

25 February 2026

SHIRE OF SHARK BAY  
NOTICE OF MEETING

# UNCONFIRMED MINUTES

ORDINARY COUNCIL



AUSTRALIA DAY 2026





#### DISCLAIMER

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

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

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

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

The next Ordinary meeting of the Shark Bay Shire Council will be held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 26 February 2026 commencing at 1.00 pm.

Dale Chapman  
Chief Executive Officer  
18 February 2026

1	<u>TABLE OF CONTENTS</u>	
2	Declaration of Opening.....	<b>4</b>
3	Acknowledgement of Country.....	<b>4</b>
4	Record of Attendances / Apologies / Leave of Absence Granted .....	<b>4</b>
5	Response To Previous Public Questions On Notice.....	<b>4</b>
6	Public Question Time.....	<b>5</b>
7	Applications For Leave Of Absence .....	<b>6</b>
8	Petitions .....	<b>6</b>
9	Confirmation Of Minutes .....	<b>6</b>
9.1	CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025 ...	<b>6</b>
10	Announcements By The Chair.....	<b>6</b>
11	Town Planning Report .....	<b>7</b>
11.1	PLANNING APPLICATION FOR SHIRE COMMON, RESERVE 49809 .....	<b>7</b>
11.2	APPLICATION FOR NEW LICENCE WITHIN RESERVE 49809, .....	<b>18</b>
12	SUMMARY OF SUBMISSION .....	<b>26</b>
12	Financial Reports .....	<b>37</b>
12.1	FINANCIAL REPORTS TO 31 DECEMBER 2025.....	<b>37</b>
12.2	FINANCIAL REPORTS TO 31 JANUARY 2026 .....	<b>39</b>
12.3	SCHEDULE OF ACCOUNTS PAID TO BE PAID FOR 31 DECEMBER 2025.....	<b>41</b>
12.4	SCHEDULE OF ACCOUNTS PAID TO BE PAID FOR 31 JANUARY 2026 .....	<b>43</b>
13	ANNUAL REPORT 2024/2025 .....	<b>45</b>
14	Councillor Reports.....	<b>47</b>
14.1	WATER ACCESS SHIRE OF SHARK BAY TOWN BORE .....	<b>47</b>
15	Motions.....	<b>51</b>
16	Urgent Business Approved By The Person Presiding Or By Decision .....	<b>51</b>
17	Matters Behind Closed Doors.....	<b>51</b>
18	Date And Time Of Next Meeting .....	<b>51</b>
19	Closure of Meeting.....	<b>51</b>

2 DECLARATION OF OPENING

The President will declare the meeting open at 1.02pm

3 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.

4 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED

**ATTENDANCES**

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

Mr D Chapman	Chief Executive Officer
Ms M Fanali	Executive Manager Community Development
Ms R Ironside	Minute Taker
Mr B Galvin	Works Manager

**APOLOGIES**

There were no apologies for the 25 February 2026 Ordinary Council meeting.

**VISITORS**

15 Visitors in the Gallery

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE

NIL.

6 PUBLIC QUESTION TIME

1.05 pm

OPENED

Q. 1 Subleasing, by Ms Fay Castling of Knight Terrace, Denham

Q. 2 Policy 8.2, by Bevan Birchall of Leeds Court, Denham

Q. 3 Agenda Item 11.1 by Janine Gunther of Leeds Court, Denham

Q. 4 Town Common by Jens Mohr of Spaven Way [Response at Council Meeting 25 March 2026.](#)

Q. 5 Town Common by Raymond McMillan of 5 Capewell Drive, Denham

Q. 6 Water Bore Usage by Roger Hewitt of Vlamingh Crescent.

1.26 pm

PUBLIC QUESTIONS CLOSED

7 APPLICATIONS FOR LEAVE OF ABSENCE  
Nil.

8 PETITIONS  
Nil.

9 CONFIRMATION OF MINUTES

9.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

Moved            Cr Fenny  
Seconded        Cr Smith

Officer Recommendation

That the minutes of the Ordinary Council meeting held on 17 December 2025, as circulated to all Councillors, be confirmed as a true and accurate record.

FOR:            Cr's Bellottie, Cowell, Fenny, Johns, Ridgley, Smith and Stubberfield  
AGAINST:       Nil  
ABSENT:       Nil

CARRIED 7/0

10 ANNOUNCEMENTS BY THE CHAIR  
Nil.

11 TOWN PLANNING REPORT  
11.1 PROPOSED LICENCE 'RENEWAL' AND PLANNING APPLICATION FOR SHIRE COMMON, RESERVE 49809

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Mark Smith, Deputy President

Nature of Interest: Proximity

1.28 pm

Cr Smith left the room

Moved            Cr Fenny  
Seconded       Cr Bellottie

Officer Recommendation

Proposed Licence:

That Council:

1. Note that:
  - (a) The Shire has a Management Order over Reserve 49809 with the power to issue Licences to parties to use portions of the common, for a maximum of 5 years, subject to consent by the Minister for Lands.
  - (b) The applicant, Mr Harold Hoult, had a Licence for use of a 101 hectare portion of Reserve 49809 for up to 4 horses and 300 goats. The Licence expired on the 30 April 2025.
  - (c) Mr Hoult has paid a \$570.00 application fee for the current Licence application (in accordance with the Shire of Shark Bay Fees and Charges 2025/2026).
  - (d) The proposed Licence has been advertised for public comment, and one objection has been received – Attachment 2.
2. Provide 'in principle' support for a reduced Licence area from 101 hectares to 65 hectares for goat agistment subject to Licence conditions being refined by Shire Administration.
3. Authorise the Chief Executive Officer to advise the applicant that:
  - (a) The Shire will provide a new list of Draft Revised Licence conditions;
  - (b) Any new Licence may be prepared by the Shires solicitor, McLeods, at the applicants cost.
  - (c) Annual fees and charges applicable to the reserve may change in the future.
4. Authorise the Chief Executive Officer to progress any Licence and seek written approval by the Minister for Lands via the Department of Planning, Lands and Heritage.

Planning Application:

5. Note that:

- (i) A planning application has been lodged seeking approval for animal agistment on a portion of the common. The application has been lodged by Mr Hoult to cover areas already used under a previous licence supported by the Shire, and that area has been reduced.
- (ii) The Department of Planning, Lands and Heritage (DPLH) has consented to lodgement of the planning application (as it is crown land).
- (iii) The application has been advertised as an 'animal establishment' in accordance with Clause 64 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 18(2) of the *Shire of Shark Bay Local Planning Scheme No 4*. Advertising closed on the 9 January 2026, and one objection was received – Attachment 2.

6. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the planning application for animal establishment on a portion of Reserve 49809.

FOR: Cr's Bellottie, Cowell, Fenny, Johns, Ridgley, and Stubberfield

AGAINST: Nil.

ABSENT: Smith

CARRIED 6/0

REQUIRES ABSOLUTE MAJORITY VOTE

## BACKGROUND

- *Reserve Details*

Reserve 49809 is crown land which comprises two lots, being:

- Lot 908 on Deposited Plan 408907, and
- Lot 8000 on Deposited Plan 419413.

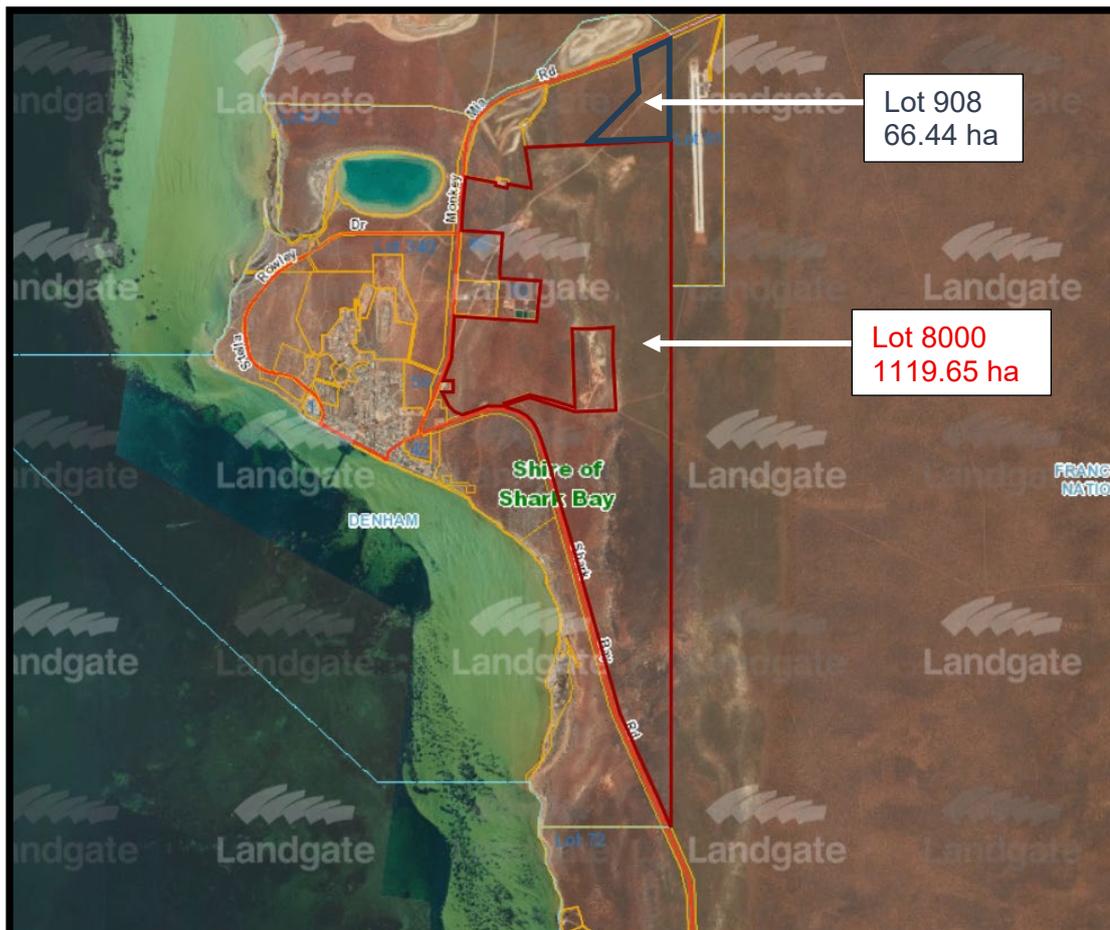
The Shire has a Management Order over the reserve which allows it to issue Licences to other parties, subject to written approval by the Minister for Lands. Licences can be for a maximum of 5 years, with Ministerial approval.

The Management Order includes conditions which state that:

- To be used for designated purpose of "common" only.
- Power to Licence for the designated purpose is granted for the whole or any portion thereof for any term not exceeding five (5) years from the date of the Licence subject to the approval in writing of the Minister for Lands being first obtained to each and every licence pursuant also to the provisions of section 19 of the Land Administration Act 1997.

There is no clear definition of 'common' or the activities that can be undertaken within the common, however TPI is of the understanding that the area has historically been used for agistment of stock animals.

The total area of the reserve is 1186.09 hectares.



Above: Outline of Lot 908 in blue. Outline of Lot 8000 in Reserve 49809 in red.

- *History of Licences*

The Shire has issued Licences to various parties over the years, to use parts of the Shire Common, within Lot 8000, mainly for the keeping of animals such as camels, horses, or goats.

