

# Shire of Shark Bay

## Minutes of the Ordinary Council Meeting 28 August 2013



Salt Production at  
Shark Bay Resources Pty Ltd







## 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.

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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 minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Shark Bay Salt Resources executive meeting rooms at Useless Loop, Via Denham on 28 August 2013 commencing at 9.36 am.

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**1. DECLARATION OF OPENING**

The President declared the meeting open at 9.36 am.

**2. RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED**

**ATTENDANCES**

Cr C Cowell	President
Cr J Hanscombe	Deputy President
Cr K Capewell	
Cr J McLaughlin	
Cr M Prior	
Cr G Ridgley	
Cr B Wake	

Mr P Anderson	Chief Executive Officer
Mr R Towell	Executive Manager Finance and Administration
Ms S Burvill	Executive Manager Community, Tourism and Economic Development
Mr B Galvin	Works Manager
Mrs R Mettam	Executive Assistant

**APOLOGIES**

**VISITORS**

Miss Brydie-Rose Mellor  
Mrs Pam Dickinson

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE**

Nil

**4. PUBLIC QUESTION TIME**

The President opened Public Question Time at 9.36 am and as no public in attendance at this time closed Public Question Time at 9.37 am.

**5. APPLICATIONS FOR LEAVE**

Nil

**6. PETITIONS**

Nil

**7. CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 JULY 2013**

Moved	Cr Capewell
Seconded	Cr McLaughlin

**Council Resolution**

**That the minutes of the ordinary council meeting held on 31 July 2013, as circulated to all councillors, be confirmed as a true and accurate record.**

**7/0 CARRIED**

**8. ANNOUNCEMENTS BY THE CHAIR**

Cr McLaughlin has invited Miss Brydie-Rose Mellor and Mrs Pam Dickinson to attend the Council meeting and attend the luncheon with Councillors. Miss Mellor will have a power point presentation to present to Councillors with a short speech.

**9. PRESIDENT'S REPORT**

Report - President Cowell

PR 101

Committee Membership

Board member	Gascoyne Development Commission Board
Member	Gascoyne Revitalisation Steering Committee
Member (President)	Dirk Hartog Commemoration Committee
Member (Deputy Chair)	Regional Collaboration Group – Gascoyne
Member	Development Assessment Panel
Member/Community Affairs Rep	Gascoyne Regional Planning Committee
Member (President)	Country Local Government Fund
Member	Denham Maritime Facilities Infrastructure Working Group
Deputy Member	Shark Bay Marine Facilities Management Committee

Meeting Attendance

23 – 26 July	National Landscapes Forum – New South Wales
29	R Muirhead – Dirk Hartog commemoration event
31	Shire Council Meeting
6 – 9 Aug	Western Australian Local Government Association Conference, Perth
12	Meeting with Mrs Wee (Nanga Resort) and associates
13	Red Cross Rally – Denham
14	Gascoyne Development Commission Board meeting – Exmouth
15	Mike Barnes, Chief Executive Officer meeting – Local Emergency Management Committee
18	Flare demonstration – Volunteer Marine Rescue
24	Luncheon at Herald Centre pensioner units
6 August	Meeting with Hon. Ken Bastion Minister for

Date of Report                      24 August 2013

Moved                      Cr Prior  
 Seconded                Cr Capewell

**Council Resolution**

**That the President's August 2013 report be received.**

**7/0 CARRIED**

**10. COUNCILLORS' REPORTS**

10.1 Cr Wake  
CO 513

Committee Membership

Member	Shark Bay Pastoral History Book Committee
Deputy Member	Gascoyne Regional Road Group
Deputy Delegate	Gascoyne Zone of Western Australian Local Government Association
Member	Development Assessment Panel

Meeting Attendance

Nil

Councillor Wake gave a verbal report to Council

Moved Cr Prior  
Seconded Cr Ridgley

**Council Resolution**

**That Councillor Prior's August 2013 report on activities as Council representative is received**

**7/0 CARRIED**

10.2 Cr Capewell  
CO 516

Committee Membership

Member	Shark Bay Marine Facilities Management Committee
Member	Shark Bay Telecentre Committee
Member	Works Committee
Member	Audit Committee

Meeting Attendance

Nil

10.3 Cr Hanscombe  
CO514

Committee Membership

Member	Shark Bay Health Advisory Committee
Member	St John Ambulance Shark Bay Sub Centre
Member (Deputy President)	Gascoyne Revitalisation Steering Committee
Member	Regional Collaboration Group – Gascoyne

Meeting Attendance

Nil



28 AUGUST 2013



Government of **Western Australia**  
Department of **Transport**

Dear Stakeholder

**Mid-Term Review of Deeds for the provision of regulated Regular Public Transport (RPT) Air Services in Western Australia**

As a key stakeholder, this letter is to advise you that the Department of Transport (DoT) has commenced a review, referred to as the Mid-Term Review, of all regulated regular public transport (RPT) air services in Western Australia, and to provide you with information regarding the review's process and timeframes.

As you would be aware currently three airlines – Skippers Aviation, QantasLink and Virgin Australia Regional Airlines Pty Ltd (VARA) - provide RPT air services over regulated routes in WA under deed arrangements to 27 February 2016.

The purpose of the Mid-Term Review is to assess the current regulatory model for all regulated RPT air routes and determine the best approach forward beyond 27 February 2016. In addition, the Mid-Term Review will also focus on a future policy for charter air services in WA.

DoT will complete the Mid-Term Review by the end of 2013, and an announcement about the results is expected to be made by the Minister for Transport in early 2014.

Over the next few months DoT will undertake extensive consultation with stakeholders in order to determine and develop a policy position for the State Government in the future. A position paper will be released for public comment in September 2013, and a submission by your organisation is highly encouraged.

As part of the consultation process DoT will contact other key stakeholders, including Commonwealth, State and Local Government agencies, the resources sector, airlines, airports, community groups and peak bodies. Feedback will be obtained through the regional Aviation Community Consultation Group meetings as well as ad-hoc meetings, teleconferences and phone liaison as required.

Following the completion of the Mid-Term Review there may be three options for each RPT air route:

- deregulate the air routes; or
- re-tender the air routes; or
- extend the current Deeds for a period of up to five (5) years.

If you have any queries, please contact Gabi Nikolova, A/Principal Policy Officer on 6551 6197 or [gabi.nikolova@transport.wa.gov.au](mailto:gabi.nikolova@transport.wa.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Ryan'.

