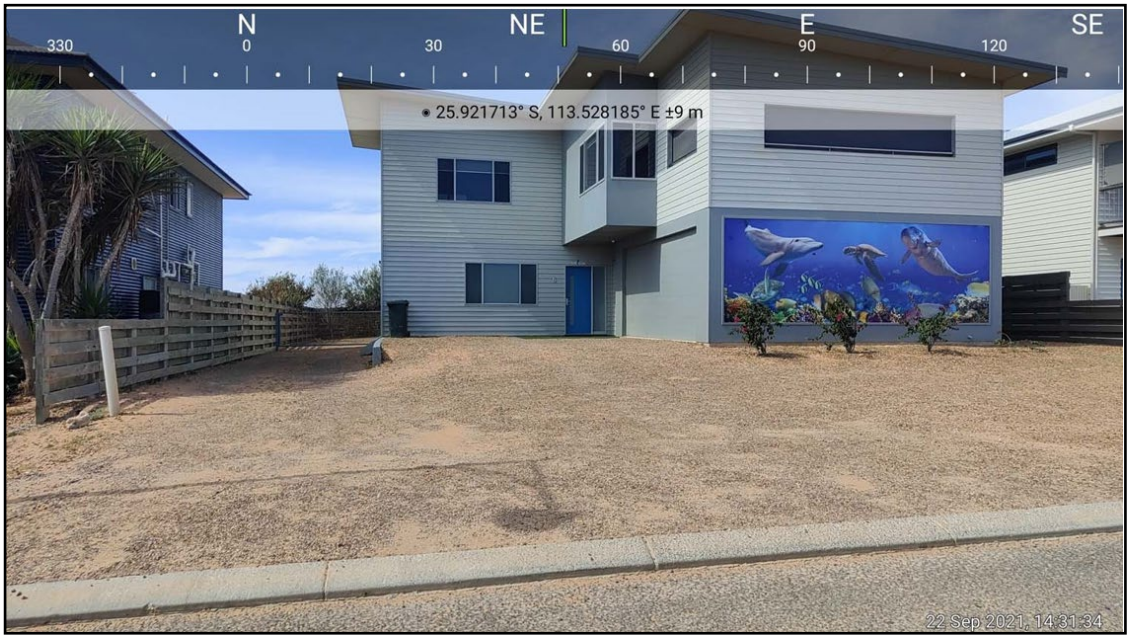
Council has two options in regards to the crossover:

- ***Option 1 – Vary the Policy requirement for a sealed, paved or concrete crossover***

A Local Planning Policy provides guidance for decision making, however elements of the Policy can be varied by Council based on the individual merits of a proposal.

The entire front yard of Lot 40 consists of trafficable material. This is consistent with the Policy which allows for a driveway (and car parking) within the lot boundary to be

made of any material as long as it is trafficable (eg compacted dirt, shell grit, blue metal, gravel, slabs etc)



In this case, a formal crossover may not have any significant benefit as it will introduce a new hard material that could appear out of place visually.

- ***Option 2 – Impose a condition to require a sealed, paved or concrete crossover***

Town Planning Innovations is of the understanding that when the Holiday House Policy was developed, there was significant discussion about the standards that should be applied.

Over the past few years the Shire has been trying to raise standards and require new developments to install formal crossovers, both within residential areas and the industrial area, as a condition of planning approval.

Owners can claim reimbursement from the Shire for part of the crossover cost.

If Council seeks to uphold the Policy requirement a condition can be imposed to require installation of a sealed crossover. Town Planning Innovations is of the view, however, that one is not physically necessary for this lot. There is no clear physical distinction between the verge, driveway, crossover or front yard.

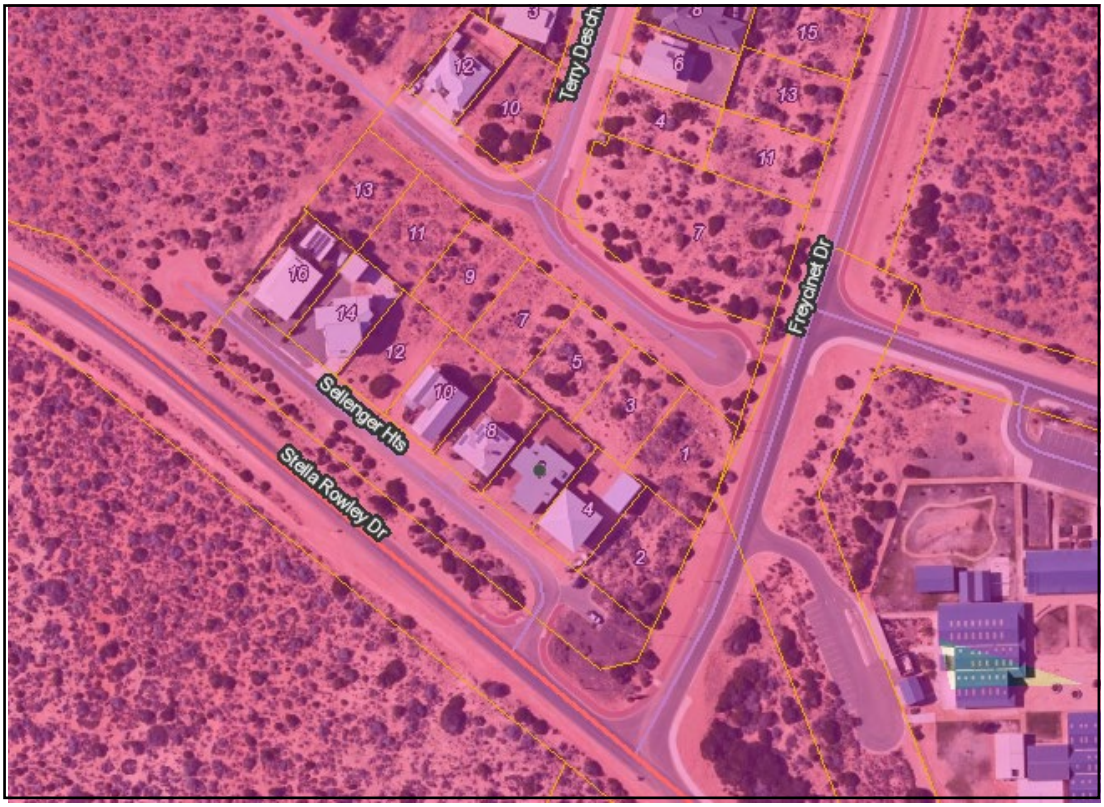
- ***Relevant State Planning Policies and Guidelines –Bushfire Prone Areas***

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

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

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

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 40 is within the declared bushfire prone area (pink area).