There is only one current Licence for Reserve 49809 issued to Mr Mark Smith, which is valid until 31 October 2027. The Licence was approved by the Minister for Lands and allows for up to 8 horses and the use of 8 hectares.

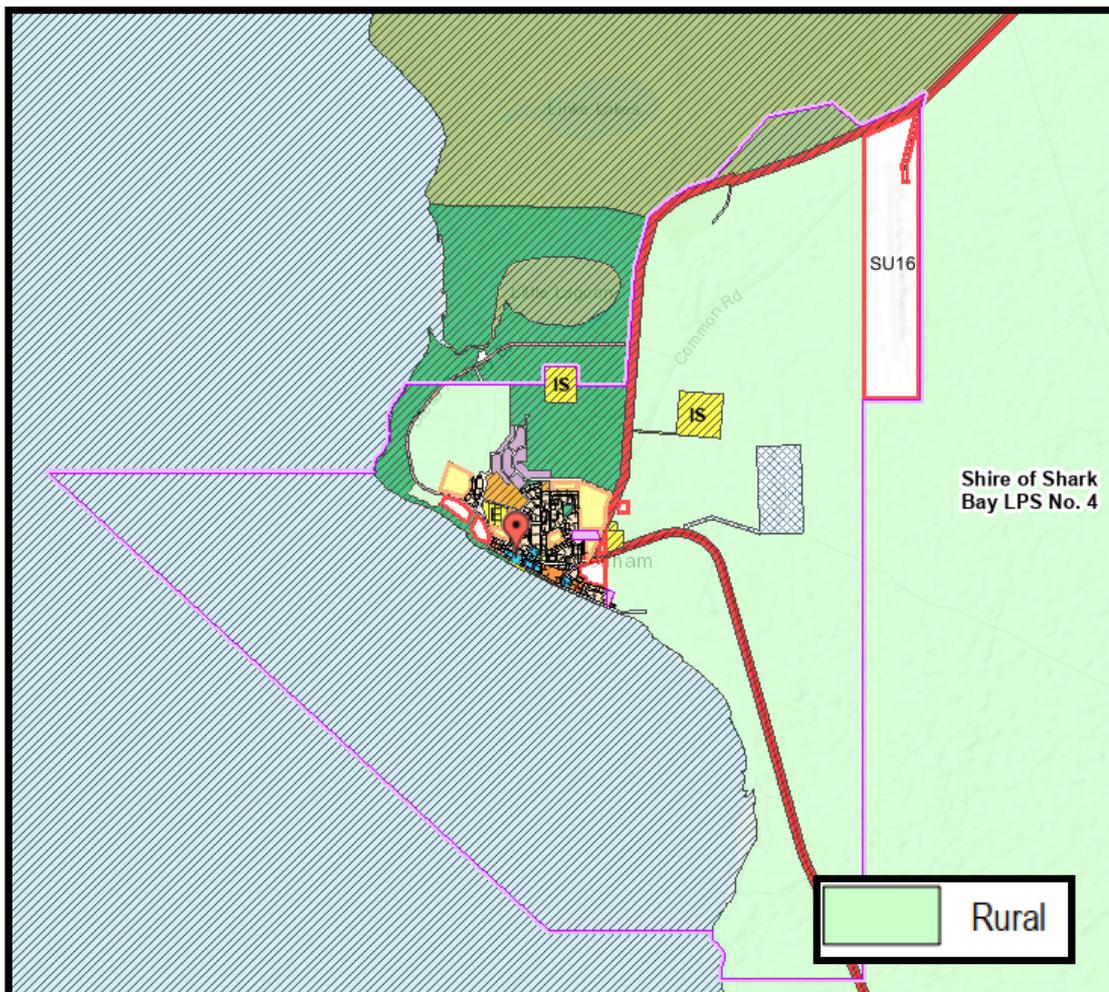
Mr Hoult held a five year Licence for the keeping of 4 horses and up to 300 goats until the 30 April 2025.

- *Zoning*

Reserve 49809 is zoned Rural under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

The Reserve is located outside of the Shark Bay World Heritage Area.

A zoning map is included below.



Above: Rural zone shown as light green.

COMMENT

The proposal is described as follows:

1. A new application seeking a 5 year Licence. The previous Licence area was 101 hectares and is proposed to be reduced to 65 hectares.
2. Only a portion is used to hold goats in fenced off pens. The pen area is approximately 30 metres by 30 metres (900m<sup>2</sup>).
3. Mr Hoult has advised that he previously agisted horses on Reserve 49809, however they have been relocated off site, so he is only seeking a Licence for goats.
4. A planning application seeking retrospective approval to formalise use of a portion of the Common for goats.

TPI is of the understanding that goats are only held in the Common for short periods until they can be transported off site. Mr Hoult has indicated that goats are held in the Common once to twice per year.

A map showing the previous and proposed Licence area is included as Attachment 1.

There is an existing gate and access via an internal common track to the proposed reduced 65 hectare licence area, as shown on the plan.

- *Land Use Permissibility*

The primary use of the Licence area is for the temporary boarding and caring of goats.

The use of the land is construed as 'animal establishment' defined in the Scheme as '*means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.*'

An 'animal establishment' is listed as an 'A' use in the Rural zone under Table 1 – Zoning Table in the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

USE AND DEVELOPMENT CLASS	Commercial	Tourism	Residential	Urban Development	General Industry		Special use
					Rural		
Animal establishment	X	X	X		A	A	

The 'A' symbol means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with Clause 64 of the deemed provisions (of the Planning and Development Local Planning Schemes Regulations 2015).

The use is not considered to be 'extensive agriculture' (ie broad acre stock farming) or intensive animal husbandry (ie feedlot).

- *Consultation*

The planning application was required to be advertised for public comment under the Scheme.

There is no set process for any new Licence application, however the Licence application was advertised concurrently with the planning application.

Advertising closed on the 9 January 2026. One objection was received as outlined in Attachment 2.

- *Water Supply*

The submission raised concern over the free water supply to Licence holders in the Common, and expressed the view that free water should not be given to anyone, except community groups.

TPI is not in a position to address this concern due to:

- (a) The complexity of using the town oval bore as water supply to an array of users, without any easy separate metreage;
- (b) It is an existing longstanding situation.
- (c) Only Council can decide how to deal with the water supply issue.

TPI is of the understanding that all users, including Licence holders in the Common, repair and maintain the pipe that goes through their affected land area. The Shire does not check or maintain the water pipe line that runs through the Common out to the airport.

If Council adopts any future water charge in the Shires Annual Fees and Charges, then it can be covered by the Licence conditions.

It is noted that costs are limited to the Bore Licence, and power to run the bore pump. Mr Hoult only uses the Common once to twice per year for goat agistment. Mr Hoult's water use is reduced, as he no longer agists any horses at the Common.

#### LEGAL IMPLICATIONS

Land Administration Act 1997 – Section 18 outlines that Ministerial approval is required for any transaction relating to Crown Land, such as the grant of a Licence.

The Shires ability to issue Licences comes from the Management Order for Reserve 49809.

Local Laws on Local Government Property - The Shire Common crosses over into the Local Laws as it defines Local Government Property as including anything that is not a thoroughfare and where the '*Local Government is the management body under the Land Administration Act 1997*'.

Clause 2.7 of the Local Law outlines the activities that the Shire can approve. It does not mention agistment but includes that a person may '*bring, ride or drive an animal*'.

In Part 3 Permits, under Clause 3.1 it states that '*This Part does not apply to a person who uses or occupies Local Government property under a written agreement with the Local Government to do so.*'

TPI is of the view that it can be construed that any Licence granted to a person to use the Common Property is a written agreement with the local government, so a separate Permit under the Local Law is not likely required.

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

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

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

Shire of Shark Bay Local Planning Scheme No 4 – Reserve 49809 is zoned Rural. A Licence does not negate the need for planning approvals and /or Building Permits as required.

#### POLICY IMPLICATIONS

There are no policy implication relative to this report.

#### FINANCIAL IMPLICATIONS

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

Licence holders pay annual fees to the Shire, and supply their own annual Certificate of Currency for Public Liability Insurance.

The Shire of Shark Bay Fees and Charges 2025/2026 include the following:

<b>Reserve 49809 (Denham Common - Approved designated areas only)</b>				
Licence to Occupy - Non Commercial Use	Council	Y	Per annum	35303946
Licence to Occupy - Commercial Use	Council	Y	<b>\$570.00</b> Per annum	35303946

The Manager of Works has advised that the Shire does not incur any ongoing maintenance costs associated with Reserve 49809. There is a bore at the Shire oval which provides a water supply to several sites in town including the Shire Common and the airport.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

#### RISK MANAGEMENT

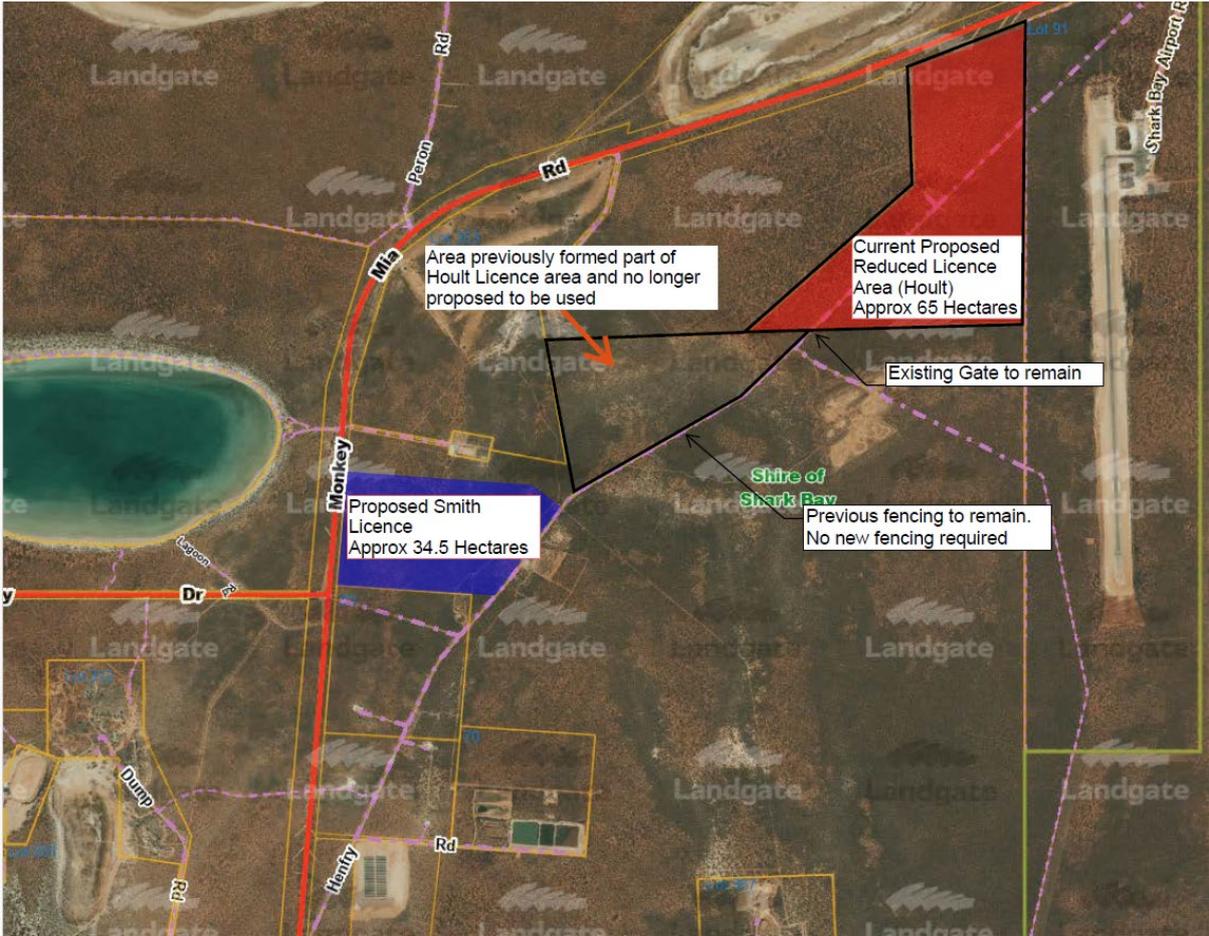
Any risks will be mitigated by new Licence conditions, and Mr Hoult has lodged an insurance document for the proposed Licence.