**Peter Ryan**  
Director Aviation

5 / 8 / 2013

10.5 Cr Ridgley  
CO513

Committee Membership

Deputy Delegate

Works Committee

Meeting Attendance

30 July

R Muirhead – Dirk Hartog commemoration event

Moved

Cr Prior

Seconded

Cr Ridgley

Council Resolution

**That Councillor Ridgley August 2013 report on activities as Council representative is received.**

**7/0 CARRIED**

10.6 Cr Prior  
CO517

Committee Membership

Member

Shark Bay Commerce and Tourism Committee

Member

Shark Bay Arts Council Inc

Member

The Aviation Community Consultation Group

Meeting Attendance

4 Aug

Attended opening of Shark Bay Arts Council photographic competition at Rose de Freycinet Gallery

6 Aug

Lunch with the Hon Ken Baston MLC at Parliament House

6 to 9 Aug

Attended Western Australian Local Government Association Convention in Perth

The Convention was extremely enjoyable with many excellent speakers.

Apart for the Annual General Meeting and all the general sessions, I attended sessions on Regional Airports, and Community Disaster Resilience.

The main thrust of the Regional Airports session was to appraise Councils of the cost of establishing and maintaining even a small airport landing area and then the construct and then to maintain upgrades to the next levels of airport, i.e. to become a Certified or Registered airport able to accept turboprop aircraft (such as at Shark Bay), to be able to take jet aircraft, or even to become a major airport. It was pointed out that the cost due to increased, and increasing regulation are a very significant part of airport costs.

The Community Disaster Resilience session focused on the need to appraise community members of the need to be ready for a three day

evacuation. The City of Bunbury has undertaken a great deal of work in this area and is willing to share both what it has learnt and the printed and other materials they have prepared for distribution.

General Matters

Nil

Date of Report                      20 August 2013

Moved              Cr Ridgley  
Seconded        Cr Capewell

Council Resolution

**That Councillor Prior's August 2013 report on activities as Council representative is received.**

**7/0 CARRIED**

**11. ADMINISTRATION REPORT**

**11.1 APPLICATION FOR USE OF THE TOWN COMMON**

RES 49809

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved           Cr Hanscombe

Seconded       Cr Ridgley

**Council Resolution**

**That a license to occupy an area of 100 square metres as depicted on the application submitted by Ms K Rogers or on a site allocated by the Chief Executive Officer be granted for a period of one year on the following conditions:**

- 1. Ongoing compliance with the guidelines of the Town Common Occupier's Policy.**
- 2. The allocated area being suitably fenced, to the satisfaction of the Chief Executive Officer prior to the placement of any stock on the common.**
- 3. The approval of the Minister for Lands is granted.**

**7/0 CARRIED**

Background

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

The Council in 2009 considered a policy in relation to the common and advertised the policy for comment. (Attached at 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.

The license allowed for an applicant to apply for a term of up to five years.

Given the area is Reserve vested in the Council the Council Property Local Laws can be applied to this area.

There are currently 4 licenses issued to utilise an area of the common, they are:

Mrs Margaret Hargreaves  
License Issued 1 July 2010 expires 30 June 2015  
Area 1,500m<sup>2</sup>

Mr Henk Van Eek  
License issued 1 July 2010 expires 30 June 2015  
Area 5 Hectare

Mr Gary Desmond and Mr Harold Hoult  
License Issued 1 July 2010 expires 30 June 2015  
Area 15 hectares

Mrs Alison Mclean  
License issued May 2013 expires May 2018  
Area 4.2 hectares

There are conditions on the issued licenses relating to the tenure and stock control devices relevant to the license approval which will be further investigated to ensure compliance with the original approvals issued.

Comment

A request for an area of the common has been submitted by Ms K Rogers (attached at end of the item)

Ms Rogers has identified the area (100m<sup>2</sup>) that she would like to occupy and has indicated that the area will be fenced to contain her miniature horse.

The miniature horse is currently located at Ms Rogers residence at 12b Sunter Place.

There have been ongoing issues with Ms Rogers regarding the keeping of the horse in contravention of the Shire of Shark Bay Health Local Laws which make it an offence to keep a horse on a residential property.

Enforcement action is underway in regard to this matter and Ms Rogers has been served with an order for her to remove the horse from the residence within 21 days from the 12 August 2013. Following this date infringement action can be undertaken.

A copy of the notices has also been forwarded to Department of Housing as the owners of the premises.

Ms Rogers does not specify a time frame she wishes to occupy an area at the common in application, but has included in the application the comment "*until we move back to Perth*".

The Council can issue licenses for up to five (5) years with the approval of the Minister, all licenses previously issued have been for a five (5) year period.

However it may be prudent in this instance, given the applicants intent to move back to Perth in perhaps the foreseeable future and with the lack of a definite time frame requested for the use of the Common to issue the license for a one (1) year period only.

Given the ongoing investigations into the compliance with the conditions of occupancy by the current tenants it would be prudent in this and any further applications to give approval to occupy an area of the common with stock following the installation, to the satisfaction of the Chief Executive Officer of the stock control devices (fences).

Legal Implications

The Council has a policy in place in regard to use of the Common which should be adhered to by all users.

The Council Property Local Law also has clauses that refer to the behaviour of individuals who utilise Council property.

The approval by the Council is subject to approval by the Minister and the allocated area should not to be occupied by an applicant until such time as the Minister's approval has been granted.

The Minister's consideration for approval would be dependent upon the use of the Common and any commercial enterprise that wished to use an area of land or extract materials would come under greater scrutiny than a hobby or personal use of the reserve area.

Following investigation into the previous approvals granted it would appear as though there has not been approvals from the Minister issued and this matter is being followed up to ensure compliance.

Policy Implications

Nil

Financial Implications

There have been no directly attributable costs associated with the use of the Town Common, with the exception of administration time. There may be some costs required to address some of the issues that have been identified due to the recent requests for use of the Common. This may include but not limited to the installation of signage, access road improvements, and monitoring of all licenses issued to ensure compliance.

There is currently no fee structure in place for application or ongoing use for the Town Common.

The imposition of fees for all users of the Town Common should be considered at a later date. Any consideration could be based upon the individuals/groups use of the area and can be based upon the use of the Common i.e. private use or associated with a business.

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

12 August 2013

## Policy for the Occupation and use of the Town Common

- a) The shire is to maintain a register of all occupiers of the town common along with the following base data;
1. The area and location of land being utilised along with the specific infrastructure thereon.
  2. The number of stock being grazed.
  3. Other activities that are being undertaken. E.g., sand extraction, trail bike riding etc.
- b) Occupiers of the town common
1. All occupiers of the town common will require a license to be granted for the designated purpose of occupation of the town common for a term not exceeding (5) years and be subject to the approval in writing from the minister for lands.  
  