The Policy generically requires a Bushfire Attack level Assessment be lodged with any planning application. The Western Australian Planning Commission 'Position Statement on Tourism land uses in bushfire prone areas' recommends that a simplified Emergency Evacuation Plan be provided for holiday houses.

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

(a) The dwelling has already been constructed and the bushfire risk will not be increased;
(b) The owner has addressed fire safety by preparing a fire escape plan and provision of a fire extinguisher in accordance with the Shires Local Planning Policy No 1;
(c) The Western Australian Planning Commission Planning Bulletin No 111/2016 clarifies Council has discretion over this matter and states that '*Exemptions*

from the requirements of State Planning Policy 3.7 and the deemed provisions should be applied pragmatically by the decision maker.'

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 –

Clause 3 and 4 under Part 2, Schedule 2 of the Deemed Provisions contained in the Regulations sets out the power for local governments to make a local planning policy and the procedure for making a local planning policy.

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

Regulation 67 of the deemed provisions outlines '*matters to be considered by Council*' including but not limited to orderly and proper planning, the compatibility of the development with it's setting including the relationship to development on adjoining land, the amenity of the locality, the adequacy of proposed means of access to and from the site, the amount of traffic to be generated by the development, and any submission received.

Under the Regulations the Shire cannot consider '*potential loss that may result from economic competition between new and existing businesses*'.

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

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

32.15.2 The local government shall not consider an application for development approval for a Holiday house unless it is accompanied by:

(a) A Management Plan that addresses how the land use will be managed to maximize protection of residential amenity, includes details of how noise issues will be addressed by the Manager, and full contact details of the Manager or employee of the Manager.

(b) A Fire and Emergency Response Plan that includes detailed fire escape route maps and addresses the provision of safety features including hard wired smoke detectors, provision of a fire extinguisher and emergency contact numbers.

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

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

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

(b) A manager, caretaker or a contactable employee of the Manager permanently resides in Denham townsite or within one hours drive of Denham townsite;

(c) A Fire and Emergency Response Plan comprehensively addresses fire safety;

(d) The proximity of the lot to Denham townsite, the beach and/or any significant tourist attraction;

(e) The need to encourage holiday house's close to the Denham Town Centre and discourage these uses within established residential areas distanced from the Denham Town Centre;

(f) The size of the lot and density of development in the surrounding area;

(g) The potential for increased impact where adjacent land has been developed for grouped dwellings or there are small lots with dwellings in close proximity to each other;

(h) The potential for occupiers to have different behaviours and routines and the need to protect residents in suburban locations with daily work routines; and

(i) The location of active outdoor areas and their relationship to sensitive bedrooms within surrounding dwellings in a suburban environment.

32.15.4 The local government shall limit any initial development approval for a Holiday house to a maximum 12 month period.

32.15.5 The local government may issue subsequent Development approvals for a Holiday house and has discretion to limit the term of approval to one year, 3 years or up to a maximum of 5 years as deemed appropriate by the local government.

32.15.6 The local government may have regard for any substantiated written complaint or evidence about mismanagement of a Holiday house in considering the issue of subsequent Development approvals.

32.15.7 Advertising signage associated with a Holiday house shall have a maximum area of 0.2m^2 and be fully located within the lot boundary.

32.15.8 A Holiday house is to comply with the Residential Design Codes and/ or any existing Planning consent already granted for the dwelling or variation to the Residential Design Codes with the exception that Council has discretion to require a higher provision of carparking for any Holiday house having regard for the number of bedrooms and maximum number of persons to be accommodated at any one time.

32.15.9 Development approvals can be renewed when an owner/ applicant lodges a new Planning Application to the local government.

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

Should there be a change of the owner of the land in respect of which planning consent is issued the planning consent is cancelled.

32.15.11 A Holiday house shall not operate within the Residential zone unless it is registered in respect of the lot under Clause 32.15.12.

The Scheme also requires Holiday Houses to be registered. The Shire needs to establish a Holiday House Register and properties will be included as soon as any planning approval is issued.

POLICY IMPLICATIONS

Explained in the body of this report. A copy of the Local Planning Policy is included as Attachment 2.

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

- Guidelines on Holiday Homes and short stay use of residential dwellings
- Planning Bulletin No 99 Holiday Homes Guidelines
- Information on the State governments response to the short stay accommodation inquiry - State Government responds to short-stay accommodation inquiry - Department of Planning, Lands and Heritage (dplh.wa.gov.au)

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Local Planning Policy is relatively new and will be reviewed in the future.

RISK MANAGEMENT

There are no known risks associated with the proposed development.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author	*L Bushby*
Chief Executive Officer	*D Chapman*
Date of Report	16 October 2021

ATTACHMENT # 1

RAY WHITE SHARK BAY

MANAGEMENT PLAN

1. PROPERTY ADDRESS: 6 SELLENGER HEIGHTS, DENHAM

2. PROPERTY MANAGER DETAILS:

Name:	Rob and Trudy Emery, Ray White Shark Bay
Address:	U3/ 71 Knight Terrace, Denham
Phone Number:	9948 1323
Mobile:	0408 641 541
Email:	sharkbay.wa@raywhite.com

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

■ Internet (please specify) :AirBnB – All bookings through Ray White

■ Property Manager : All bookings through Ray White

☐ Other (please specify) N/A

4. RAY WHITE SHARK BAY MANAGEMENT STATEMENT

Ski At Denham Pty Ltd T/A Ray White Shark Bay has been managing holiday accommodation houses and units in Denham continuously for the last 20 years.

Ray White Shark Bay are a complete property management service and over the years have developed the skills necessary to help the owners of the properties, and, the many thousands of visitors we deal with annually. We are based permanently in Denham and have an office located at 3/71 Knight Terrace. The office is officially open 6 days a week and we are available by mobile if the office is not open.

Some key points of our service below.

- The premises are inspected after guest check out to ensure that it has been kept in a neat and tidy condition. Guests can provide their credit card details as security or pay a bond which is refunded after inspection.
- Bins are put out weekly for standard Council pick up or as necessary.
- We arrange regular cleaning of the premises in between guest stays, and ongoing maintenance of the property.
- Any damage, safety or general maintenance issues are reported to the owner, including smoke alarms.
- If works are needed, such as replacement of smoke alarms, new batteries in smoke alarms, or general safety / maintenance repairs then we organise those works for the owners.
- As premises are inspected regularly we have a high level of knowledge about the condition of each property/dwelling under our management.