#### VOTING REQUIREMENTS

Absolute Majority Required (for delegated authority only)

#### SIGNATURES

Author L Bushby  
Chief Executive Officer D Chapman  
Date of Report 11 February 2026



ATTACHMENT 1

ATTACHMENT 2

Shire of Shark Bay  
Application to use an expanded portion of the Shire Common (Hoult)  
Table of Submission

Submission 1 Dr Bevan Buirchell 3 Leeds Court Denham WA 6537	TPI Comments (with verbal advice from applicant)
I commend Mr Harold Hoult for his contribution to the control of goats on DBCA managed land.	Noted. This is a statement.
<p>Until DBCA finds the funds and resources to completely eradicate goats, within the Peron Peninsula and the rest of the Shark Bay World Heritage area, the community of Shark Bay will continue to be forced indirectly by DBCA to carry the burden of their shortcomings. It is highly inappropriate for DBCA to agist their goats on Shire managed land given the amount of land they manage. The Shire should take this opportunity to negotiate with DBCA over goat control and bring them to an understanding that there is a limit to the Shire's contribution to their problem.</p> <p>Maybe the Shire could set an end point at which no further goat agistment will be considered on the Shire Common thus forcing DBCA to find other solutions. Maybe a nine months Licence so DBCA can sort out their problem.</p>	<p>Feral goats are a widespread problem that is not limited to land under the control of DBCA. Mr Hoult has indicated that goat eradication is not limited to DBCA controlled land.</p> <p>The submission appears to be commentary critical of how DBCA operates, rather than a specific comment on Mr Hoult's application.</p> <p>In any event, Council is to consider the proposed Licence which is simply a continuation of an existing land use, rather than the broader issue of how DBCA manages feral goats.</p> <p>This application proposes to use a smaller area than the previous Licence, and no longer includes agistment of any horses.</p> <p>Any Licence would be issued for 5 years and requires approval by the Minister.</p>
<p>One only has to look at the impact of goats within the National Park to see that they damage both the vegetation and the integrity of the fragile soils. The area on the Common to be used to agist up to 300 goats is not appropriate for such activity given that</p> <ol style="list-style-type: none"> <li>1. these are fragile sandy soils which can easily be denuded and then subject to erosion through the usual strong winds in Shark Bay</li> <li>2. the vegetation within this area consists of spinifex grasses and acacia. There is very little pastoral value in such vegetation and what is of value will be quickly consumed. This particularly applies to the acacia species. The bush throughout the Peron peninsula is under great stress due to drought and higher temperatures with something between 20-80% dead across the peninsula. Further pressure on this small area of land is going to result in land degradation (this also applies to the Smith application)</li> <li>3. goats will seek shade and since none is being provided the taller shrubs that exist on the block will come under</li> </ol>	<p>The agistment of feral goats is for short periods and is temporary in nature.</p> <p>A small portion of Licence area is used for short term holding pens, until goats are taken off site.</p> <p>Whilst there may be damage from feral goats, it is limited to the confined holding pens, which only have a small footprint of approximately 900m<sup>2</sup>.</p> <p>For context, the combined area of the Shire Common is 1,186 hectares.</p> <p>Licences (of a commercial nature) are explicitly allowed to be granted by the Shire, with the approval of the Minister, under the Common Management Order.</p>

<p>4. pressure from crowding goats. Again contributing to soil degradation.</p> <p>given the sandy soils and Shark Bay's lack of rainfall the time for recovery after land degradation is long. The impact of goats, and even horses, leave land in a poor state long after they have been removed.</p>	
<p>The Soil and Land Act 1945 is something that the Council should consider in their deliberations for ANY use of the Common for animal agistment as this Act also applies to Council managed land.</p> <p>The Soil and Land Conservation Act 1945 provides for the prevention and mitigation of land degradation and establishes the role of Commissioner for Soil and Land Conservation (Commissioner). The Commissioner is responsible for ensuring land use and land management across Western Australia is undertaken in such a way as to preserve the land in good condition.</p> <p>The Act explicitly mentions the coordination of policies and activities of government departments and public authorities regarding the utilisation of Crown lands and other lands vested in public authorities.</p> <p>Commissioner's Role: The Commissioner of Soil and Land Conservation has the authority to advise any government department or public authority on the care or use of any Crown lands where land degradation is a concern.</p> <p>Obligations: Shire councils, like other landholders (owners or occupiers), are legally required to comply with the SLC Act when undertaking earthworks related to water management or any other practices that may cause land degradation, such as soil erosion or salinity.</p> <p>Enforcement: The Commissioner can serve a soil conservation notice on a "landowner or occupier" if land degradation is occurring or is likely to occur, directing them to take specific actions. This applies to public authorities as well.</p> <p>In essence, a Shire, as a body managing public land, is subject to the provisions of the Act and must cooperate with the Commissioner to ensure soil and land conservation.</p>	<p>Whilst the Shire holds a Management Order over the Shire Common, ultimately it is crown land owned by the State of WA, and any Licence has to be approved by the Minister.</p> <p>Draft Licences are lodged to the Department of Planning, Lands and Heritage (DPLH), therefore it is considered that the Shire is adequately covered through that DPLH referral, and Minister consent. If the Minister or DPLH had any concerns over compliance with the Soil and Land Act 1945, then they would undertake their own internal government agency consultation.</p> <p>The small footprint of the area used for short term temporary goat agistment is not likely to be of immense concern to Commissioner for Soil and Land Conservation (Commissioner), especially when:</p> <ul style="list-style-type: none"> <li>- Licences are endorsed at a Ministerial level; and</li> <li>- The services being provided are assisting DBCA with goat eradication.</li> <li>- There would be broader environmental impact of goats on DBCA managed land if they were not caught and sent off site.</li> </ul> <p>Where feral goat numbers become unmanageable their appetite and grazing habits cause serious damage. Whilst the goats may cause damage within the Common, this prevents them continuing to cause more broadscale damage in other areas.</p> <p>For goat eradication programmes to occur, some one has to provide those services.</p>
<p>In the Strategic Community Plan 2018-2028 of the Shire of Shark Bay Outcome 2.1 states A natural environment for the benefit and enjoyment of current and future generations</p> <p>2.1.1 Promote reduced environmental impact within the Shire</p>	<p>The extent of environmental impact can be effectively managed by minimising the footprint of the penned areas that goats are temporarily held in.</p> <p>An alternative view point is that feral goats in the wider Shire of Shark Bay area would likely have a</p>

<p>The community contributed to this strategic plan and is relying upon the Council to heed the strategies identified within that document. Allowing goats to use the Common is NOT reducing environmental impacts but promoting them.</p>	<p>much higher and broader environmental impact on other DBCA controlled and other crown land in the Shire, without eradication services such as provided by Mr Hoult, and through use of a small portion of the Common.</p>
<p>The Shire of Shark Bay should not be giving free water to any users of the Common that are not a community group. In this case it is a commercial activity and if given a Licence they must pay the same for water as the rest of the community. Any water supplied on site should be removed and Licence holders should source their water from the town bore where a "user pays" system should be implemented.</p>	<p>Water supply is discussed in the body of the report to Council.</p> <p>Water use is likely limited given the temporary nature of goat agistment.</p>
<p>There should be NO COMMERCIAL activities allowed on the Common. Agisting goats for future sale is a commercial activity.</p> <p>Compromise situation would be a commercial rate for land rental which should be significantly above the current rate of \$500 per annum. For instance \$100/ha/annum</p>	<p>The Shires fees are based on commercial use, and any commercial Licence requires separate Ministerial approval.</p> <p>Commercial uses are not precluded from the Common under the Management Order for the reserve or any Licence.</p> <p>The Shire will review all fees applicable for future years and Licences.</p>

11.2 APPLICATION FOR NEW LICENCE WITHIN RESERVE 49809, LOT 8000 ON DEPOSITED PLAN 419413 AND LOT 908 ON DEPOSITED PLAN 408907 (SHIRE COMMON)  
FILE # RES49809

AUTHOR

Liz Bushby, Town Planning Innovations (TPI)

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations (TPI)

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

Declaration of Interest: Cr Mark Smith, Deputy President

Nature of Interest: Proximity

Moved Cr Fenny

Seconded Cr Johns

Officer Recommendation

That Council:

1. Note that:
  - (a) The Shire has a Management Order over Reserve 49809 with the power to issue Licences to parties to use portions of the Common, for a maximum of 5 years, subject to consent by the Minister for Lands.
  - (b) The applicant, Mr Mark Smith, has a current Licence for use of an 8 hectare portion of Reserve 49809 for up to 8 horses. The current Licence is valid until the 31 October 2027.
  - (c) A new 'expanded' Licence proposal was advertised for public comment and 3 objections were received. Objections are summarised in Attachment 2.
  - (d) The applicant, Mr Smith, has advised he no longer seeks approval for an orchard or the keeping of chickens in the expanded Licence area.
  - (e) Main Roads WA have no objections to a new crossover to Monkey Mia Road however it will have to be constructed to meet their specifications.
  - (f) The Shires solicitor is working on new draft Licence conditions in consultation with Shire Administration.
2. Note that the Licence will be referred to the Department of Planning, Lands and Heritage to seek separate approval by the Minister (once new Licence conditions have been agreed to by the Shire and applicant).
3. Authorise the Chief Executive Officer to advise the objectors of the Council decision.

FOR: Cr's Bellottie, Cowell, Fenny, Johns, Ridgley and Stubberfield

AGAINST: Nil.