The approved licence will specify all current activities undertaken pursuant to the licence and detail any conditions of approval relative to that occupation.
- c) Reporting Requirements
1. A report will be provided to council on an annual basis detailing current occupiers of the town common that includes their infrastructure, stock details, cubic metres of sand removed and other details of change that may have occurred.
- d) General Policy Statement for Occupiers
1. All occupiers of the town common will observe basic requirements for its occupation.
  2. Activities are to be controlled and maintained to ensure long term environmental sustainability and ultimate re-instatement of its land use.
  3. Due respect is to be observed to other occupiers of the town common with regard to mutual required services and infrastructure.
  4. Activity infrastructure will be required to be set back a specified distance from the access road as determined by the shire.
  5. An area stock control device will be required to access the town common.
  6. Speed limits will be specified on the access road within the town common.
  7. Occupiers of the town common are required to address issues of concern directly to the shire and not to other occupiers.
- B) That “General Policy Statement for occupiers” includes licensed occupiers of the common are to ensure that all activities conform to any relevant legislation/statutory requirements.
- C) That current occupiers/users of the Town Common be advised that they will be required to apply for a license to occupy and or utilise the Town Common for whatever purpose by 31 March 2009.

28 AUGUST 2013

1-AP-1409A 2ES49809

**SHIRE OF SHARK BAY**

65 Knight Terrace  
Denham WA 6537  
PO Box 126 Denham WA 6537

RES11667



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

RECEIVED

14 AUG 2013

Shire of Shark Bay

**APPLICATION FOR USE OF TOWN COMMON**

*As a condition of the license approval for the use of Town 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 Town Common Policy;
- License 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 Town Common;
- The Shire of Shark Bay reserves the right to refuse the issue of a license for an activity that is not considered appropriate to the Town Common.

(Electronic: please fill out grey areas, save and return via email)

**SIGNATURE:**

**DATE:**

**PLEASE PRINT FULL NAME:** Kirsty Rogers **TELEPHONE NUMBER:** 0447458166

**ADDRESS:** 12 B Sunter Place.

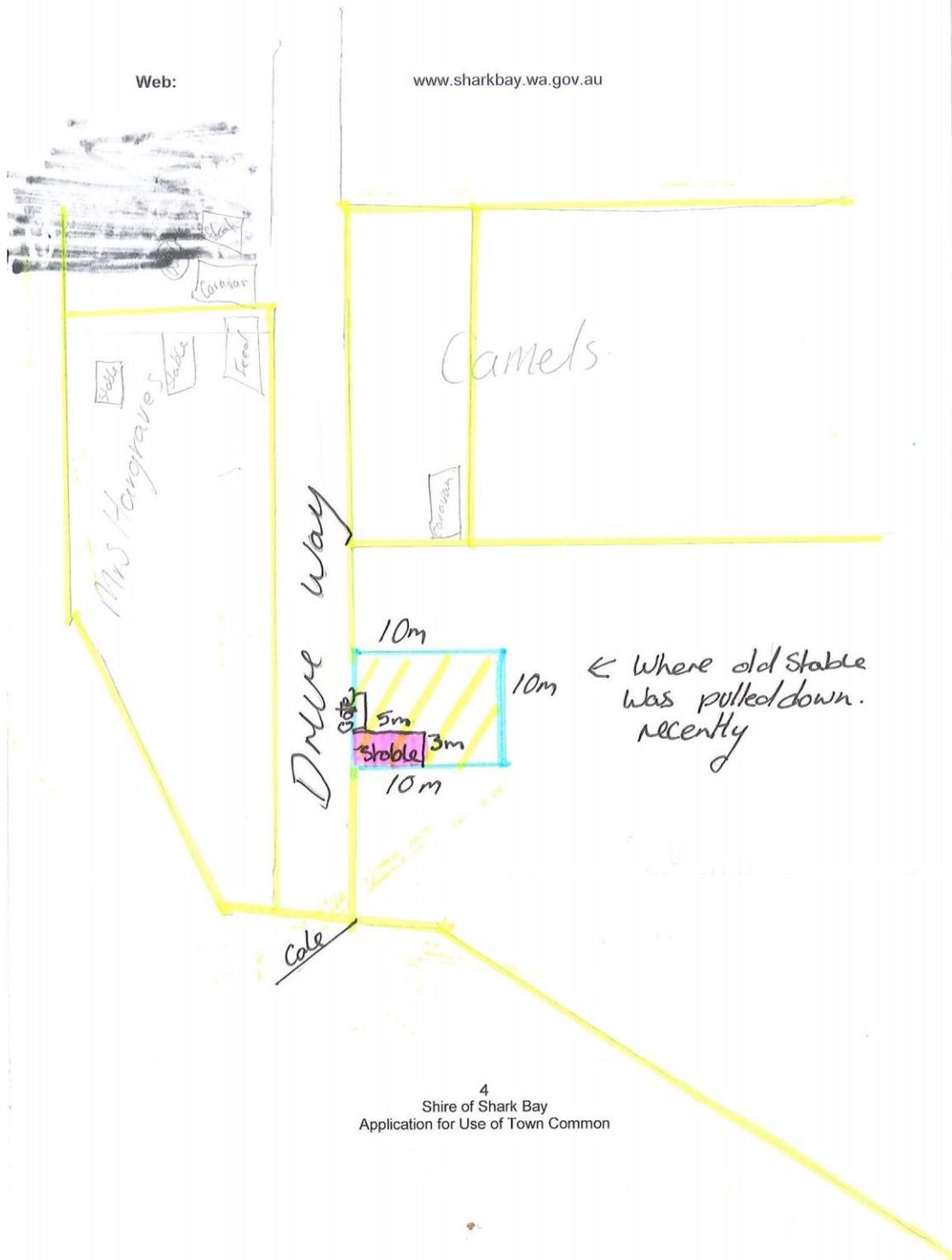
\* The person signing this application on behalf of an organization must have the authority to sign on behalf of said group or organization, and by signing this certifying that he/she has such authority.