- Because we are based locally and live in the Denham community we have excellent knowledge of what happens at all the properties that we manage.

5. BOOKING PROCEDURE CONDUCT FOR GUESTS

RAY White Shark Bay have booking procedures and provide guests with the following at the time of booking:

TERMS AND CONDITIONS (House rules) Need to know items such as Check in Check out times. After Hour Key Pick Up. Linen and what is provided. Cancellation Policy. Pet Information. Rubbish collection. Guest Numbers/Excessive Noise. Guest Responsibilities. Left Items. Feedback. Call Outs. Loss or Damage to Property. Alternate Accommodation. Property Keys. Covid 19 information.

CONFIRMATION LETTER which the guest acknowledges the booking is for 12 amount of guests and that there is a strict no smoking policy inside the premises, they also acknowledge that if house rules are broken and false or misleading information has been given that as the manager we have the authority to order the premises be vacated with no refunds given.

When guests check in whether it be in business hours or after hours they collect an envelope with a town map and directions to their accommodation, a set of keys, our after hour contact numbers if they are needed and important things to know.

6. MAINTENANCE AND ACCESSIBILTY

Duties	Responsibility
Who will be responsible for ensuring that a fire extinguisher will be provided?	Owner
Who will inspect the premises reguarly to ensure that the smoke alarms and fire extinguisher are in working order?	Owner/ Property Manager
What arrangements are in place for cleaning the house before each booking?	Cleaning organised by Property Manager
Is there a working outdoor hose available to guests?	Yes.
If windows are fitted with locks, are the keys provided to guests?	Yes.
Are guests given keys to all external lockable doors, including security doors?	Yes.

What arrangements are in place for maintenance of external yard areas?	Owner/ Property Manager

7. RAY WHITE SHARK BAY ACTIVE COMPLAINTS POLICY

- Ray White Shark Bay have staff available after hours who are contactable by mobile and email if neighbours need to report any guest behaviour issues.
- All complaints are recorded in an electronic form with the address and nature of complaint.
- Each complaint is assessed based on the individual situation taking into regard the seriousness of the complaint.
- Any premises would be inspected in person on receipt of a complaint and staff would talk to the guests about any issue reported by a neighbour.
- Depending on the nature of the issue, staff may give the guests a warning or under extreme circumstances our company has authority to evict guests.
- The complainant /neighbour would be informed of the outcome of any inspection, and action taken by our company to respond to the complaint. Advice would be generally be provided in writing by email for recording purposes.
- Owners are also advised in writing of the any serious or justified complaint and action taken to respond or resolve any compliant.
- If warranted we would liaise with police over any serious issues, and have a good working relationship with local police.
- During peak holiday periods we conduct drive by inspections of properties under our care to ensure that they are well managed. We take an active role in overseeing the use of all holiday houses under our management to ensure that they are used responsibly.
- It is in our interest to ensure that all properties under our care are well managed, looked after, and maintained to fulfill our contractual obligations with land owners.

Also being a part of a large franchise group such as Ray White we can also call on our corporate office for assistance and support regarding any complaints or disputes.

As outlined in Point 5 all guests are provided with detailed terms and conditions as part of the booking process.

ATTACHMENT # 2

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

1.0 WHAT IS A HOLIDAY HOUSE?

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

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

It does not include a private home that is used exclusively by the owners for their own holidays.

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

2.0 OBJECTIVES

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

The objectives of this Local Planning Policy are:

1.1.1 To establish clear guidelines for the short stay use of holiday houses for tourism accommodation and provide guidance on the planning application requirements.

1.1.2 To ensure that short stay use of residential houses occurs within appropriate locations and are managed to mitigate land use conflicts such as impacts on residential amenity.

1.1.3 To ensure that all new holiday houses are registered with the Shire in accordance with relevant legislation, and are appropriately managed and maintained to be compatible with the amenity of the locality.

3.0 SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4

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

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

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

4.0 PLANNING APPLICATION REQUIREMENTS

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

Applicant Checklist	Documents for Lodgement
	1. A planning application form signed by the owner of the land – *Attachment 1.*
	2. A site plan or good quality clear aerial showing the existing house, existing buildings, driveway, and guest parking areas. The location, number and dimensions of parking areas should be clearly marked on the plan.
	3. An internal floor plan showing the house layout, the use of each room, and number of double, single or bunk beds per room (including fold out couches).
	4. A detailed letter / written submission that explains: - The maximum number of persons that the dwelling will accommodate at any one time; - Maximum length of stay for guests; - Maintenance and cleaning arrangements; - Photographs of parking areas and photographs of the internal house layout. - If the lot is connected to sewer. - If the lot is not connected to sewer information on the location and size of effluent disposal will need to be provided (refer Section 5.6).
	5. A Management Plan that addresses how the land use will be managed on a day to day basis to maximise protection of residential amenity, including details of how noise issues will be addressed by the Manager (handling of complaints), and full contact details of the Manager or employee of the Manager. An example Management Plan template is included as *Attachment 2*.
	6. A Fire and Emergency Response Plan that includes detailed fire escape route maps, provision of a fire extinguisher and emergency contact numbers. An example Fire and Emergency Response Plan template is included as *Attachment 3*.
	7. Payment of a planning application fee on lodgement of the planning application. The Shire's annual fees and charges can be viewed on the website – www.sharkbay.wa.gov.au (Council/Public Documents/Fees and charges).