ABSENT: Smith

CARRIED 6/0

REQUIRES ABSOLUTE MAJORITY VOTE

## BACKGROUND

- *Reserve Details*

Reserve 49809 is crown land which comprises two lots:

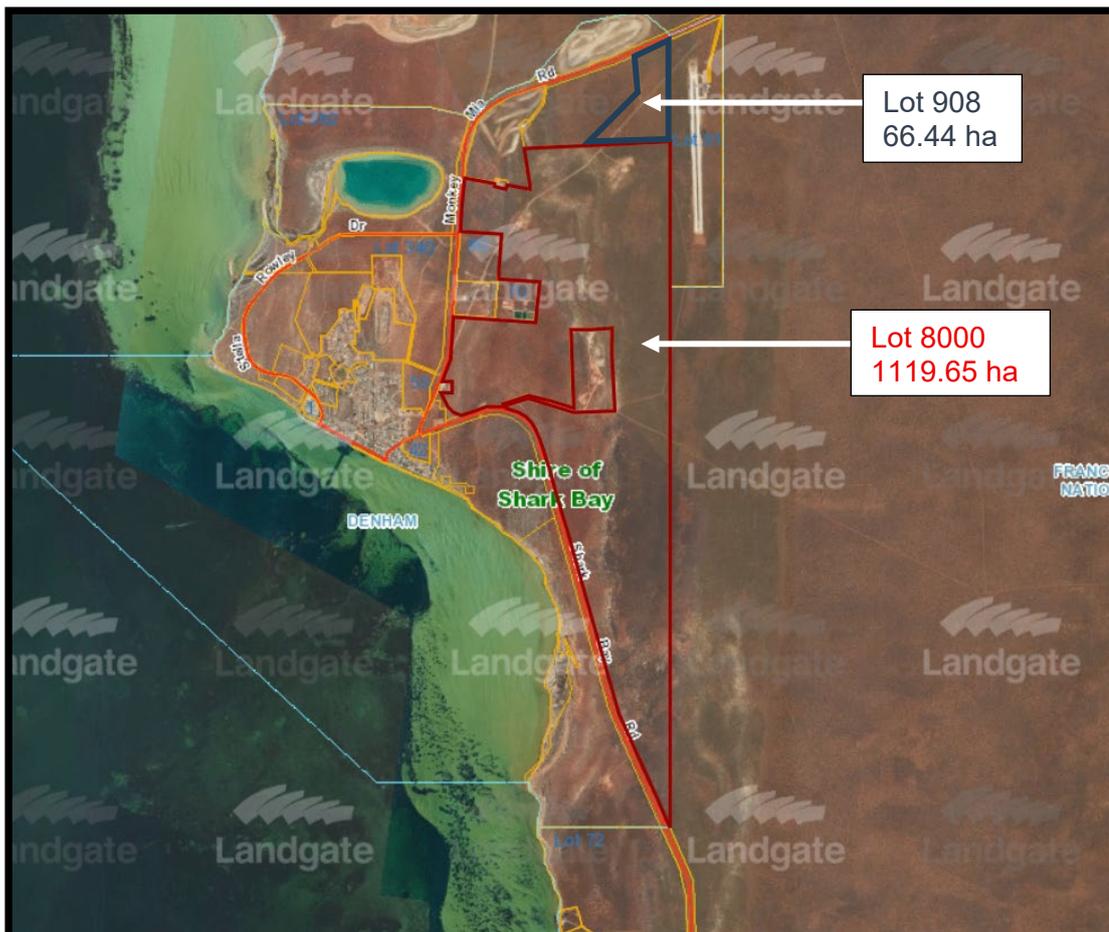
- Lot 908 on Deposited Plan 408907, and
- Lot 8000 on Deposited Plan 419413.

The Shire has a Management Order over the reserve which allows it to issue Licences to other parties, subject to written approval by the Minister for Lands. Licences can be for a maximum of 5 years, with Ministerial approval.

The Management Order includes conditions which state that:

- To be used for designated purpose of "Common" only.
- Power to Licence for the designated purpose is granted for the whole or any portion thereof for any term not exceeding five (5) years from the date of the Licence subject to the approval in writing of the Minister for Lands being first obtained to each and every licence pursuant also to the provisions of section 19 of the Land Administration Act 1997.

There is no clear definition of 'Common' or the activities that can be undertaken within the Common, however TPI is of the understanding that the area has historically been used for agistment of stock animals.



Above: Outline of Lot 908 in blue. Outline of Lot 8000 in Reserve 49809 in red.

The total area of the reserve is 1186.09 hectares.

- *History of Licences*

The Shire has issued Licences to various parties over the years, to use parts of the Shire Common, within Lot 8000, mainly for the keeping of animals such as camels, horses, or goats.

There is only one current Licence for Reserve 49809 issued to Mr Mark Smith, which is valid until 31 October 2027. The Licence was approved by the Minister for Lands and allows for up to 8 horses and the use of 8 hectares.

- *Existing Planning Approval (Animal Establishment)*

A planning application for an animal establishment, feed storage building and training arena was considered by Council at the Ordinary Meeting held on the 29 July 2020.

The approval for Mr Mark Smith was for the land use and structures, associated with his existing Licence area.

- *Current Planning Application (Animal Establishment/Horse Arena)*

The applicant has lodged preliminary plans for a horse arena within the existing 8 hectare Licence area. The Shire has requested a better site plan, and is waiting for a letter of landowner consent from the Department of Planning, Lands and Heritage (as it is crown land owned by the State of WA).

- *Previous Council Decision (October 2025)*

A preliminary report on the expanded Licence application was considered by Council at the Ordinary Meeting held on the 29 October 2025.

At the time, the application included a proposed orchard and the keeping of chickens. These elements have since been removed.

Council resolved as follows:

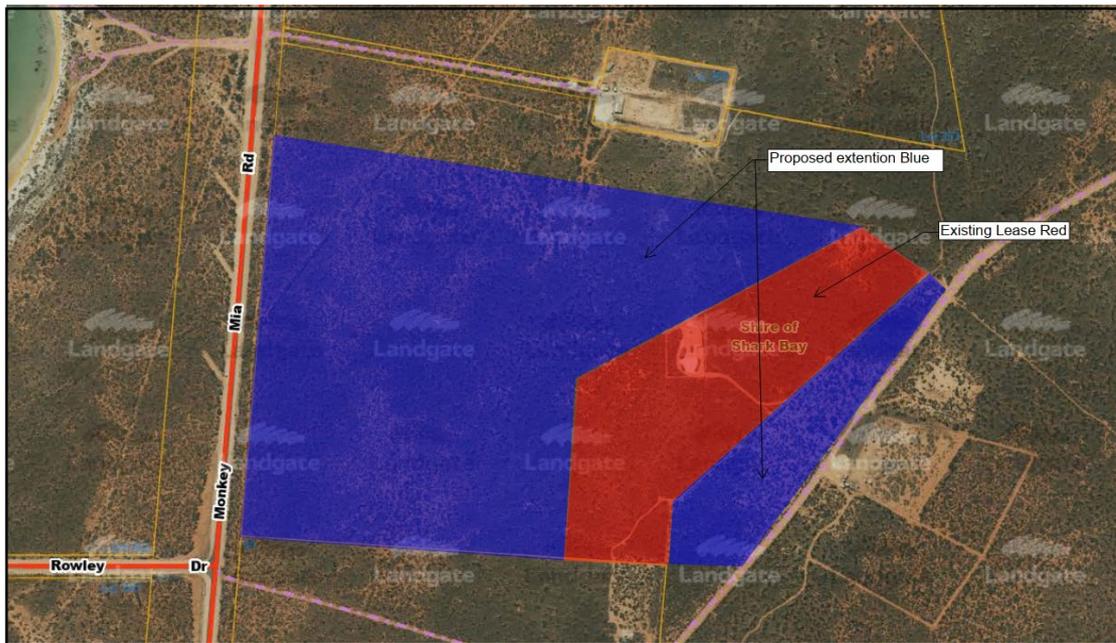
1. Note that:
  - a) There is a separate Confidential Report Item No 16.1 in this Agenda on Reserve 49809.
  - b) The Shire has a Management Order over Reserve 49809 with the power to issue Licences to parties to use portions of the Common, for a maximum of 5 years, subject to consent by the Minister for Lands.
  - c) The applicant, Mr Mark Smith, has a current Licence for use of an 8 hectare portion of Reserve 49809 for up to 8 horses. The current Licence is valid until the 31 October 2027.
2. Provide 'in principle' support for an expanded Licence area from 8 hectares to 34.5 hectares subject to Licence conditions being refined by Shire Administration.
3. Resolve to advertise the application for an expanded Licence for a period of 21 days through publication of a Public Notice on the Shire website.
4. Resolve to refer the proposed new access to Monkey Mia Road to Main Roads Western Australia for comment.
5. Authorise the Chief Executive Officer to advise the applicant that:

- a) Lodgement of an initial \$570.00 application fee is required for the current application in accordance with the Shire of Shark Bay Fees and Charges 2025/2026.
  - b) The Shire will provide a list of Draft Revised Licence conditions;
  - c) Any new Licence may be prepared by the Shires solicitor, McLeods, at the applicants cost.
  - d) Annual fees and charges applicable to the reserve may change.
  - e) Any animal establishment in the expanded Licence area, which includes the boarding, training or caring of animals for commercial purposes, and any clearing of vegetation for a new arena in the expanded Licence area, requires separate planning approval. Structures may also require separate planning and/or building approval.
6. Authorise the Chief Executive Officer to progress any Licence and seek written approval by the Minister for Lands via the Department of Planning, Lands and Heritage.

COMMENT

- *Description of Proposed Licence Area*

The new application seeks a Licence area of 34.5 hectares.



*Above: Existing 8 hectare Licence shown in red. Proposed expanded new Licence shown in blue.  
Map supplied by Shire*

- *Description of Amended Licence Application*

The applicant has amended their application to respond to concerns raised in public submissions. The proposal no longer includes an orchard or the keeping of chickens.

The revised Licence application proposes:

- Potential new fencing of the expanded Licence area;
- Proposed new access from Monkey Mia Road;
- Internal walk trails (for horses);
- Proposed new horse pens of approximately 1500m<sup>2</sup>;
- Proposed new paddocks adjacent to the Common Road to enable a more effective paddock rotation system.

A horse arena for training in the expanded Licence area is no longer proposed. Instead the applicant is pursuing a separate planning application for a horse arena within the existing 8 hectare Licence area.

The applicant has indicated that the facilities would be used for their own horses, however visitors will also be able to agist horses (for short periods) in the expanded Licence area.

TPI has marked up a revised concept plan – Attachment 1.

- *Consultation*

The expanded (34.5 hectare) Licence application was advertised for public comment. Three objections were received as summarised in Attachment 2, which includes comments by the applicant and TPI.

Some of the main issues including impact on native vegetation, commercial activities, and water supply, which are discussed in the body of this report.

- *Native Vegetation/ Environment*

Some submissions raise concern over the impact of horses on the environment, and native vegetation.

TPI does not dispute that horses can impact and degrade native vegetation (through trampling), however notes that:

- a) Impact on native vegetation or the environment by itself, does not necessarily justify a refusal of the Licence application. Almost all development on uncleared land involves some clearing and/or impact. It is a question of whether the impact is considered acceptable in context of the scale, location, application, and context.
- b) The land use and number of horses is not proposed to change. A low stocking rate is proposed and horses will simply have access to a larger 34.5 hectare area.
- c) The Common has historically been used and Licenced for various forms of animal agistment. TPI is aware of Licences for the keeping of animals in the Common that date back to at least 2010.
- d) The combined area of the Common is 1,186.09 hectares. The Licence area of 34.5 hectares represents approximately 2.9% of the Common area. A significant portion of the Common will remain in a natural state.
- e) The proposed paddocks are not in any public drinking water area, wetland, or near any creeks or rivers.
- f) Council only has to consider the expanded Licence application, and ultimately it requires approval by the Minister.
- g) A number of public concerns have been addressed by the applicant through removal of the proposed orchard and keeping of chickens.