**CONTACT DETAILS**

FIRST NAME:	Rogers Kirsty
LAST NAME:	Rogers
BUIINESS/ORGANISATION NAME:	
POSTAL ADDRESS:	12 B Sunter Place
HOME PHONE NUMBER:	
WORK PHONE NUMBER:	0447458166
FAX NUMBER:	

1

Shire of Shark Bay  
Application for Use of Town Common



4  
Shire of Shark Bay  
Application for Use of Town Common

And let me remind you the horse is only 88cm tail.

**Stock Application**

I hereby apply for permission to occupy the Shire of Shark Bay Town Common for the following stock:-

- ( 1 ) horse/s *mini horse 88cm*
- ( ) cattle
- ( ) sheep
- ( ) 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 have read and understood all parts of the application for use of the 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.

Signed By Lessee

Print full name: *Kirsty Rogers*  
Signed: *K Rogers* Date: *29 July 2013*

**➤ How to lodge this application**

**BY POST;**

**Address the application to:** The Chief Executive Officer  
Shire of Shark Bay  
PO Box 164  
Denham WA 6537

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

**Electronically:** [admin@sharkbay.wa.gov.au](mailto:admin@sharkbay.wa.gov.au)

**Contact the Shire offices on:**

**Phone:** 08) 9948 1218  
**Fax:** 08) 9948 1237  
**E-mail:** [admin@sharkbay.wa.gov.au](mailto:admin@sharkbay.wa.gov.au)

**Town Common Use**

Please provide a short description of the activities that you wish to undertake at the Town Common. Eg: Stock tenure.

stabling of mini horses

**List the vehicles which will be used to access to Common?**

Ford Wagon

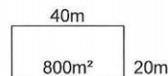
**What infrastructure or stock control devices will be utilised?**

Please tick appropriate box.

Shed  Caravan  Shade structure  Internal fences  Gates

Location and Area in m<sup>2</sup> to be fenced

Example:



Or None of the above

**Length of time you wish to utilize the Common within a period of 5yrs?**

Until we move back to perth

11.2 SUBLEASING PREMISES AT THE SHARK BAY BOWLING CLUB (INC)  
RES 40344

Author

Executive Assistant

Disclosure of Any Interest

Disclosure of Interest: Cr Prior

Nature of Interest: Impartiality Interest as a member of the Shark Bay Bowling Club

Officer Recommendation

A: The Council in accordance with clause 20 (1) of the Lease Agreement between the Shire of Shark bay and Shark Bay Bowling Club (Inc) approve the subleasing of the kitchen area for a period of 12 months on the following conditions:

Meals are available for dining at the Shark Bay Bowling Club premises only.

The provision of meals is generally limited to four nights per week.

OR

B: The Council in accordance with clause 20 (1) of the Lease Agreement between the Shire of Shark Bay and Shark Bay Bowling Club (Inc) approve the subleasing of the kitchen area for a period of 12 months on the following conditions:

Meals are available for dining at the Shark Bay Bowling Club premises only.

The provision of meals is limited to five nights per week from 01 April to 30 September and three nights per week from 30 September to 31 March.

Moved Cr Cowell  
Seconded Cr Capewell

Councillor Motion

The Council in accordance with clause 20 (1) of the Lease Agreement between the Shire of Shark bay and Shark Bay Bowling Club (Inc) approve the subleasing of the kitchen area for a period of 12 months on the following conditions:

Meals are available for dining at the Shark Bay Bowling Club premises only.

The provision of meals is limited to four days per week and any additional days in a week, needs the endorsement of the Chief Executive Officer.

Cr Hanscombe left the meeting at 10.39 am and returned at 10.41 am.

Cr McLaughlin left the meeting at 10.51 am and returned at 10.54 am

**AMENDMENT TO OFFICERS RECOMMENDATION # 1**

Moved Cr McLaughlin  
Seconded Cr Wake

**The Council in accordance with clause 20 (1) of the Lease Agreement between the Shire of Shark bay and Shark Bay Bowling Club (Inc) approve the subleasing of the kitchen area for a period of 12 months on the following conditions:**

**Meals are available for dining at the Shark Bay Bowling Club premises only.**

**The provision of meals is generally limited to four days per week but be limited to a maximum of 5 days in any one week.**

**3 / 4 LOST**

**AMENDMENT TO OFFICERS RECOMMENDATION # 2**

**Reason:** Councillors felt that meals should be limited to four days / nights per week but exceptional circumstances needed to be taken into consideration.

Moved            Cr Cowell  
Seconded       Cr Capewell

**Council Resolution**

**The Council in accordance with clause 20 (1) of the Lease Agreement between the Shire of Shark bay and Shark Bay Bowling Club (Inc) approve the subleasing of the kitchen area for a period of 12 months on the following conditions:**

**Meals are available for dining at the Shark Bay Bowling Club premises only.**

**The provision of meals is limited to four days / nights per week and any other exceptional circumstances require the endorsement of the Chief Executive Officer.**

**4/3 CARRIED**

**Amendment # 2 was put to the vote and carried 4/3 and became the Council Resolution.**

**BACKGROUND**

The Shark Bay Bowling Club has a lease on Reserve 40344.

The Shire of Shark Bay has the power to manage and lease the Reserve 40344 under the Management Order.

The Shire of Shark Bay and Shark Bay Bowling Club (Inc) negotiated a new lease agreement as per Council's resolution at the Ordinary Council meeting on 30 November 2011 when the Council agreed to renew the lease for of 21 years.

Pursuant to clause 20 (1) of the lease agreement Lessee (Shark Bay Bowling Club) is not permitted to sublease the premises without prior written consent of the Lessor (the Shire of Shark Bay).

The Council approved a request to sublease the kitchen at the ordinary meeting held in June 2012 for a twelve month period.

The resolution was as follows:

***The Council in accordance with clause 20 (1) of the Lease Agreement between the Shire of Shark bay and Shark Bay bowling Club (Inc) approve the subleasing of the kitchen area for a period of 12 months on the following conditions:***

- i) Meals are available at the Shark Bay Bowling Club premises only***
- ii) The provision of meals is generally limited to four nights per week***

COMMENT

The twelve month approval has expired and correspondence has been forwarded to the Shark Bay Bowling Club enquiring if they would like the Council to consider a further request in regard to the subleasing of the kitchen in accordance with clause 20(1) of the lease.

The Shark Bay Bowling Club have advised that they would like to sublease the kitchen area for a period of 12 months to enable the preparation and serving of meals as the Shark Bay Bowling Club do not have enough members or employees to provide this service.

The request (attached) varies from the previous request and approval previously given by the council in 2012. The bowling club is now requesting that the provision of meals be limited to five nights per week during the peak, generally from April to October, and may be reduced off season to a minimum of three nights predominately over the weekend, and meals will only be available at the club.