5.0 POLICY REQUIREMENTS

5.1 LOCAL MANAGEMENT

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

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

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

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

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

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

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

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

5.2 CAR PARKING AND ACCESS

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

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

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

All crossovers that relate to Holiday Houses shall be sealed, paved or concreted to comply with the construction specifications in the Shire's Crossover Policy – refer *Attachment 4.* A crossover is the part of the driveway from the kerb line to the front property line. It connects your property to the edge of the road – refer *Figure 1.*

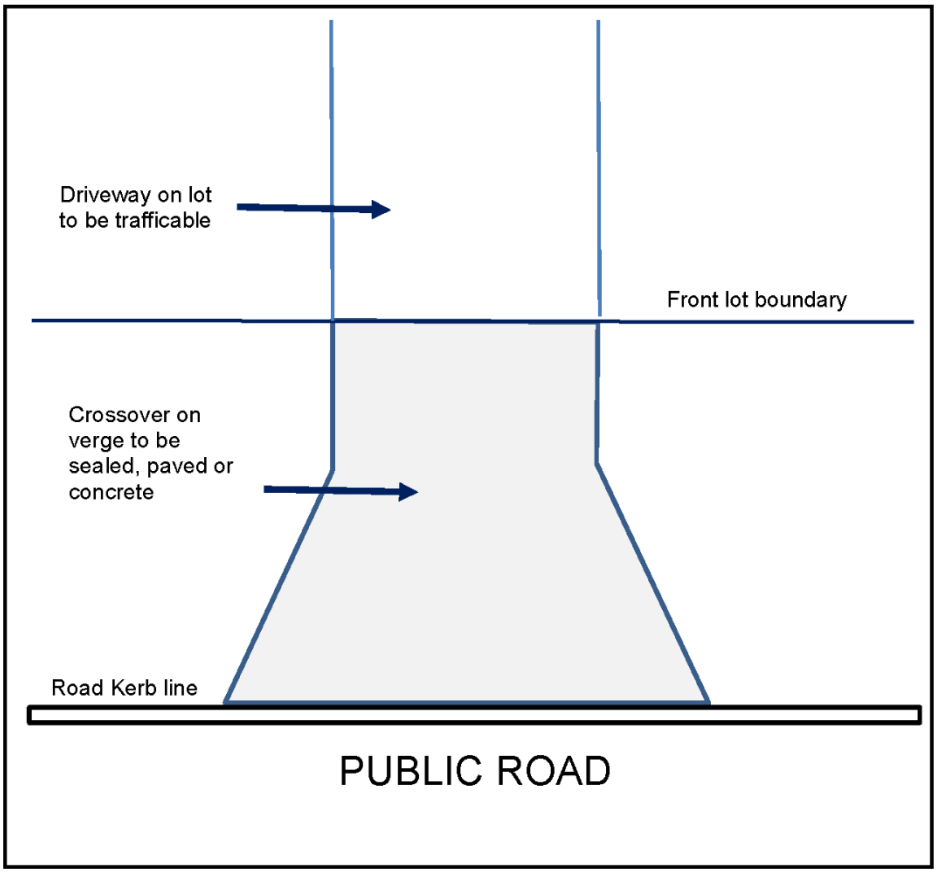


Figure 1

A driveway (and car parking) within the lot boundary can be any material as long as it is trafficable (eg compacted dirt, shell grit, blue metal, gravel, slabs etc).

5.3 FIRE AND EMERGENCY PLAN

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

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

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

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

Owners/ applicants need to be aware that hardwired smoke alarms may be required at the separate building process / certificate stage.

5.4 LANDSCAPING

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

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

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

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

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

5.5 ADVERTISING SIGNS

Advertising signage associated with a Holiday house shall have a maximum area of 0.2m^2 and be fully located within the lot boundary. Advertising signs are not compulsory however if a sign is proposed, owners are encouraged to include the managers contact details on signage.

5.6 TEMPLATES / ATTACHMENTS

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

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

This Policy includes the following attachments:

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

6.0 GENERAL INFORMATION

Part 6 does not form part of the Policy requirements and is general information.

6.1 PLANNING APPLICATION PROCESS

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

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

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

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

6.2 WHAT THE SHIRE ASSESSES

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

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

(b) A manager, caretaker or a contactable employee of the Manager permanently resides in Denham townsite or within one hours drive of Denham townsite;

(c) A Fire and Emergency Response Plan comprehensively addresses fire safety;

(d) The proximity of the lot to Denham townsite, the beach and/or any significant tourist attraction;

(e) The desirability to encourage holiday house's close to the Denham Town Centre;

(f) The size of the lot and density of development in the surrounding area;

(g) The potential for increased impact where adjacent land has been developed for grouped dwellings or there are small lots with dwellings in close proximity to each other;

(h) The potential for occupiers to have different behaviours and routines and the need to protect residents in suburban locations with daily work routines;

(i) The location of active outdoor areas and their relationship to sensitive bedrooms within surrounding dwellings in a suburban environment;

(j) The provision of hard wired smoke alarms, fire blankets and fire extinguisher.

(k) Where the lot is not connected to sewer, the adequacy of on site effluent disposal for the proposed number of guests.

6.3 TERMS OF APPROVAL

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

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

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

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

6.4 HOLIDAY HOUSE REGISTER

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

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

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

6.5 ENVIRONMENTAL HEALTH REQUIREMENTS

All holiday houses are to be connected to sewerage or an approved on-site effluent disposal system.

Applicants will need to provide information on effluent disposal as part of the planning application. If a holiday house is proposed on a lot that is not connected to deep sewer then the applicant will need to provide the Shire with information on the location and size of the existing effluent disposal system. The onus is on the applicant to demonstrate that the system

is adequate for the number of occupants, and the size of the system may need to be calculated by a licenced plumber.

If a system needs to be upgraded or replaced then a separate 'Application to construct or install an apparatus for the treatment of sewerage' needs to be lodged to the Shire of Shark Bay, and will be processed by the Shire's Environmental Health Officer. Any upgrading of the system required to cater for the proposed maximum number of guests may be required as a condition of any approval.

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

Where the maximum number of guests for a holiday house is six (6) or more, annual inspection and a Lodging House approval under the Health Act (Miscellaneous Provisions) 1911, will be required in addition to any planning approval.

Additional health requirements to operate as a 'Lodging House' may be imposed over and above the provisions of this Policy.

6.6 BUILDING REQUIREMENTS

If the building was approved as a dwelling then that falls under the building classification of Class 1a. A separate building permit or certificate can be required for any permanent change of a building's use or classification.

A holiday house that has been granted planning approval by the Shire should not be occupied until the appropriate building certificate / approval has been obtained. Owners will need to liaise with a private building certifier to ensure buildings comply prior to occupation.

The building certifier will determine which building classification applies and the need for any separate building permit or building certificate.

7.0 FREQUENTLY ASKED QUESTIONS

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

8.0 RECORD OF COUNCIL APPROVAL OF LOCAL PLANNING POLICY

Description	Enabling Legislation
Statutory Legislation	This Local Planning Policy has been prepared in accordance with Clause 3(1) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (initial)	This Local Planning Policy was adopted by Council on the 19 December 2018 for the purpose of conducting advertising to comply with Clause 4(1) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (final)	This Local Planning Policy was adopted by Council on the 30 September 2020 for final approval in accordance with Clause 4(3)(b) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Version Control	Version 2.0
Scheduled Internal Review Date	12 months after operation.