For any separate proposal that requires clearing, such as a future horse arena, it will be the responsibility of the applicant to liaise with the Department of Water and Environmental Regulation (DWER) to ascertain whether any separate clearing permit is required, and to comply with all other relevant WA Legislation.

If the Minister did not agree that any use was suitable for the Common, then he would not continue to approve Licences.

- *Commercial Activities*

There seems to be some public misconception that commercial activities are not permissible in the Common. In fact, the Shires adopted Licence fees are for a commercial Licence.

Subject to the Ministers approval, Licences for commercial activities or recreational activities can be supported. There is no obstruction to commercial activities in the Management Order for Reserve 49809.

TPI considers it highly likely that any commercial activities will be ancillary to the owners own horse agistment, but even with a commercial component, agistment is consistent with historic use of the Common.

- *Water Supply*

Some submitters raise concern over the free water supply to Licence holders in the Common.

TPI is not in a position to address this concern due to:

- (a) The complexity of using the town oval bore as water supply to an array of users, without any easy separate metreage;
- (b) It is an existing longstanding situation.
- (c) Only Council can decide how to deal with the water supply issue.

TPI is of the understanding that all users, including Licence holders in the Common, repair and maintain the pipe that goes through their affected land area. The Shire does not check or maintain the water pipe line that runs through the Common out to the airport.

If Council adopts any future water charge in the Shires Annual Fees and Charges, then it can be covered by the Licence conditions.

## LEGAL IMPLICATIONS

Land Administration Act 1997 – Section 18 outlines that Ministerial approval is required for any transaction relating to Crown Land, such as the grant of a Licence.

The Shires ability to issue Licences comes from the Management Order for Reserve 49809.

Local Laws on Local Government Property - The Shire Common crosses over into the Local Laws as it defines Local Government Property as including anything that is not a thoroughfare and where the 'Local Government is the management body under the Land Administration Act 1997'.

Clause 2.7 of the Local Law outlines the activities that the Shire can approve. It does not mention agistment but includes that a person may 'bring, ride or drive an animal'.

In Part 3 Permits, under Clause 3.1 it states that 'This Part does not apply to a person who uses or occupies Local Government property under a written agreement with the Local Government to do so.'

TPI is of the view that it can be construed that any Licence granted to a person to use the Common Property is a written agreement with the local government, so a separate Permit under the Local Law is not required.

Shire of Shark Bay Local Planning Scheme No 4 – Reserve 49809 is zoned Rural. A Licence does not negate the need for planning approvals and /or Building Permits as required.

## POLICY IMPLICATIONS

- *Licences in the Common*

There is no known adopted Council Policy on Licences for the Shire Common.

Minutes from the Ordinary Council meeting held on the 27 August 2014 state that:

*'The Council in 2009 considered a policy in relation to the Common and advertised the policy for comment (attached at the end of the item). It is unclear if the policy was formally adopted, however the principles of the policy appeared to have been put into place and it is now referred to as a Management Statement'.*

The 'Management Statement' is a replica of the unadopted Policy, and does not appear to have any legislative base or status.

- *Shire of Shark Bay Policy Manual*

The Chief Executive Officer has identified that there is a Policy No '8.2 Standpipe and Bore' in the current Council Policies document – Attachment 3.

The Policy lists community organisations that can access the bore, and lists conditions for those organisations to access water free of charge.

The Policy gives the Shire priority over other users, and the Shark Bay Speedway second priority. It is not aimed at giving access to individuals, and does not mention Licence holders in the Common.

The Policy was adopted by Council on the 27 August 2014. Although the Policy document has been amended from time to time, it does not appear that the whole document has been significantly reviewed in its entirety, as some policies date back to 2014/2015.

The Policy is not an impediment to supporting the current Licence application for Mr Smith, as it is only a guide and is not statutory. The Shire may review the existing Policy in the future.

FINANCIAL IMPLICATIONS

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

Licence holders pay annual fees to the Shire, and supply their own annual Certificate of Currency for Public Liability Insurance.

The Shire of Shark Bay Fees and Charges 2025/2026 include the following:

<b>Reserve 49809 (Denham Common - Approved designated areas only)</b>					
Licence to Occupy - Non Commercial Use	Council	Y		Per annum	35303946
Licence to Occupy - Commercial Use	Council	Y	\$570.00	Per annum	35303946

The Manager of Works has advised that the Shire does not incur any ongoing maintenance costs associated with Reserve 49809. There is a bore at the Shire oval which provides a water supply to several sites in town including the Shire Common and the airport.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with the application.

RISK MANAGEMENT

TPI is of the view that there is some risk if the licence conditions are not reviewed.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author	L Bushby
Chief Executive Officer	D Chapman
Date of Report	11 February 2026

## Shire of Shark Bay

Application to use an expanded portion of the Shire Common  
Schedule of Submissions

NO.	NAME/ ADDRESS	12 SUMMARY OF SUBMISSION	APPLICANTS COMMENTS	TPI COMMENTS
1.	Ms Fay Castling PO Box 81 Denham WA 6537	<p>1a. Thank you for the opportunity to have clarification of Mr Mark Smith application to extend his current Common Land and proposed Developments. My understanding of Town Common Land is for people to use to care/house their animals and access to all. Trusting that the proposed developments retain the integrity of this understanding.</p> <p>1b. New Road access from Monkey Mia: Not sure of the need for this road and note there is no detail as to the type of road.</p> <p>1c. RE Fencing *Secure Boundary Fencing is required to secure the horses and hens. *Internal Fencing: Should at any time the current Lease Holder discontinue the lease and is unable to obtain another Lease Holder is there an obligation by the Lease Holder to remove fencing, orchard? Responsibility of the to horses, riders and hens be the sole responsibility of the Lease Holder?</p> <p>1d. Water supply to Orchard: Bore water is supplied free to the animals from the Towns Oval this water is contained in Drinking Troughs. Irrigation of an orchard will require a great deal more</p>	<p>1a.Thank you for your questions. The development fully respects the commons' purpose of shared usage. While we do fence for animal care, we regularly welcome visitors and community members who want to use the paddocks and join in horse riding activities.  In other words, we're definitely keeping the spirit of the common alive and well.</p> <p>1b.We just want the new Monkey Mia Road access to offer a safer and easier western entry, since it's simpler to navigate than the rougher eastern tracks. It's just basic road base, making things smoother and safer. Main Roads have responded and have no issue with the Crossover.</p> <p>1c.Yes. The leaseholder is indeed responsible for removing the fencing and structures if they discontinue the lease and cannot obtain a new one. This is all clearly outlined in the Licence to Occupy, specifically in reference points 5,6, and 7 on page 5. The leaseholder also takes full responsibility for horses, and riders as covered under the Indemnity and Release section on page 3 of the same document.</p> <p>1d.To streamline the process, the orchard component will be removed from the application.  This is my current fee &amp; charge.</p>	<p>1a. Submission comment noted. Whilst the use of the 'common' is not defined as such, TPI is of the understanding that historically it has been used for animal agistment.  Both the Shire and the Minister have supported a number of Licences for animal agistment over the years.</p> <p>1b. The applicant will need to lodge an application to Main Roads WA to construct a new crossover. MRWA has no objections subject to conditions, including that it be constructed in accordance with their driveway policy.</p> <p>1c. If a new expanded Licence area is supported by the Shire and endorsed by the Minister, then conditions can be imposed to require removal of any fencing and /or structures if the licence is not renewed after 5 years. Conditions will be prepared by the Shires solicitor so they are legally enforceable.</p> <p>1d. The applicant has advised that they no longer propose any orchard activities. Water is discussed in</p>