LEGAL IMPLICATIONS

Pursuant to clause 20 (1) of the lease agreement between the Shire of Shark Bay and Shark Bay Bowling Club -

*The Lessee must not assign the leasehold estate in the Premises nor sub-let, part with possession, or dispose of the Premises or any part of the Premises without the prior written consent of the Lessor and any other persons whose consent is required under this Lease or at Law.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Pursuant to the lease agreement the Shark Bay Bowling Club is to pay for the leased premises annual rent of \$150 on demand, reviewed on an annual basis.

The Shark Bay Bowling Club advised that sublease arrangement will be on cost recovery basis with the charge kept to a minimum but sufficient to cover the cost of the utilities and any cost associated with the service.

The Council may wish to consider an amendment of the rental fee for the leased premises.

Any consideration of a rent payment should take into consideration the use of the Reserve. The Council should take into consideration of not only economic but also social benefits to the Shire and Shark Bay's community in regards to any income received from rent and the impact on the Shark Bay Bowling Club.

STRATEGIC IMPLICATIONS

Nil

28 AUGUST 2013

VOTING REQUIREMENTS

Simple Majority Required

Date of Report

20 August 2013



## SHARK BAY BOWLING CLUB INC

14 Francis Rd, Denham, WA 6537 Ph/Fax 08 99 48 13 53

Shire of Shark Bay Councillors  
Shire of Shark Bay  
20<sup>th</sup> August 2013

Dear Councillors,

In accordance with clause 20(1) of the lease between the Shark Bay Bowling Club and the Shire of Shark Bay, I would like to request that the council consider authorising the Bowling Club to sub lease the Kitchen area to enable preparation and serving of meals.

This enabling the Bowling club to provide an additional service to all patrons and is being responsible in its serving of alcohol.

The sublease proposal is being considered as the Shark Bay Bowling Club does not have enough members or employees to provide this service.

The sublease arrangement will be on a cost recovery basis with the charge kept to a minimum but sufficient to cover the cost of the utilities and any cost associated with the service.

The sublease will only give the additional party the option to use the kitchen facilities on the times stipulated by the Bowling Club, no other rights or obligations of the Bowling Club contained within the lease will be considered.

The provision of the meals will generally be limited to five nights per week during the peak and may be reduced off season to a minimum of three nights, predominately over the weekends and will be only available at the club.

I trust the Shark Bay council will consider this request in a favourable light and look forward to your acceptance and response.

Yours Faithfully

Dianne Morton  
President  
Shark Bay Bowling Club

The President adjourned the Council meeting at 10.58 am and reconvened the Council meeting at 11.19 am

**12. FINANCE REPORT**

**12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED**

Author

Finance Officer / Accounts Payable

Disclosure of any interest

Nil

Moved Cr Ridgley

Seconded Cr Prior

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$702,375.85 be accepted.**

**7/0 CARRIED**

Comment

The schedules of accounts for payment covering - Municipal fund account cheque numbers 26465 to 26485 totalling \$25,759.68

Municipal fund account electronic payment numbers MUNI EFT 13960 to EFT 14116 totalling \$500,361.17

Municipal fund account for payroll periods beginning 15/07/13 and ending 11/08/13 totalling \$96,995.00

Trust fund account cheque numbers 933 to 941 totalling \$689.50

Trust fund account electronic payment numbers EFT 13960 to EFT 14116 totalling \$38,306.50 and

Trust fund Police Licensing for July 2013 totalling \$40,264.00

The schedule of accounts submitted to each member of Council on 23 August 2013 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.

Date of Report

21 August 2013

28 AUGUST 2013

**SHIRE OF SHARK BAY  
ORDINARY COUNCIL MEETING 28 AUGUST 2013  
MUNI CHQS 26465-26485**

<b>CHQ</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
26465	23/07/2013	SHIRE OF SHARK BAY	1DZG638 REGISTRATION	-233.35
26466	24/07/2013	SHARKBAY P & C	SHARK BAY P&C SHIRE ASSISTANCE ROUND 13/14	-1564.55
26467	30/07/2013	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-402.78
26468	30/07/2013	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-304.13
26469	30/07/2013	ASTERON SUPER	SUPERANNUATION CONTRIBUTIONS	-349.12
26470	30/07/2013	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	-380.93
26471	30/07/2013	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	-359.76
26472	30/07/2013	ONE STEP SUPER	SUPERANNUATION CONTRIBUTIONS	-344.74
26473	30/07/2013	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	-338.43
26474	30/07/2013	WESTPAC SECURITIES ADMIN	SUPERANNUATION CONTRIBUTIONS	-352.84
26475	30/07/2013	SHIRE OF SHARK BAY	PAYROLL DEDUCTIONS	-560.00
26476	30/07/2013	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-191.42
26477	02/08/2013	JASON SIGNMAKERS	STREET SIGN	-53.90
26478	02/08/2013	WATER CORPORATION	BI MONTHLY ACCOUNT-PENSIONER UNITS & SBDC INDUSTRIAL WASTE ANNUAL FEE	-2770.44
26479	08/08/2013	WATER CORPORATION	BI MONTHLY ACCOUNT- 24 SHIRE PROPERTIES	-7381.25
26480	08/08/2013	WALTER ERNEST SKINN	RESIZING 3 BANNERS FOR COMMUNITY EVENTS	-90.00
26481	12/08/2013	WATER CORPORATION	BI MONTHLY ACCOUNT-CHARLIE SAPPY PARK	-7.00
26482	16/08/2013	ELGAS LIMITED	ANNUAL SVC CHARGE 6 BOTTLES	-198.00
26483	16/08/2013	JASON SIGNMAKERS	SIGN POST STOCK FOR DEPOT	-1100.00
26484	16/08/2013	MP ROGERS & ASSOCIATES	DENHAM MARINA - CONCEPT DESIGN PHASE	-8717.50
26485	16/08/2013	WATER CORPORATION	BI MONTHLY ACCOUNT-FISH CLEANING FACILITIES & SHIRE OFFICES	-59.54
<b>TOTAL</b>				<b>\$25,759.68</b>