ATTACHMENT 1 – PLANNING APPLICATION FORM

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

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

Nearest street intersection:

Proposed development	
Nature of development:	☐ Works ☐ Landuse ☐ Works and Landuse
Is there an exemption claimed for part of the development? ☐ Yes If yes is the exemption for:	☐ No ☐ Works ☐ Landuse
Description of proposed works / landuse: .... *Note: You can attach a letter or any reports to this application form.*	
Description of exemption (if relevant):.....	
Nature of any existing buildings / landuse:.....	
Approximate cost of development:.....	
Estimated time of completion:.....	

OFFICE USE ONLY	
Acceptance Officers initials:	Date Received:
Local Government Reference Number:	

ATTACHMENT 2 – EXAMPLE MANAGEMENT PLAN TEMPLATE

1. PROPERTY ADDRESS:_____

2. PROPERTY MANAGER DETAILS:

Name:_____

Address:_____

Phone Number:_____

Mobile:_____

Email:_____

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

☐ Internet (please specify) _____

☐ Property Manager_____

☐ Other (please specify) _____

_____

4. DUTIES OF PROPERTY MANAGER:

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

5. MAINTENANCE AND ACCESSIBILTY

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

6. COMPLAINTS PROCEDURE BY PROPERTY MANAGER:

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

MANAGEMENT PLAN – ANNEXURE A
CODE OF CONDUCT FOR GUESTS

PROPERTY ADDRESS: _____

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

GUESTS:

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

NOISE AND NUISANCE:

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

VEHICLE PARKING:

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

PREMISE CONDITION AND CLEANLINESS:

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

FIRES:

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

RUBBISH DISPOSAL:

- All rubbish is to be placed in the bins provided.
  Optional:
- Guests are responsible for taking out the outdoor rubbish bin where their stay coincides with collection days.
- Your collection day is:_____

KEYS:

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

TERMINATION OF ACCOMMODATION:

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

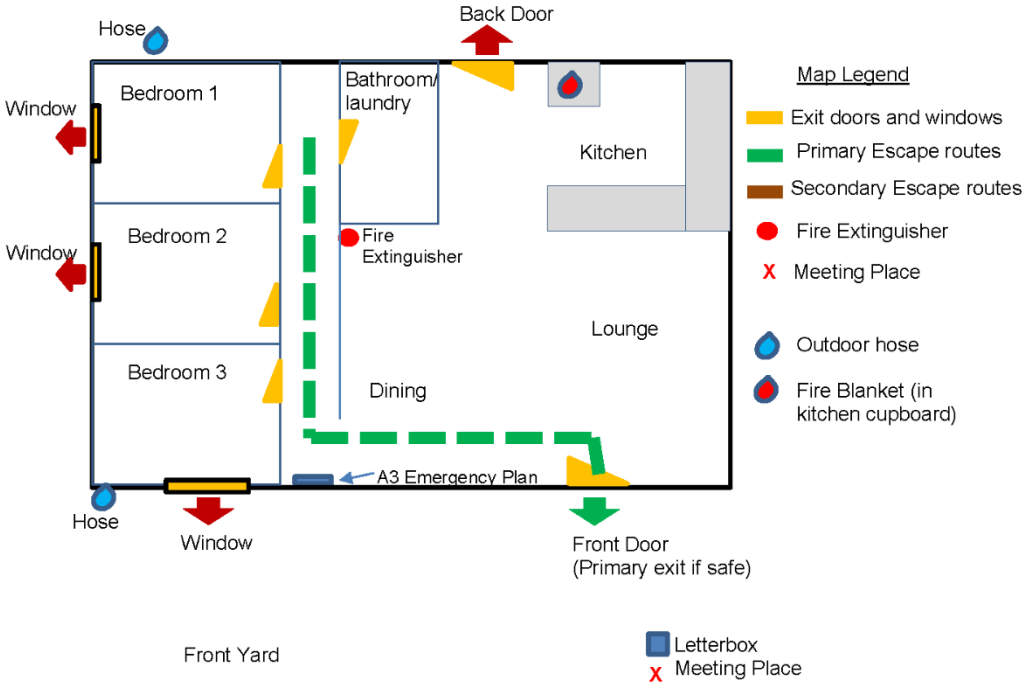
ATTACHMENT 3 – EXAMPLE FIRE AND EMERGENCY PLAN TEMPLATE

1. PROPERTY ADDRESS: _____

Fire Extinguisher Location : (description of room)_____

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

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



In Case of Fire:

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

3. EMERGENCY CONTACT DETAILS:

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

A. Property Manager Contact

Name:_____Mobile:_____

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

4. USEFUL SOURCES OF INFORMATION:

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

ABC Radio 846am

ABC RN: 107.5FM

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

13 DFES (13 33 37)

5. CYCLONES:

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

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

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

DFES then issues the following cyclone alerts:

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

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

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

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

6. USEFUL CONTACT INFORMATION (NOT FOR EMERGENCIES):

Silver Chain Health Centre – 9948 1400

Denham Police Station (for general enquiries) – 9948 1201

Shire of Shark Bay – 9948 1218

ATTACHMENT 4 **CROSSOVER POLICY EXTRACT**

Vehicle Crossovers - Policy Manual Division 2.1 Crossings

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

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

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

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

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

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

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

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

ATTACHMENT 5 **FREQUENTLY ASKED QUESTIONS**

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

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

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

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

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

An example format in included as *Attachment 2.*

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

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

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

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

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

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

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

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

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

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

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

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

15.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There are no motions of which previous notice haven been given for the October 2021 Ordinary Council meeting.

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Moved Cr Ridgley
Seconded Cr Stubberfield

Council Resolution
That Council accept the tabling of urgent business items as follows:
16.1 Application for Use of Portion of Reserve 49809 - Common

7/0 CARRIED

16.1 APPLICATION FOR USE OF PORTION OF RESERVE 49809 - COMMON

RES49809

Author
Chief Executive Officer

Disclosure of Any Interest
Disclosure of Interest: Cr Smith
Nature of Interest: Proximity Interest as has a Common Lease

Cr Smith left the Council Chamber at 4.23 pm

Moved Cr Ridgley
Seconded Cr Stubberfield

Officers Recommendation
That a licence to occupy an area of 7000 square metres of the Reserve 49809 - Common as depicted on the application submitted by Mr H Van Eek be granted for a period of five (5) years expiring on 31 October 2026 on the following conditions:

1. **Ongoing compliance with the guidelines of the Shire's Management Statement for Reserve 49809 - Common.**
2. **The allocated area being suitably fenced and maintained to ensure stock is contained within the approved area.**
3. **The approval of the Department of Planning, Lands and Heritage is granted.**

6/0 CARRIED

Cr Smith returned to the Council Chamber at 4.33 pm.