		<p>water will this water be supplied to and unlimited at no cost to the Lease Holder.?</p> <p>1e. Lease Holder: Can a lease holder sublet?</p> <p>1f. Council Responsibility: Does the Council have any financial or other responsibility to the development of this proposal?</p>	<p>Shire of Shark Bay – Fees and Charges 2024/2025 Reserve 49809 Denham Common. Licence to Occupy – Commercial Use. Per annum \$550.00</p> <p>1e.The Lease itself will not be subleased. However limited use of individual yards and paddocks may be made available to community members so they can house and ride their horses without needing to enter a separate lease, which aligns with the shared-use and community spirit of the common and supports outdoor recreation in Shark Bay.</p> <p>1f. Council bears no financial, operational, or ongoing responsibility for this development beyond normal administrative, compliance and licencing preparation functions.</p>	<p>the body of the report to Council.</p> <p>1e. If a new expanded Licence area is supported by the Shire and endorsed by the Minister, there will be no ability to sub-lease.</p> <p>1f. Council's role is administrative to issue any formal Licence if approval is granted by the Minister. The costs of any development or ongoing maintenance is borne by the Licence Holder.</p>
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2.	Janine Guenther 3 Leeds Court Denham WA 6537	<p>2a. As a resident and ratepayer in the Shire of Shark Bay, I oppose Mark Smith's application for a portion of the reserve 49809 (LOT 8000 on deposited plan 419413 and LOT 908 on deposited plan 408907). Considering all the proposed changes to the common land (including the erecting of a horse arena, clearing native bushland for walk trails and new access etc.) and considering the massive scope of activities (horse riding, orchard, chuck farm), the application reads more like a hobby farm project – a hobby farm set up to generate income at expense of the ratepayer and community (free water / free land for commercial activities / destruction of native bushland).</p> <p>2b. The keeping of up to 20 chickens (for personal use) ????. My apologies for sounding cynical but I would love to see the applicant eating the eggs of 20 constantly egg-producing chucks all by himself.</p> <p>2c. Proposed 2 hectare non-commercial orchard. The same goes for the products gained in a 2 hectare orchard. Also, the Shire of Shark Bay has an average annual rainfall of 250 mm. At the moment we are still battling a drought that has destroyed most of Shark Bay's vegetation cover. Setting up an orchard which requires heavy irrigation in such an environment is not only an environmental sin but also a slap in the face of the community who pays for the water (including repairs to the bore). And I can't wait to hear the applicants explanation of his following sentence: <i>This [the non commercial orchard] will not only contribute to the overall sustainability of the property but also provide beneficial resources for both the horses and the community ....</i> How does the community benefit from a non-commercial orchard that needs clearing of native and precious bushland and heavy irrigation in a semi-arid environment?</p>	<p>I'd appreciate if the objector could clarify whether their concern is about my intent – which is to create a privately managed but community-oriented space for locals to enjoy horse riding and shared activities – or if they simply oppose any positive use of the land.</p> <p>In fact, this will not degrade the land but rather enhance it by involving the community and promoting careful responsible stewardship.</p> <p>Its clear there is a misunderstanding of the the Commons role. The Common has for over a century housed horses, camels and stock, as rural land isn't available for purchase. Many WA towns dedicate such space for these uses. As for costs, I pay a commercial lease - \$550 a year – so no expense falls on ratepayers. The walk trails wont clear bush; DPLH will guide any vegetation management. The horse arena is on the existing lease, not part of this application. In short, the application aims for community use, not personal gain.</p> <p>2b. To streamline the process, the chicken component will be removed from the application.</p> <p>2c.To streamline the process, the orchard component will be removed from the application.</p>	<p>2a. There is already an existing Licence issued to Mr Mark Smith to use 8 hectares for horse agistment. The Licence has been approved by the Minister and is valid until the 31 October 2027.</p> <p>TPI is of the understanding that the Common has historically been used for animal agistment in various forms.</p> <p>Clearing of native vegetation is subject to WA Legislation, therefore the onus is on the licence holder to liaise with DWER and lodge an application for a Clearing Permit (if required).</p> <p>It is acknowledged that horses may have an impact on native vegetation however:</p> <p>a) It is an existing land use. The number of horses is not proposed to change.</p> <p>b) The new Licence application has been amended and only proposes a larger area for the same number of horses.</p> <p>c) The Licence has to be approved by both the Shire and the Minister.</p> <p>2b. In response to submissions, the applicant has amended their Licence application so it no longer includes an orchard or keeping of chickens.</p> <p>2c. The applicant is no longer pursuing an orchard use.</p>
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		<p>2d. Proposed 30 metre by 60 metre horse arena. We must not forget that, contrary to the sign the applicant had erected on his existing lease (stating PRIVATE PROPERTY), this is not private property. Erecting permanent structures, houses, sheds etc. is not in the original sense of a Town Common.</p> <p>2e. The commercial aspects of the application is best summarised in the project's name. Does "Shark Bay Equestrian Centre" really sound like 'having a few private horses on the Common' to you?</p> <p>2f. As already admitted in the application, the land will not only be used for the applicant's own horses but "short-term agistment" will be offered to tourists as well as riding opportunities. Not only is this clearly a commercial business but riding accidents on Shire land could result in massive insurance battles and financial despair of the Shire. The usual public liability of 10 million is just a drop in the ocean.</p> <p>Allowing business activity on the Town Common would also set a precedent with no end in sight.</p> <p>2g. Despite the fact that the whole application is written in perfect AI style (oozing with positive but completely out of context words such as <i>benefits</i>, <i>sustainability</i> and <i>eco</i>) and despite the fact that the application is embellished with wonderful photos which all show a lush and green farming environment, we must not forget that this is an application for a large proportion of a Common located in a semi-arid to arid environment (dominated by spinifex and acacias). It's not a development application for a hobby farm on a private rural property down south where the grass is greener and where the owner pays for his own water.</p>	<p>2d. The horse arena is no longer part of this application, simplifying the scope. Regarding 'private property,' the lease entitles me to maintain personal assets like my horses, horse float, sheds and infrastructure on the leased area. While the land is publicly owned, the lease allows for private use of the structures I invest in—within the agreed terms.</p> <p>2e. Yes, the name reflects a commercial equestrian operation—because that's exactly what the lease permits. I pay a commercial license fee, and the intent is to offer a community-oriented service. The Common, historically and presently, allows for such uses. Anyone with concerns should consult the Shire to understand the Common's purpose and the lease structure. This is fully above-board.</p> <p>2f. Yes, this is a commercial venture—the lease allows for that, and the \$550 fee reflects it. Short-term agistment is part of the community service, giving others access. The Shire's insurers have already deemed our coverage adequate—there's no 'massive risk.' As for precedent, the Common has hosted commercial activities for decades. Others can do the same within the Common's defined guidelines. It's simply a misunderstanding of how the Common works.</p> <p>2g. Noted. The application is grounded in real opportunities for a community-focused operation. While the Common is indeed arid, any imagery used reflects our vision to thoughtfully improve the area. The project remains within the scope of what the Common has historically supported. As for water, we will manage resources responsibly, as required under our lease.</p>	<p>2d. TPI is of the understanding that the sign is only used to ensure that members of the public do not enter the Licence area or access the horses without the applicants consent. All parties understand that the Licence area is not private property.</p> <p>2e. The Shires fees are based on commercial use, and any commercial Licence requires separate Ministerial approval.</p> <p>Commercial uses are not precluded from the Common under the Management Order for the reserve or any Licence.</p> <p>As per 2e above.</p> <p>2g. The revised application will expand the Licence area to be used for horses, and no longer proposes 'hobby farm' type activities such as an orchard or the keeping of chickens.</p>
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		<p>2h. All I can hope for is that the Council treats this application in the same way the Council would treat an application coming from me AND NOT FROM A FELLOW COUNCILLOR and VICE PRESIDENT.</p>	<p>2h. The Common is accessible to all community members, and applications are assessed equally on their merits, not on personal roles. This application is no exception and stands on its own details, like any other.</p>	<p>2h. Previous applications for Licences in the Common have been assessed by the (then) Shire CEO. This application has been subject to a more rigorous process, including public advertising. TPI is not aware of any previous Licence application that has been advertised for public comment.</p> <p>The Licence application process has been open and transparent.</p> <p>All submissions will be provided to DPLH when the Shire seeks Ministerial approval.</p>
3.	<p>Dr Bevan Buirchaell 3 Leeds Court Denham WA 6537</p>	<p>3a. Common land is usually used temporarily to alleviate problems with stock until a more permanent solution can be found. The applicant, Mark Smith, has enjoyed the use of 8 hectares for the last 3 years and he still has another two years to run on the Licence. Plenty of opportunity to find a personal solution to his horse ownership problem than taking advantage of the generosity of the ratepayers of the Shark Bay Shire.</p> <p>3b. The current application, which includes a substantial expansion of use of Common land, smacks of empire building and lack of management of his hobby. It seems like the establishment of a personal hobby farm with the ratepayers paying for his enjoyment of their common land – horse arena, rotational paddocks, new road access, large orchard and 20 chickens to make it a sustainable farm. Will we see an application for a house next?</p>	<p>3a. The Common is intended for long-term rural use, not short-term fixes. Leases are issued in five-year terms and must be renewed, ensuring compliance. Many leaseholders have held consecutive leases for decades, reflecting the Common's ongoing role. I pay commercial fees—no generosity involved. The issue here is a misunderstanding of the Common's purpose. Anyone uncertain should consult the Shire.</p> <p>3b. The expansion is practical, not empire-building. The Common is over a thousand hectares, and my request to move from 9 to 34 hectares is still a fraction. This is not a 'hobby farm'—it's a community-oriented, commercial lease. Ratepayers do not fund this; I cover costs. The application is aligned with the Common's purpose, and building houses isn't permitted under these rules.</p> <p>For Clarity, the orchard and chickens have been removed from the application entirely.</p>	<p>3a. TPI is of the understanding that most Common Licences have been granted for 5 years, and not all past Licences have been for 'temporary' uses or temporary agistment.</p> <p>It is not clear why the submitter thinks uses should be temporary, given the 5 year approval period.</p> <p>3b. The applicant already has an existing Licence and approval for horse agistment. The land use is not changing under the revised Licence proposal which no longer includes the keeping of chickens or a proposed orchard.</p> <p>Annual application fees are paid to the Shire, and the Licence holders are responsible for management of their Licence area.</p>