28 AUGUST 2013

**SHIRE OF SHARK BAY  
ORDINARY COUNCIL MEETING 28 AUGUST 2013  
MUNI EFTS 13960-14116**

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
<b>EFT13960-</b>	<b>EFT 13962</b>	<b>USED IN TRUST</b>		
EFT13963	23/07/2013	P.G & S. J WOOD	INSTALL DATA BREAK ACCESS POINT AT SBDC	-470.62
EFT13964	23/07/2013	DEPARTMENT OF PARKS & WILDLIFE	PARK PASSES	-899.80
EFT13965	23/07/2013	CUTBACK PLUMBING & GAS	REPAIR HOT WATER SYSTEM AT SBDC	-812.90
EFT13966	23/07/2013	DUN & BRADSTREET	COMMISSION ON DEBT RECOVERY	-25.41
EFT13967	23/07/2013	LANDGATE	SHARK BAY SPEEDWAY LEASE	-160.00
EFT13968	23/07/2013	OUTBACK COAST AUTO & RADIATORS	WINDSCREEN REPAIR FOR PRADO CEO	-737.00
EFT13969	23/07/2013	WA OCEAN PARK PTY LTD	DENHAM PLAYGROUPO DONATION ROUND 2 12/13	-77.00
EFT13970	23/07/2013	SHARK BAY CLEANING SERVICE	MONTHLY ACCOUNT-CLEANING CONTRACT	-5414.50
EFT13971	23/07/2013	SALTWATER CAFE	VMR BUILDING MEETING CATERING	-218.00
EFT13972	23/07/2013	YADGALAH ABORIGINAL CORP	CASH DONATION YADGALAH CLUB ROUND 1 13/14	-6000.00
EFT13973	23/07/2013	MAIN ROADS WA	RETURNING PAYMENT MADE IN ERROR BY MAIN ROADS	-77734.00
EFT13974	24/07/2013	BANDT GATTER & ASSOCIATES	WORKFORCE PLAN FOR SHIRE OF SHARK BAY	-11000.00
EFT13975	24/07/2013	RUSSELL TODD CHAMBERLAIN	RENT - 39 DURLACHER STREET	-1042.25
EFT13976	24/07/2013	GERALDTON INDUSTRIAL SUPPLIES	DEPOT HARDWARE	-2887.50
EFT13977	24/07/2013	IT VISION	SYNERGY SOFT & UNIVERSE ANNUAL LICENSE FEE	-27174.40
EFT13978	24/07/2013	LGIS INSURANCE BROKING	INSURANCE 13/14	-44771.25
EFT13979	24/07/2013	LGISWA	INSURANCE 13/14	-86099.02
EFT13980	24/07/2013	RICHARD CLAUDE MORONEY	MAINTENANCE SBDC	-30.00
EFT13981	24/07/2013	SES SERVICE SHARK BAY INC	2013-14 ESL ALLOCATION	-18975.00
<b>EFT13982-</b>	<b>EFT13983</b>	<b>USED IN TRUST</b>		
EFT13984	30/07/2013	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-722.65
EFT13985	30/07/2013	AUSTSAFE SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-107.12
EFT13986	30/07/2013	MTAA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-728.00
EFT13987	30/07/2013	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1428.81
EFT13988	30/07/2013	WA LOCAL GOV SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	-6962.52
EFT13989	30/07/2013	REST	SUPERANNUATION CONTRIBUTIONS	-831.23

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2013

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT13990	30/07/2013	SMA SUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-293.08
EFT13991	30/07/2013	AUSTRALIANSUPER	SUPERANNUATION CONTRIBUTIONS	-777.18
EFT13992	30/07/2013	MAIN ROADS WA	RETURNING A PAYMENT MADE BY MAIN ROADS IN ERROR	-35200.00
EFT13993	02/08/2013	AUSCOINSWEST	SBDC SOUVENIR MERCHANDISE	-275.00
EFT13994	02/08/2013	BLACKTOP CONSULTING ENGINEERS	CONSULTANT - RETAINING WALLS 55 DURLACHER ST	-990.00
EFT13995	02/08/2013	BAJA DATA & ELECTRICAL SERVICES	REC CENTRE TO OVAL POWER & REC CENTRE FOUNTAIN CONNECTION	-6622.81
EFT13996	02/08/2013	BOC LIMITED	CONTAINER RENTAL	-263.47
EFT13997	02/08/2013	BT EQUIPMENT PTY LTD	FILTERS	-252.48
EFT13998	02/08/2013	CUMMINS SOUTH PACIFIC	FILTERS	-435.67
EFT13999	02/08/2013	CUTBACK PLUMBING & GAS	UNBLOCK TOILETS AT TOWN OVAL	-291.50
EFT14000	02/08/2013	GEARING BUTCHER'S	SUPPLIES FOR OUTSIDE CREW	-194.69
EFT14001	02/08/2013	GASCOYNE OFFICE EQUIPMENT	RICOH PHOTOCOPIER INK CARTRIDGES	-1260.00
EFT14002	02/08/2013	HORIZON POWER-SBDC	SBDC ELECTRICITY-MONTHLY ACCOUNT	-391.28
EFT14003	02/08/2013	HORIZON POWER-MAIN USAGE	WORKS MANAGER ELECTRICITY	-501.69
EFT14004	02/08/2013	TOLL IPEC	FREIGHT	-211.69
EFT14005	02/08/2013	JOURNEY JOTTINGS	SBDC SOUVENIR MERCHANDISE	-246.98
EFT14006	02/08/2013	HEMA MAPS	SBDC SOUVENIR MERCHANDISE	-46.59
EFT14007	02/08/2013	MATTHEW SIMON JAMES	POLICE CERTIFICATE REIMBURSEMENT	-63.50
EFT14008	02/08/2013	OAKLEY EARTHWORKS	FOOTINGS FOR REC CENTRE RETAINING WALLS	-2089.29
EFT14009	02/08/2013	PRESTIGE INSTALLATIONS	REPLACEMENT OF AIRCONDITIONER IN EA'S OFFICE	-3660.80
EFT14010	02/08/2013	PAPER PLUS OFFICE NATIONAL	STATIONARY FOR OFFICE	-910.11
EFT14011	02/08/2013	QUICK COLOUR PRINTS GERALDTON	RECREATION CENTRE OPEN FLAG	-490.00
EFT14012	02/08/2013	ROSIE SEAGER	ROSIE SEAGER FUEL REIMBURSEMENT WINTER MARKETS	-98.89
EFT14013	02/08/2013	SKIPPERS AVIATION	REIMBURSABLE AIR FARES	-610.00
EFT14014	02/08/2013	SHARK BAY BOWLING CLUB INC	DONATION ROUND 1 13/14	-3850.00
EFT14015	02/08/2013	SHARK BAY CRC	INSCRIPTION POST	-12.00
EFT14016	02/08/2013	SHARK BAY SKIPS	MONTHLY ACCOUNT-FORESHORE/USELESS LOOP SKIP BINS	-3066.00
EFT14017	02/08/2013	SHIRE OF SHARK BAY	DENHAM SENIORS COMMUNITY BUS HIRE	-1268.80
EFT14018	02/08/2013	TELSTRA CORPORATION LIMITED	ANTENNA - TRANSMITTER, LANDLINE MONTHLY ACCOUNT & MOBILE MONTHLY ACCOUNT	-2362.40
EFT14019	02/08/2013	TRIPSAFE	SAFETY STRIP TO SECURE ELECTRICAL CABLE AT SBDC	-83.50