Background
The Shire of Shark Bay has a Management Order on Reserve 49809 which has a current purpose classified as Common. The area of the reserve is 1,139.223 hectares.

The management order authorises Council to issue licenses for designated area for a maximum period of 5 years with the approval of the Minister. The Council also has a

management statement for the occupation of the common that applies to the license holders. The licence allows for an applicant to apply for a term of up to five (5) years.

The following licences have been issued by Council and approved by the Minister for use of the common:

Mr H Hoult & Mr G Desmond
Licence number: 2/2020
Licence issued 1 May 2020 and expires 30 April 2025
Area 101 ha
Stock – 4 horses and up to 300 Goats

Cr M Smith
Licence number 1/2020
Licence issued 1 April 2020 and expires 31 March 2025
Area 8 ha
Stock – 8 Camels

Denham Dirt Kart Association
Licence number 1/2019
Licence issued 1 September 2019 and expires 31 August 2024
Area 2.9 ha

All users must be registered members of the Denham Dirt Kart Association.

All conditions have been complied with, including the fencing of the area allocated.

Comment
A request for an area of the Reserve 49809 - Common has been submitted by Mr H Van Eek (attached).

Mr Van Eek was originally approved by Council in July 2010 to occupy an area of the common. Mr Van Eek was then issued with another licence to occupy

The area applied for is 7000 m² . The conditions of licence required the approved area to be suitably fenced to contain the applicants stock. Mr Van Eek has fenced the area.

Mr Van Eeks practise has been to contain his stock in the licenced area and walk the animals through the Council reserve whilst under his direct control.

This is in line with the overall use of the reserve by the general public and does not interfere with the other users of the reserve while the animals are under the care and control of the owner with the owner present.

This area occupied has been verified by the administration and is adequately fenced and maintained to contain his stock in accordance with Council's Management Statement. The location of the area allocated on Reserve 49809 is indicated in red on the attached map titled – Map occupied areas and is Lease # 002/2015.

There have been no reported incidences of non-compliance or complaints by other occupiers of the reserve in regards to Mr Van Eek's occupation of Reserve 49809.

Legal Implications
The Council has a Management Order for Reserve 49809 in accordance with the Land Administration Act. The management order enables Council to issue licences for a term not exceeding five years with the final approval of the Minister for areas of the reserve.

Mr Van Eek has supplied a Certificate of Currency for Insurance purposes.

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

Financial Implications
In accordance with Council resolution an annual fee will apply as set in Council's 2021/2022 annual budget.

Strategic Implications
There are no Strategic Implications associated with this item.

Risk Management
It has been assessed that there is a minimal risk associated with this application.

Voting Requirements
Simple Majority Required

Signatures
Chief Executive Officer *D Chapman*

Date of Report 26 October 2021

Management Statement for the Occupation and use of Reserve 49809 Common

a) The shire is to maintain a register of all occupiers of the common along with the following base data;

1. The area and location of land being utilised along with the specific infrastructure thereon.
2. The number of stock being grazed.
3. Other activities that are being undertaken. E.g., sand extraction, trail bike riding etc.

b) Occupiers of Reserve 49809 Common

1. All occupiers of the common will require a license to be granted for the designated purpose of occupation of the town common for a term not exceeding (5) years and be subject to the approval in writing from the minister for lands.

   The approved licence will specify all current activities undertaken pursuant to the licence and detail any conditions of approval relative to that occupation.

c) Reporting Requirements

1. A report will be provided to council on an annual basis detailing current occupiers of the Common that includes their infrastructure, stock details, cubic metres of sand removed and other details of change that may have occurred.

d) General Management Statement for Occupiers

1) All occupiers of the town common will observe basic requirements for its occupation.
2) Activities are to be controlled and maintained to ensure long term environmental sustainability and ultimate re-instatement of its land use.
3) Due respect is to be observed to other occupiers of the town common with regard to mutual required services and infrastructure.
4) Activity infrastructure will be required to be set back a specified distance from the access road as determined by the shire.
5) An area stock control device will be required to access the town common.
6) Speed limits will be specified on the access road within the town common.
7) Occupiers of the town common are required to address issues of concern directly to the shire and not to other occupiers.

B) That “General Management Statement for occupiers” includes licensed occupiers of the common are to ensure that all activities conform to any relevant legislation/statutory requirements.

.E OF SHARK BAY
ɴight Terrace
ənham WA 6537
PO Box 126 Denham WA 6537

RES49809

Telephone (08) 9948 1218
Facsimile (08) 9948 1237
Email admin@sharkbay.wa.gov.au
All correspondence to the Chief Executive Officer

RECEIVED
26 OCT 2021
SHIRE OF SHARK BAY

APPLICATION FOR USE OF PORTION OF RESERVE 49809 - COMMON

As a condition of the licence approval for the use of a portion of Reserve 49809 - Common, the Applicant acknowledges and agrees that:

- *Occupation of the common will require that all activities conform with any relevant legislation or other statutory requirements, including the Reserve 49809 - Common Policy;*
- *Licence approval will be granted with the acknowledgment and agreement that the Shire of Shark Bay, its officials, employees and agents shall not be held responsible for personal injuries or damages sustained or property or stock lost or stolen on the Reserve;*
- *The Shire of Shark Bay reserves the right to refuse the issue of a licence for an activity that is not considered appropriate to Reserve 49809 - Common.*

SIGNATURE: _____ **DATE:** 26 Oct 2021

PLEASE PRINT FULL NAME: Henk Van Eek. **TELEPHONE NUMBER:** 0404196798

ADDRESS: 6 Denham Rd, Denham, WA, 6537.

*** The person signing this application on behalf of an organization must have the authority to sign on behalf of said group or organization, and by signing this certifying that he/she has such authority.**

CONTACT DETAILS

FIRST NAME:	HENK
LAST NAME:	VAN EEK.
BUINESS/ORGANISATION NAME:	NA.
POSTAL ADDRESS:	6 Denham Rd.
HOME PHONE NUMBER:	0404 196 798
WORK PHONE NUMBER:	NA.
FAX NUMBER:	NA

( ) horse/s
( ) cattle
( ) sheep
(2) camels
( ) chickens

Other considerations that may be applicable? Eg: Special Circumstances.