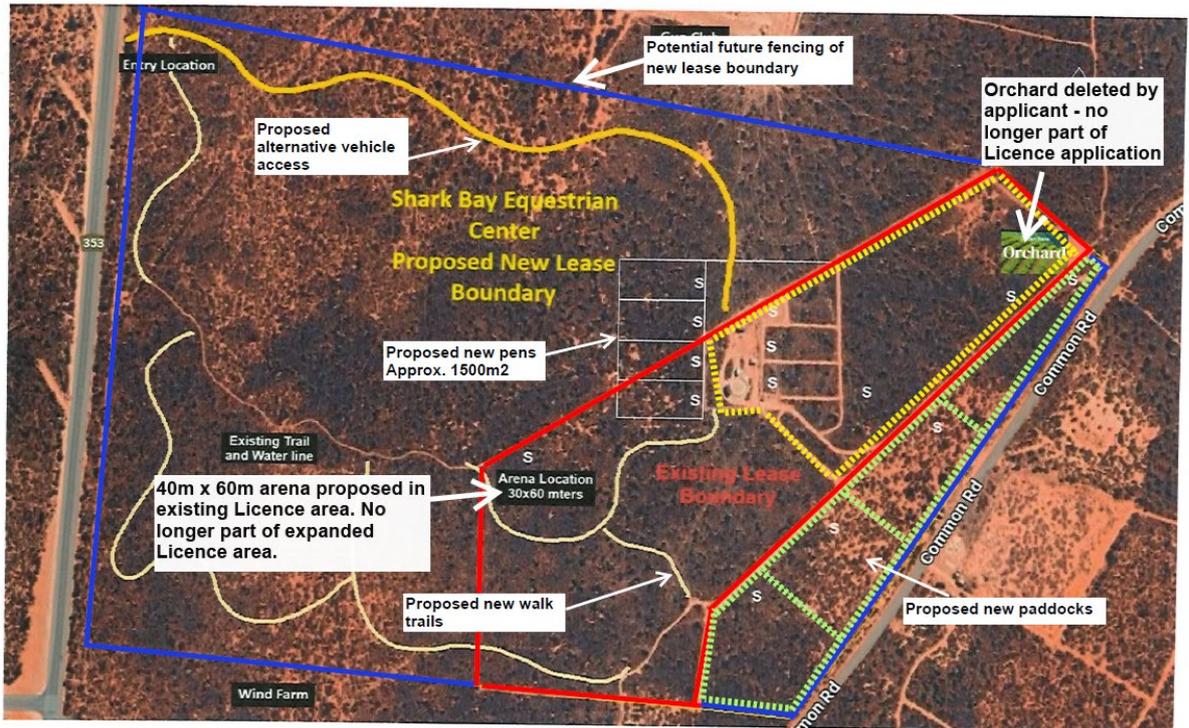
		<p>3c. Let me comment on his "primary reasons" for the requested expansion.</p> <p>3d. Enhanced safety. The issue seems to be about licenced and unlicenced motor bikes, quad bikes and vehicles using and or exceeding the speed limit on the roads/tracks within the reserve. I note the speed limit is 30 kph. This is a Police and/or Shire issue and will not be resolved even if the property is expanded. As a Councillor Mr Smith should be taking action to eliminate this problem with some real solutions for ALL the community - like banning quad and motor bikes from Shire Reserves etc rather than asking the community to solve his problem.</p> <p>3e. Paddock rotation and shaded areas. The area being proposed to be fenced off into paddocks is alongside the Common Road. These are small areas of bushland consisting of acacia shrubs and spinifex, none of which are eaten by horses- there is no such thing as pasture on the Common. The horses will continue to require hand feeding. The horses will then reside closer to the road than they are now so according to (1.) above will be in greater danger of being disturbed by speeding motorists. The bushland is very fragile (sandy with little deep-rooted plants) and easily disturbed and destroyed by animals with hooves. Rotating horses through the proposed paddocks will only lead to deterioration of the area (just like is already happening on the current block) and the shire will be left with a sandy block with no vegetation cover. The issue is not overgrazing but damage done to the vegetation. Rotation will not mitigate this as recovery on these soils, due to the low rainfall and hot climate, would take years not weeks as expected in high rainfall areas where rotation is practiced.</p> <p>The shading for the horses sounds like a great idea however</p>	<p>3c. Noted</p> <p>3d. This expansion aims solely to ensure a safe, fenced environment for my horses and community riding activities. It does not seek to solve broader policing issues, which should be addressed through proper channels. My responsibility is to prevent interactions between stock and vehicles by creating a well-defined, secure area. The expansion is about improving safety on-site, not about broader law enforcement.</p> <p>3e. Paddock rotation is for seasonal green pick, while horses are hand fed daily. Planned shade areas will be carefully placed on existing cleared zones. To prevent soil degradation, we'll reinforce areas around infrastructure with appropriate materials. Currently the use of shell and clay-based soils are most effective. We're actively managing the space to maintain the landscape. Minimal vegetation will be affected, and careful planning ensures the area is protected.</p>	<p>The only general cost is 1. The bore Licence fee; and 2. Electricity to run the bore.</p> <p>3c. Noted.</p> <p>3d. General bad behaviour or undesirable use of the Common by the broader public will not be resolved by an expanded Licence area. However, this is a broader issue related to policing of activities in the Common.</p> <p>3e. TPI does not disagree that horses may impact on native vegetation simply through movement, which can result in vegetation trampling. Notwithstanding the above, the proposed land use and approved number of horses is not changing, and the use is consistent with the agistment activities that the common has historically been used for. Ultimately any Licence has to be approved by the Minister.</p> <p>Whilst the Licence application has yet to be lodged to DPLH, TPI considers it unlikely that the Licence will not be supported by the Minister. The average stocking rate is low, at 1 horse per 4.31 hectares.</p>
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		<p>if you look at the current area where built shading is available, these are the most eroded and denuded areas. In the four paddocks there will be a focus of denuded sandy areas where the horses shelter from the heat and these will not recover during rotation.</p> <p>The whole idea of rotational benefits is a miss use of this practice which only works if you have an environment where the vegetation can recover during the rest period. In Shark Bay it would be measured in years not weeks.</p> <p>3f. Improved horse welfare The plan is to allow segregation of horses for their welfare. This defeats the rotational strategy mentioned above. Maybe the RSPCA should become involved to assess the current situation as well as access the expansion plan. The Council should insist upon sign off by the RSPCA on any further use of the Common for de-pasturing horses. It does not seem like an appropriate site for any animals - sandy fragile soils, high on a hill facing hot winds from the east and strong winds from the south, complete lack of any pasture, noisy speeding traffic close by, inadequate space and inappropriate soils for exercise. Not a great place to keep animals fullstop.</p> <p>3g. Horse arena An expanded horse arena will lead to an expanded area of degraded Common which will not be able to be revegetated for future use by other members of the community. This arena is for personal use and should not be even suggested as being available for people outside the shire. Agistments is not what a Common is used for..This smells like a commercial activity, especially as it is designated on one of the plans as "Shark Bay Equestrian Centre".</p> <p>3h. Short term agistments The Common is for local use so agistment of travellers horses is completely out of the question. To appeal to the council as a</p>	<p>3f. Horse welfare is a priority, and we already work closely with an experienced RSPCA horse trainer, Maureen Rogers, who supports our planning. Horses have thrived here for generations. The Common's purpose includes agistment, and horses have historically contributed to the region. With proper management, daily feeding, monitoring, and appropriate infrastructure, the conditions are suitable and responsibly maintained. It is also worth recognising that horses have long been part of this region's pastoral history, successfully managed by experienced stockmen across similar conditions.</p> <p>3g. The arena is no longer part of this application. Accordingly, the concerns raised in this section are no longer applicable.</p> <p>3h. Short-term agistment for travellers was clearly outlined in the application and forms part of the intended use. The proposal has always been declared as a commercial lease,</p>	<p>3f. It is the owners interest to look after their horses, as they are pets. The inference that the RSPCA needs to be involved is considered unwarranted.</p> <p>The applicant hand feeds their horses so they are not reliant on pasture.</p> <p>The applicant also provides shade for their horses, and monitors their health, wellbeing, feed, water and general comfort, especially in hot weather.</p> <p>3g. TPI reiterates that commercial activities are not precluded from the Common, as long as Licences are approved by the Minister.</p> <p>As per 3g.</p>
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		<p>tourist attraction also makes out it is a commercial enterprise in disguise. To allow horse riding in the reserve is only going to lead to further deterioration of the bushland that is currently under enormous pressure from climate change, drought, quad and motor bike riding etc.</p> <p>3i. Long term sustainability I don't think that applicant understands any of the words in this section of his application, nor does he understand the type of country he is using. Keeping horses on sandy bushland is not sustainable unless you use lots of water and even then the nature of the bushland will change considerable. These are just words that sound like he knows what he is doing. Don't be taken in by this complete rubbish.</p> <p>3j. Orchard development Oh dear another fantasy with all the right sounding words. The Common is for use in the short term, not for development nor for destruction of the environment.</p> <p>The orchard proposal adds further evidence that this licence application is a ruse for the establishment of a cheap, (\$100 annual rent), low cost (free water), hobby farm geared towards the licencees personal desires to be a farmer. The amount of water required to establish an orchard of this size would be substantial but no where in his document does he talk about where the water is coming from nor who pays. The site currently has sprinklers operating during the day on denuded bushland (supposedly to suppress the dust) and in the bush (for what?).</p> <p>3k. Chickens The chickens go with the orchard for sustainability - all of this comes right out of the hobby farmers handbook. There is an admission in this part of weed problems which the shire should investigate as this was originally fairly pristine bush before the horses arrived. The final statement about "eco-</p>	<p>so there is no misrepresentation. Allowing controlled riding within defined areas does not equate to degradation; horses follow established tracks and are managed responsibly. Any approved use of the Common remains subject to oversight and final determination by the relevant planning authorities.</p> <p>3i. The sustainability section of the application reflects practical land management principles suited to this region. Horses and stock have been successfully managed in similar sandy bushland environments for generations across surrounding pastoral areas. The proposal includes controlled stocking levels, daily feeding, defined use areas, and infrastructure designed to minimise impact. Any approved use of the Common remains subject to planning oversight and regulatory requirements. The application is based on practical experience and established regional practice, not rhetoric.</p> <p>3j. The orchard component has been removed from this application. Accordingly, the concerns raised in this section are no longer relevant.</p>	<p>3i. The number of horses is not increasing, there is a low stocking rate, horses are confined to the Licence area, and kept in fenced off areas.</p> <p>3j. The applicant has removed the proposed orchard from the Licence application.</p>
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ATTACHMENT 2



S = SHADE     Existing Lease Area 8 hectares     Proposed Lease Area 34.5 hectares     Existing Fencing     Proposed paddocks

ATTACHMENT 3

8.2 Standpipe and Bore

Purpose

To set out the conditions under which water drawn from standpipes and bores maintained by the Shire may be used.

Detail

1. The uses of standpipe and bore water are dust suppression, building construction, firefighting, Shire uses, Shark Bay Bowling Club Inc, Boolbardie Country Club Inc, Shark Bay Speedway Club Inc, Shark Bay Pistol Club Inc, Nose Bag Pony Club, Yadgalah Aboriginal Corporation and Shark Bay Airport Pty Ltd.
2. The organisations listed receive water free of charge on the condition that:
  - a. They supply and maintain their own infrastructure;
  - b. They are an active club, group or organisation that contributes to the community of Shark Bay;
  - c. The water is for use for the organisation in its normal activities not individuals, and
  - d. If a community group, they are operating in accordance with the constitution.
3. The Shire will not be held responsible for any costs incurred due to a reduction of supply beyond its control, including but not limited to breakdown and maintenance of equipment.
4. The Shire has priority over all other users.

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Shire of Shark Bay



5. The Shark Bay Speedway Club Inc has a priority over all other users, other than the Shire, on their race meeting days.

Applicable legislation

Act	
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014

at 1.39pm  
Cr Smith rejoined the meeting

## 12 FINANCIAL REPORTS

### 12.1 FINANCIAL REPORTS TO 31 DECEMBER 2025 CM00017

#### Author

Chief Executive Officer

#### Disclosure of Any Interest

Nil

Moved            Cr Johns  
Seconded        Cr Cowell

#### Officer Recommendation

That the monthly financial report to 31 December 2025 as attached be received.

FOR:            Cr's Bellottie, Cowell, Fenny, Johns, Ridgley, Smith and Stubberfield  
AGAINST:       Nil  
ABSENT:       Nil

#### Comment

As per the requirements of Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government Accounting (Financial Management) Regulations 1996*, the following monthly financial reports to 31 January 2026 are attached.

#### VARIANCE ANALYSIS

Revenue from operating activities - Actual operating revenue as of 31 December 2025 was \$574,086 greater than year to date budget.

Revenue from Fees and Charges was \$420,990 greater than year to date budget, primarily driven by rental income for Independent Living Units, refuse site fees, SBDC merchandise and Main Roads WA Shark Bay Road income higher than year to date budget.

Interest revenue on investments was \$46,482 higher than year to date budget.

Other Revenue was \$73,821 higher than year to date budget, with higher than budgeted income from insurance claim reimbursements and SBDC consignment sales being the main contributors.

Expenditure from operating activities - Actual operating expenditure as of 31 December is less than year to date budget by \$725,957.

The operating expenditure variance is primarily due to less than year to date expenditure in Materials and Contracts.

#### 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 that the finances of the Shire are in line with its adopted budget.

STRATEGIC IMPLICATIONS

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

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

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

RISK MANAGEMENT

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

Voting Requirements

Simple Majority Required

Signature

Chief Executive Officer

D Chapman

Date of Report

13 February 2026

12.2 FINANCIAL REPORTS TO 31 JANUARY 2026  
CM00017

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved            Cr Smith  
Seconded       Cr Fenny

Officer Recommendation

That the monthly financial report to 31 January 2026 as attached be received.

FOR:            Cr's Bellottie, Cowell, Fenny, Johns, Ridgley, Smith and Stubberfield

AGAINST:      Nil.

ABSENT:       Nil

CARRIED 7/0

Comment

As per the requirements of Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government Accounting (Financial Management) Regulations 1996*, the following monthly financial reports to 31 January 2026 are attached.

VARIANCE ANALYSIS

Revenue from operating activities - Actual operating revenue as of 31 January 2026 was \$461,329 greater than year to date budget.

Revenue from Fees and Charges was \$460,526 greater than year to date budget, primarily driven by rental income for Independent Living Units, refuse site fees, SBDC merchandise and Main Roads WA Shark Bay Road income higher than year to date budget.

Interest revenue on investments was \$29,730 higher than year to date budget.

Other Revenue was \$73,821 higher than year to date budget, with higher than budgeted income from insurance claim reimbursements, diesel fuel rebates, and SBDC consignment sales being the main contributors.

Expenditure from operating activities - Actual operating expenditure as of 31 January 2026 is less than year to date budget by \$915,016.

The operating expenditure variance is primarily due to less than year to date expenditure in Materials and Contracts and is predominantly timing related.

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 that the finances of the Shire are in line with its adopted budget.

STRATEGIC IMPLICATIONS

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

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

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

RISK MANAGEMENT

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

Voting Requirements

Simple Majority Required

Signature

Chief Executive Officer

D Chapman

Schedule of Accounts Paid to be paid for 31 December 2025  
CM00017

Author

Finance Officer / Accounts Payable

Disclosure of any Interest

Declaration of Interest:

Nature of Interest:

Moved            Cr Johns  
Seconded        Cr Ridgely

Officer Recommendation

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$898,058.45 be accepted.

FOR:            Cr's Bellottie, Cowell, Fenny, Johns, Ridgley, Smith and Stubberfield

AGAINST:        Nil.