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2013

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT14020	02/08/2013	TOTAL UNIFORMS	UNIFORMS FOR STAFF	-127.30
EFT14021	02/08/2013	WALGA	MEMBERSHIP SUBSCRIPTION 2013/2014	-18425.19
EFT14022	02/08/2013	WA HINO	FILTERS	-591.87
<b>EFT14023-</b>	<b>EFT14045</b>	<b>USED IN TRUST</b>		
EFT14046	05/08/2013	SOLOMONS FLOORING	REPLACE VINYL FLOORING IN PENSIONER UNIT 12	-2500.00
EFT14047	05/08/2013	BAJA DATA & ELECTRICAL SERVICES	TO SUPPLY & FIT NEW ELEMENT TO HWS SBDC	-171.60
EFT14048	05/08/2013	BOB WADDELL CONSULTANT	REVIEW SYNERGY AND REPORTING SYSTEMS CONSULTING	-7101.00
EFT14049	05/08/2013	CHERYL COWELL	MEETING ATTENDANCE	-1706.00
EFT14050	05/08/2013	JOHN JOSEPH HANSCOMBE	MEETING ATTENDANCE	-717.00
EFT14051	05/08/2013	HERITAGE RESORT SHARK BAY	CATERING COUNCIL MEETING	-280.50
EFT14052	05/08/2013	KEITH MICHAEL CAPEWELL	MEETING ATTENDANCE	-520.00
EFT14053	05/08/2013	JOSEPH JOHN MCLAUGHLIN	MEETING ATTENDANCE	-520.00
EFT14054	05/08/2013	PRESTIGE INSTALLATIONS	SERVICE OF ALL SBDC AIRCONS	-1760.00
EFT14055	05/08/2013	MARGARET PRIOR	MEETING ATTENDANCE	-520.00
EFT14056	05/08/2013	PROFESSIONAL PC SUPPORT	SERVER MAINTENANCE AS REQUIRED	-350.00
EFT14057	05/08/2013	GREGORY LEON RIDGLEY	MEETING ATTENDANCE	-520.00
EFT14058	05/08/2013	SHARK BAY FREIGHTLINES	FREIGHT	-680.03
EFT14059	05/08/2013	MCKELL FAMILY TRUST	MONTHLY ACC STREET SWEEP & RUBBISH COLLECTION	-9668.01
EFT14060	05/08/2013	VMR SHARK BAY INC	JETTY WATCH DUTIES YEARLY FEE	-1650.00
EFT14061	05/08/2013	BRIAN WAKE	MEETING ATTENDANCES	-520.00
EFT14062	07/08/2013	DENHAM CRAFTERS	REIMBURSEMENT FOR MATERIALS	-911.48
EFT14063	07/08/2013	SHARK BAY FREIGHTLINES	FREIGHT	-289.25
EFT14064	08/08/2013	CUMMINS SOUTH PACIFIC	FILTERS	-23.05
EFT14065	08/08/2013	LOCAL HEALTH AUTH ANALYTICAL COM	ANALYTICAL SERVICES ANNUAL FEE	-467.88
EFT14066	08/08/2013	RAY WHITE REAL ESTATE SHARK BAY	RENT ON 34 HUGHES ST	-1127.00
EFT14067	08/08/2013	SHARK BAY TAXI SERVICE	SHIRE/OVERLANDER RUN	-1155.00
EFT14068	08/08/2013	SHARK BAY CLEANING SERVICE	MONTHLY ACCOUNT- CLEANING CONTRACT	-10752.06
EFT14069	08/08/2013	SHARK BAY FREIGHTLINES	FREIGHT	-36.97
EFT14070	08/08/2013	SHARK BAY CAR HIRE	MONTHLY ACCOUNT-AIRPORT TRANS FOR VISITING DOCTOR	-495.00
EFT14071	08/08/2013	SCITECH DISCOVERY CENTRE	SCITECH SHOW - WINTER MARKETS	-4095.00