On receipt of your application it will be placed in the Agenda for the upcoming Council meeting for approval of your licence. Once approved by the Shire of Shark Bay Council the licence will then be referred to the Minister of Land pursuant to the provisions of Section 20 of the *Land Administration Act 1997*. I accept that Annual fees will apply to this licence in accordance with Council's Fees and Charges.

YES.

I have read and understood all parts of the application for use of porting of Reserve 49809 - Common and am fully aware of all that is required of me as a lessee. I agree to abide by the Licence to Occupy once approved by the Minister of Lands. I have attached a copy of my Public Liability Insurance certificate.

Signed By Lessee

Print full name: _ MENK VAN EEK.

Signed: __ _____ Date: _ 26 oct 2021

➢ How to lodge this application

BY POST;
Address the application to: The Chief Executive Officer
Shire of Shark Bay
PO Box 126
Denham WA 6537

Courier or personal Delivery: Shire Offices
65 Knight Terrace
Denham WA 6537

Electronically: admin@sharkbay.wa.gov.au

Contact the Shire offices on:
Phone: 08) 9948 1218
Fax: 08) 9948 1237
E-mail: admin@sharkbay.wa.gov.au
Web: www.sharkbay.wa.gov.au

Licence is subject to General Policy Statement upon and for the duration of occupation-

Farm Insurance
Certificate of Currency

Policy Number 70A132153FAR
Client Number 70200998
Client Name HENK VANEEK

HENK VANEEK
6 DENHAM RD
DENHAM 6537

QBE Insurance
MCLARDY - CENTRAL IB
ABN: 19 008 801 241
SUITE 5, LVL 2,
9 BOWMAN STREET WA 6151

Period of Insurance
From 18/03/2021 **To** 18/03/2022 at 4pm

This certificate acknowledges that the policy referred to is in force for the period shown.
Details of the cover are listed below.

The Insured

HENK VANEEK

Farm Liability

Risk Number 1

Farm Size	1ha
State	WA
Postcode	6537
Host Farming Activities	Not Insured
Labour Hire Payments	NIL
Engaged in Farm Contracting >25% of Average turnover	No

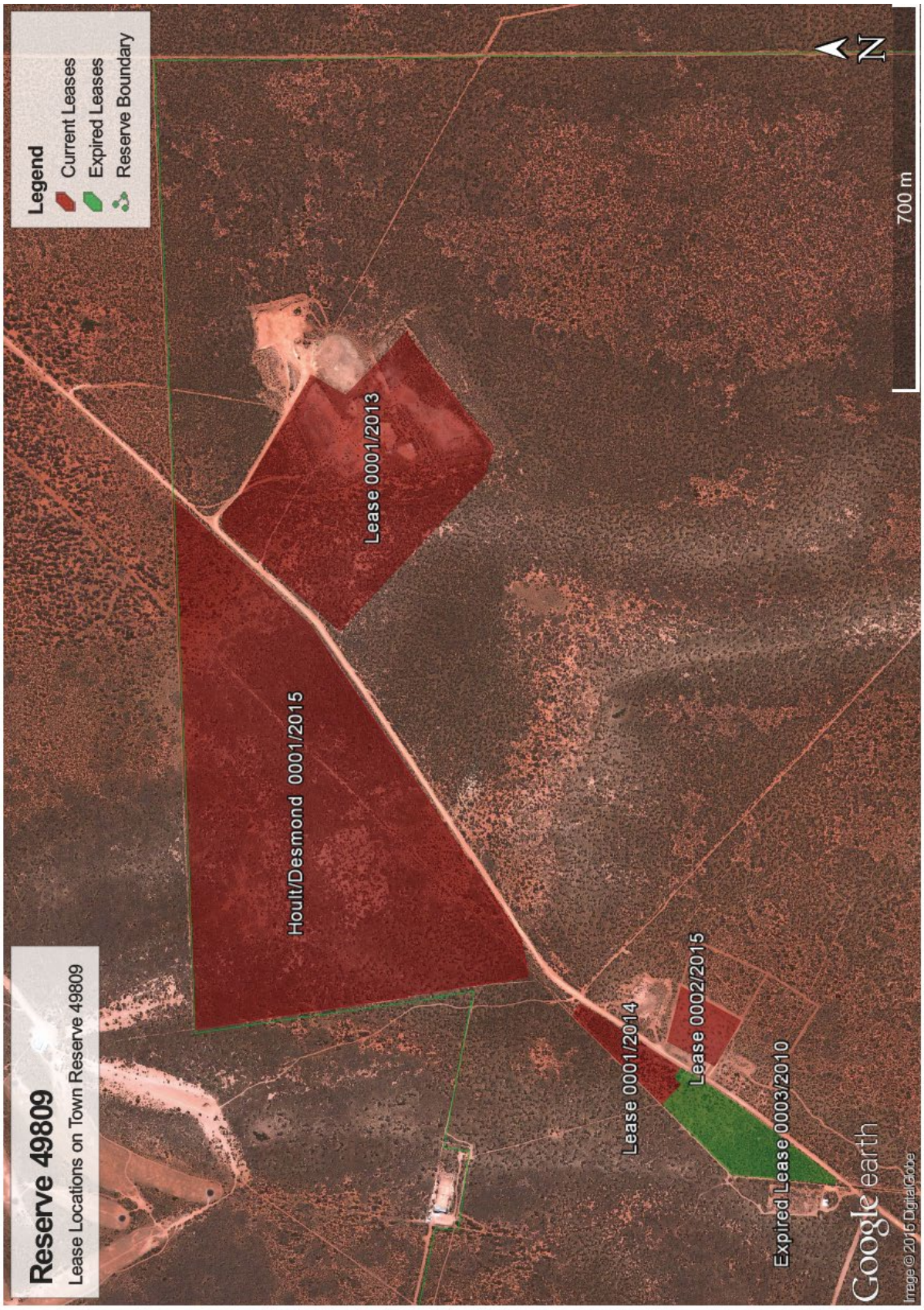
Particulars		Sum Insured	Limit
Limit of Liability			$10,000,000
Property in Control - Animal		$100,000	
Property in Control - Other		$250,000	
Excess	$250		

End of Certificate.