ABSENT:        Nil

CARRIED 7/1

COMMENT

The schedules of accounts for payment covering:

- Municipal fund credit card direct debits for the month of December 2025 totalling \$14,569.41
- Municipal fund direct debits to Council for the month of December 2025 totalling \$39,564.14
- Municipal fund account electronic payment numbers EFT 34374 to 34478 totalling \$592,632.78
- Municipal fund account for December 2025 payroll totalling \$251,292.12

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

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The payments listed have been disbursed throughout the month.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

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

Voting Requirements  
Simple Majority Required

Signature

Chief Executive Officer  
Date of Report

Dale Chapman  
19 February 2026

12.3 SCHEDULE OF ACCOUNTS PAID TO BE PAID FOR 31 JANUARY 2026  
CM00017

Author

Finance Officer / Accounts Payable

Disclosure of any Interest

Declaration of Interest:

Nature of Interest:

Moved            Cr Ridgely  
Seconded        Cr Smith

Officer Recommendation

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$484,696.67 be accepted.

FOR:            Cr's Bellottie, Cowell, Fenny, Johns, Ridgley, Smith and Stubberfield

AGAINST:        Nil.

ABSENT:        Nil

CARRIED 7/0

COMMENT

The schedules of accounts for payment covering:

- Municipal fund BPay payments for the month of January 2026 totalling \$1,417.65
- Municipal fund credit card direct debits for the month of January 2026 totalling \$6,673.53
- Municipal fund direct debits to Council for the month of January 2026 totalling \$25,658.70
- Municipal fund account electronic payment numbers EFT 34479 to 34589 totalling \$282,646.48
- Municipal fund account for January 2026 payroll totalling \$168,300.31

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

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The payments listed have been disbursed throughout the month.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

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

Voting Requirements  
Simple Majority Required

Signature

Chief Executive Officer  
Date of Report

Dale Chapman  
19 February 2026

13 ANNUAL REPORT 2024/2025  
FM00009

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved            Cr Smith  
Seconded        Cr Cowell

Officer Recommendation

That Council adopt the following:

1. Receive and Accept the Annual Report for the 2024/2025 financial year
2. Receive and Accept the Annual Financial and Auditors reports for the 2024/2025 financial year.
3. Set the date for the Annual General Meeting of Electors for 25 March 2026 commencing at 5.00 pm at the Shark Bay Recreation Centre in accordance with section 5.27 (2) of the Local Government Act 1995.

FOR:            Cr's Bellottie, Cowell, Fenny, Johns, Ridgley, Smith and Stubberfield

AGAINST:       Nil.

ABSENT:       Nil

CARRIED 7/0

REQUIRES ABSOLUTE MAJORITY VOTE

Background

The 2024/2025 Annual Report, which includes the annual financial statements and auditor's report, has been prepared in accordance with section 5.53 of the *Local Government Act 1995* and is attached under separate cover..

The Annual Report highlights Shire's achievements in 2024/2025 under the outcomes in the Shark Bay Council Plan.

Following the acceptance of the Annual Report, the Council must have a meeting of Electors not more than 56 days after the acceptance of the Annual Report for the previous financial year. This means that the last day that the Council can hold an Electors' meeting is 22 April 2026.

Comment

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

Legal Implications

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

### Policy Implications

There are no policy implications associated with this report.

### Financial Implications

The annual report includes Shire's audited annual financial statements, which present the Shire's financial position as at 30 June 2025 and is a useful tool for evaluating the Shire's operations.

### Strategic Implications

Outcome 6 – A strategically focused, unified Council, functioning efficiently.

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

### Risk Management

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

### Voting Requirements

Absolute Majority Required

### Signatures

Chief Executive Officer  
Date of Report

D Chapman  
29 January 2026

12 of the 15 visitors left the meeting.

14 COUNCILLOR REPORTS

14.1 WATER ACCESS SHIRE OF SHARK BAY TOWN BORE

AUTHOR

Cr Greg Ridgley

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Mark Smith, Deputy President

Nature of Interest: Impartiality

Declaration of Interest: Cr Bellottie

Nature of Interest: Impartiality

1.59pm

Cr Smith left the room

Moved            Cr Ridgely  
Seconded       Cr Fenny

Officer Recommendation

Proposed Licence:

That Council:

1. Rescind Shire of Shark Bay Council Policy 8.2 - Standpipe and Bore
2. Approve the Shire's administration to investigate the installation of a metered standpipe controller at the Denham town bore to regulate water extraction and enable cost recovery.
3. Subject to the outcome of recommendation to item 2. support all users of the bore, excluding those organisations currently exempt under Shire of Shark Bay Council Policy 8.2 -Standpipe and Bore, to either obtain and pay for water exclusively through the metered charge station in line with current regional standpipe pricing, or via an alternate payment structure/methodology.
4. Authorise the Chief Executive Officer to investigate the Community Water Supply Partnership (CWSP) Program and submit a funding application if suitable.

FOR:            Cr's Bellottie, Cowell, Fenny, Johns, Ridgley and Stubberfield

AGAINST:       Nil.

ABSENT:       Smith

CARRIED 6/0

BACKGROUND

Historically, bore usage was manually reported by individual users at the standpipe. That information was periodically collected by the Shire administration and usage invoiced. A combination of administrative burden and a lack of accurate recording by users saw this reporting mechanism disappear.

The Shire of Shark Bay several years ago invested significantly in the installation and ongoing maintenance of the Denham town bore (approximately \$800,000 borrowing from West Australian

Treasury Corporation). Whilst the overall water usage is metered and reported, use by the general public, commercial users, and exempt organisations is currently unregulated and unmetered.

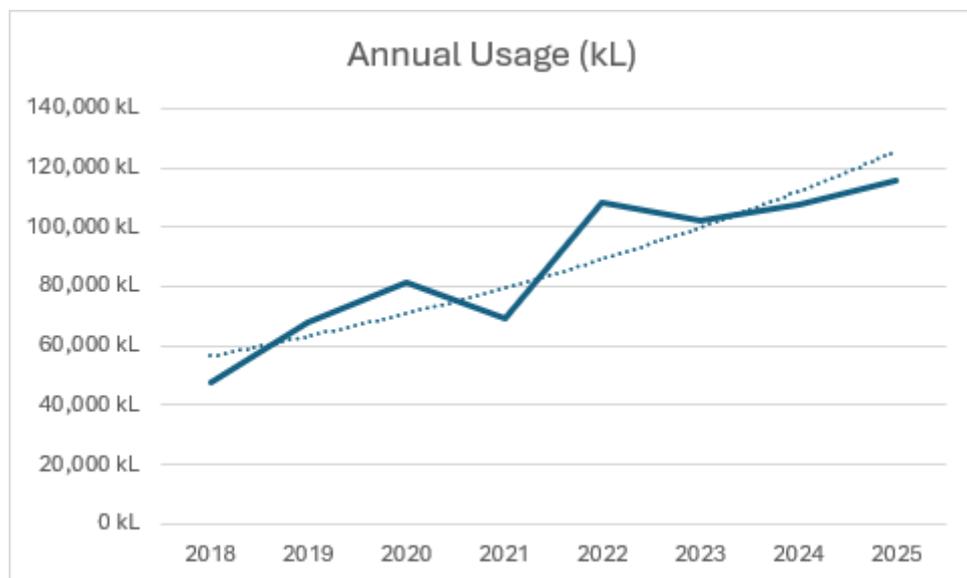
COMMENT

The Denham town bore Licence # 158117 has an annual allocation 150,000KL from the Carnarvon-Birdrong aquifer.

Licence Number:	<b>158117</b>
Licence Type:	<b>Groundwater Licence</b>
Issue Date:	<b>4/6/2020</b>
Expiry Date:	<b>31/8/2027</b>
Licence Allocation:	<b>150000 KL</b>
Parties:	<b>Shire of Shark Bay</b>
Postal Address:	<b>PO BOX 126 Denham WA 6537 Australia</b>
Groundwater Area:	<b>Gascoyne</b>
Groundwater Subarea:	<b>Zuytdorp/Ningaloo</b>
Aquifer:	<b>Carnarvon - Birdrong.</b>
Surface Water Area:	
Surface Water Subarea:	
Surface Water Resource:	
Licence Address:	<b>Lot 266 On Plan 214487 Volume/Folio Lr3141/800 Lot 266 Francis Rd Denham; LOT 295 ON PLAN 188173 Volume/Folio LR3141/98 Lot 295 FRANCIS RD DENHAM; LOT 501 ON PLAN 65688 Volume/Folio LR3160/281 Lot 501 FRANCIS RD DENHAM; LOT 500 ON PLAN 74697 Volume/Folio LR3163/286 Lot 500 KNIGHT TCE DENHAM</b>

In 2020 a new bore licence was issued by the Department of Water and Environmental Regulation, with that licence the annual water allocation was increased from 100,000 KL to 150,000 KL.

The following graph shows that water usage has steadily increased over recent years from 47,770 KL in 2018 to 115,596 KL in 2025, representing a nearly 142% increase over the last 8 years.



The absence of an updated metering solution presents risks, including uncontrolled extraction and inequitable access. The installation of a solar-powered smart standpipe controller will enable accurate measurement, cost recovery, compliance monitoring, and emergency fire access.

The Community Water Supplies Partnerships is a joint initiative between the Australian and Western Australian governments designed to help regional, dryland agricultural communities improve their non-potable water supplies. It provides funding to enhance water security for firefighting, livestock, and public amenities, particularly in areas facing reduced rainfall.

The program covers the construction, enhancement, or refurbishment of infrastructure, including:

- Water tanks and storage improvements.
- Pumps, power sources (including solar), pipes, and distribution systems.
- Dam and catchment construction or maintenance.
- Standpipe and swipe card infrastructure for water access.
- Drilling of new bores.
- Support for water carting equipment.

Program objectives include:

- Improve Water Security: Support the planning and establishment of reliable, non-potable water infrastructure for emergency farming and firefighting needs.
- Reduce Scheme Water Reliance: Encourage the use of alternative water sources for non-drinking purposes, such as irrigation of public open spaces (ovals, parks, and gardens).
- Climate Resilience: Help regional communities adapt to changing rainfall patterns and droughts.

LEGAL IMPLICATIONS

There are no known legal implications.

POLICY IMPLICATIONS

Shire of Shark Bay Council Policy 8.2 – Standpipe and Bore.

FINANCIAL IMPLICATIONS

Likely a 30% co-contribution should administration be successful with a grant application under the CWSP program.

Potential Shire operational income should a form of user pays solution be implemented through the Shire's Fees and Charges.

STRATEGIC IMPLICATIONS

Outcome 3 – A natural environment for the benefit and enjoyment of current and future generations.

RISK MANAGEMENT

Failure to regulate risks exceeding licence allocation and the risk of depleting a precious resource.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author	G Ridgley
Chief Executive Officer	D Chapman
Date of Report	17 February 2026

2.11pm  
Cr Smith rejoined the meeting.

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

16 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil.

17 MATTERS BEHIND CLOSED DOORS

Nil.

18 DATE AND TIME OF NEXT MEETING

The next Ordinary meeting of the Shark Bay Shire Council will be held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 25 March 2026, commencing at 1.00 pm.

Followed by the Electors at 5 pm. At Council Chambers.

19 CLOSURE OF MEETING

When there is no further business, the President will close the Ordinary Council meeting.

2.13 pm

Meeting closure.

Last three visitors left the room.