Underwritten by QBE Insurance (Australia) Limited ABN 78 003 191 035 AFS Licence 239545 Level 5, 2 Park Street Sydney NSW 2000

Date Printed 16/03/2021 11:54:47

Page 1 of 1


Reserve 49809
Lease Locations on Town Reserve 49809
Legend
Current Leases
Expired Leases
Reserve Boundary
N
700 m
Hoult/Desmond 0001/2015
Lease 0001/2013
Lease 0001/2014
Lease 0002/2015
Expired Lease 0003/2010
Google earth
Image © 2016 DigitalGlobe

17.0 MATTERS BEHIND CLOSED DOORS

Moved Cr Ridgley
Seconded Cr Fenny

Council Resolution
That the meeting be closed to members of the public in accordance with section 5.23(2) of the Local Government Act 1995 for Council to discuss matters of a confidential nature.

7/0 CARRIED

All visitors left the Council Chamber at 4.34 pm.

17.1 NEW TRUCK GVM 6,500KG
FILE CM00070, PL00003

AUTHOR
WORKS MANAGER

DISCLOSURE OF ANY INTEREST
Nil

Moved Cr Fenny
Seconded Cr Smith

Council Resolution
That the recommendation submitted by the Works Manager in the confidential evaluation report RFQ 2021/2022-02 -Truck GVM 6,500Kg as per the conditions of the Request for Quotation be considered.

7/0 CARRIED

Moved Cr Fenny
Seconded Cr Cowell

Council Resolution
That Council appoint Purcher International, based on the assessment of the Capability, Warranty and Pricing considerations offered under PS 2021/2022-02 - Truck GVM 6,500Kg.

And

Instruct administration to conduct a public auction of the existing Hino 300 series tip truck closer to the delivery date to ascertain if a more advantageous outcome can be achieved for Council and authorise the Chief Executive Officer to approve any beneficial outcomes arising from the public auction.

7/0 CARRIED

17.2 NEW TRUCK GVM 11,000KG
CM00070, PL00003

AUTHOR
WORKS MANAGER

DISCLOSURE OF ANY INTEREST
Nil

Moved Cr Fenny
Seconded Cr Smith

Council Resolution
That the recommendation submitted by the Works Manager in the confidential evaluation report RFQ 2021/2022-03 - Truck GVM 11,000Kg as per the conditions of the Request for Quotation the Request for Quotation be considered.

7/0 CARRIED

Moved Cr Fenny
Seconded Cr Smith

Council Resolution
That Council appoint Purcher International, based on the assessment of the Capability, Warranty and Pricing considerations offered under PS 2021/2022-02 - Truck GVM 11,000Kg.

And

Instruct administration to conduct a public auction of the existing Hino 500 series tip truck closer to the delivery date to ascertain if a more advantageous outcome can be achieved for Council and authorise the Chief Executive Officer to approve any beneficial outcomes arising from the public auction.

7/0 CARRIED

17.3 EAGLE BLUFF SEALING 2021/2022
CM00070, RD000016

Author
Works Manager

Disclosure of Any Interest
Nil

Moved Cr Smith
Seconded Cr Ridgley

Council Resolution
That Council consider the Officers Recommendation as contained within the confidential report.

7/0 CARRIED

Moved Cr Ridgley
Seconded Cr Smith

Council Resolution

1. **That the Council note the one response from the Western Australian Local Government preferred supplier program for RFQ 2021/2022-04 – Eagle Bluff Sealing 2021/2022**

2. **That Council note and endorse that as a result of the Evaluation Panel determining the compliance, qualitative and pricing structures offered it was considered that Colas has provided the most advantageous quote based on the information supplied under RFQ 2021/2022-04 - Eagle Bluff Sealing 2021/2022.**

3. **That Council appoint Colas as the successful quote based upon the assessment of the compliance, qualitative and pricing structures offered under RFQ 2021/2022-04 - Eagle Bluff Sealing 2021/2022**

7/0 CARRIED

17.4 SEA CONTAINERS – LOT 226 (24) FRY COURT, DENHAM
P1444

AUTHOR
Liz Bushby, Town Planning Innovations

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

Moved Cr Stubberfield
Seconded Cr Smith

Council Resolution
That Council consider the Officers Recommendation contained within the body of this report.

7/0 CARRIED

Moved Cr Stubberfield
Seconded Cr Fenny

Council Resolution

That Council:

Note that three options are outlined in the body of this report, however it is recommended that Option 1 or 2 be pursued.

Authorise the Chief Executive Officer to pursue Option 1 and write a second letter to the owner to seek advice on his future intentions for the sea containers and seek agreement for their removal within a specified timeframe agreed to by the Shire.

Note that if the matter remains unresolved a further report will be referred to a future Council meeting.

7/0 CARRIED

17.5 REASSIGNMENT OF LEASE OF COMMERCIAL PREMISES
LS00029

AUTHOR
Executive Manager Community Development

DISCLOSURE OF ANY INTEREST
Declaration of Interest: Cr Ridgley
Nature of Interest: Proximity Interest as leases the office next door.

Cr Ridgley left the Council Chamber at 4.47 pm.

Moved Cr Fenny
Seconded Cr Smith

Council Resolution
That the recommendation submitted in the confidential report be considered.
6/0 CARRIED

Moved Cr Fenny
Seconded Cr Smith

Council Resolution
That Council consider revoking the resolution from item 17.2 from the Ordinary Council meeting on the 29 September 2021– Lease of Commercial Property.
6/0 CARRIED BY ABSOLUTE MAJORITY

Moved Cr Fenny
Seconded Cr Cowell

Council Resolution
That Council revoke the resolution from item 17.2 from the Ordinary Council meeting on the 29 September 2021– Lease of Commercial Property.
6/0 CARRIED BY ABSOLUTE MAJORITY

Moved Cr Vankova
Seconded Cr Smith

Council Resolution
That Council instructs the Chief Executive Officer to reassign the lease for Shop 4 65/67 Knight Terrace from Mr John Hanscombe to Mr Malcom Yu Chen.
6/0 CARRIED BY ABSOLUTE MAJORITY

Moved Cr Vankova
Seconded Cr Cowell

Council Resolution
That the meeting be reopened to the members of the public.

6/0 CARRIED

Cr Ridgley returned to the Council Chamber at 4.49 pm.

At 4.50 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).

18.0 DATE AND TIME OF NEXT MEETING

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 24 November 2021, commencing at 3.00 pm.

19.0 CLOSURE OF MEETING

As there was no further business, the President closed the Ordinary Council meeting at 4.53 pm.