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2013

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT14072	08/08/2013	TELSTRA CORPORATION LIMITED	SMS TO PUBLIC WITH COMMUNITY MESSAGES	-238.94
<b>EFT14073-</b>	<b>EFT14073</b>	<b>USED IN TRUST</b>		
EFT14074	12/08/2013	GERALDTON TOYOTA	FILTERS	-543.44
EFT14075	12/08/2013	P.G & S. J WOOD	BIRD DETERRENTS ON SOLAR PANELS	-500.00
EFT14076	12/08/2013	AVILAKE CONSTRUCTION	RETAINED FUNDS PAYMENT ON LIGHTHOUSE RESTORATION	-13916.03
EFT14077	12/08/2013	AUTO ONE	REAR CANOPY GLASS FOR WORKS MANAGER VEHICLE	-470.35
EFT14078	12/08/2013	AUSTRALIA POST	POSTAGE	-264.68
EFT14079	12/08/2013	BAJA DATA & ELECTRICAL SERVICES	CONNECT POWER FOR AIRCON UNIT IN EA OFFICE REPAIRS AT PENSIONER UNITS 2,3,4, 80 DURLACHER ST, COMMUNITY CENTRE AND HALL TOILET	-860.75
EFT14080	12/08/2013	BOOEASY AUSTRALIA	BOOEASY FEES	-217.06
EFT14081	12/08/2013	CHRISTOPHER JOHN REWI	REIMBURSEMENT FOR OUT OF TOWN SUPPLIES	-19.35
EFT14082	12/08/2013	DENHAM IGA X-PRESS	MONTHLY ACCOUNT TOWN & OUT OF TOWN CREW SUPPLIES	-479.95
EFT14083	12/08/2013	SHARK BAY SUPERMARKET	MONTHLY ACCOUNT TOWN & OUT OF TOWN CREW SUPPLIES	-388.34
EFT14084	12/08/2013	SHARK BAY FUEL & SERVICE CENTRE	MONTHLY ACCOUNT-FUEL & OIL SHIRE VEHICLES	-289.06
EFT14085	12/08/2013	GEARING BUTCHER'S	SUPPLIES FOR OUTSIDE CREW	-105.88
EFT14086	12/08/2013	HORIZON POWER	MONTHLY ACCOUNT STREET LIGHTING	-2845.56
EFT14087	12/08/2013	HORIZON POWER	MONTHLY ACCOUNT MAIN USAGE SHIRE PROPERTIES	-4427.60
EFT14088	12/08/2013	HITS RADIO	ADVERTISING ON RADIO FOR SHARK BAY FOR JULY 2013	-508.20
EFT14089	12/08/2013	HAMES SHARLEY PLAN & URBAN DESIGN	FORESHORE AND MAIN STREET REVITALISATION PLAN	-1012.00
EFT14090	12/08/2013	TOLL IPEC	FREIGHT	-113.55
EFT14091	12/08/2013	LANDGATE	GRV VALUATION	-60.85
EFT14092	12/08/2013	MITRE 10 SB MARINE & HARDWARE	MONTHLY ACCOUNT-WORKS HARDWARE & SUPPLIES	-3699.20
EFT14093	12/08/2013	SKIPPERS AVIATION	REIMBURSABLE AIR FLIGHTS	-610.00
EFT14094	12/08/2013	SHARK BAY CRC	DONATION SHARK BAY FISHING CLUB ROUND 2 12/13	-500.00
EFT14095	12/08/2013	SHARK BAY FREIGHTLINES	FREIGHT	-513.02
<b>EFT14096-</b>	<b>EFT14096</b>	<b>USED IN TRUST</b>		
EFT14097	16/08/2013	BUNNINGS BUILDING SUPPLIES	DEPOT TOOL BOX	-245.60
EFT14098	16/08/2013	BOC LIMITED	CONTAINER RENTAL	-103.97
EFT14099	16/08/2013	RUSSELL TODD CHAMBERLAIN	RENT - 39 DURLACHER STREET	-1157.30
EFT14100	16/08/2013	DEPT OF FIRE & EMERGENCY SVS	ANNUAL MONITORING FEES	-1645.40
EFT14101	16/08/2013	DENHAM PAPER & CHEMICAL	TOILET ROLLS DEPOT	-38.50

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2013

EFT	DATE	NAME	DESCRIPTION	AMOUNT
		SUPPLIES		
EFT14102	16/08/2013	GERALDTON FUEL COMPANY	ENGINE OIL AND MONTHLY FUEL ACCOUNT	-2639.05
EFT14103	16/08/2013	GRAY & LEWIS LAND USE PLANNERS	GENERAL PLANNING AND STRATEGIC PLANNING	-8404.55
EFT14104	16/08/2013	GRAPHIC SOURCE	DESIGN PRINT & DELIVERY OF BANNERS KNIGHT TERRACE	-4950.00
EFT14105	16/08/2013	HORIZON POWER-SBIC	SBDC ELECTRICITY - MONTHLY ACCOUNT	-184.56
EFT14106	16/08/2013	THE INTERMEDIA GROUP	GOVERNMENT NEWS SUBSCRIPTIONS	-42.00
EFT14107	16/08/2013	JOHN TAYLOR ARCHITECT	CONTRACT ADMIN CAPE INSCRIPTION RESTORATION	-3146.00
EFT14108	16/08/2013	KIT-N-KABOODLE	SBDC SOUVENIR MERCHANDISE	-132.00
EFT14109	16/08/2013	THE LINEN PRESS	SBDC SOUVENIR MERCHANDISE	-3864.30
EFT14110	16/08/2013	MCLEODS BARRISTERS & SOLICITORS	CONSULTING RE 55 DURLACHER STREET	-6308.33
EFT14111	16/08/2013	MURRAY VIEWS	SBDC SOUVENIR MERCHANDISE	-161.70
EFT14112	16/08/2013	PEST-A-KILL	MICE MONITORING & BAITING DEPOT, HALL, OFFICE & SBDC	-198.00
EFT14113	16/08/2013	QUALITY PUBLISHING AUSTRALIA	SBDC SOUVENIR MERCHANDISE	-117.68
EFT14114	16/08/2013	ROSHER E & MJ	CUTTING BLADES FOR MOWER	-210.45
EFT14115	16/08/2013	SHARK BAY CRC	SENIORS PHOTOCOPYING	-26.40
EFT14116	16/08/2013	SHARK BAY SKIPS	MONTHLY ACCOUNT-FORESHORE & USELESS LOOP SKIP BINS	-4392.00
<b>TOTAL</b>				<b>\$500,361.17</b>

28 AUGUST 2013

**SHIRE OF SHARK BAY  
ORDINARY COUNCIL MEETING 28 AUGUST 2013  
TRUST CHQS 933-941**

<b>CHQ</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
933	23/07/2013	KAYE WILLS	LIBRARY DEPOSIT REFUND	-50.00
934	26/07/2013	DENISE LAWSON	GYM CARD DEPOSIT REFUND	-20.00
935	02/08/2013	HOWARD COCK	ART SALES JULY 2013	-96.00
<b>936</b>		<b>CANCELLED CHEQUE</b>		
937	02/08/2013	NEMO & DORY ACCOMMODATION	BOOKEASY SALES JULY 2013	-433.50
938	05/08/2013	RACHEL RODGERS	GYM CARD DEPOSIT REFUND	-20.00
939	06/08/2013	NEVILLE ARMSTRONG	LIBRARY DEPOSIT REFUND	-50.00
<b>940</b>		<b>CANCELLED CHEQUE</b>		
941	15/08/2013	CAROLE BIRD	GYM CARD DEPOSIT REFUND	-20.00
<b>TOTAL</b>				<b>\$689.50</b>

**SHIRE OF SHARK BAY  
ORDINARY COUNCIL MEETING 28 AUGUST 2013  
TRUST EFTS 13960-14116**

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT13960	19/07/2013	ERIC NORMAN WATTS	LIBRARY DEPOSIT REFUND	-50.00
EFT13961	19/07/2013	ELIZABETH UTTING	GYM CARD DEPOSIT REFUND	-20.00
EFT13962	19/07/2013	SHANE GRIVELL	LIBRARY DEPOSIT REFUND	-50.00
EFT13982	26/07/2013	BRYCE MATTHEWS	GYM CARD DEPOSIT REFUND	-20.00

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2013

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT13983	29/07/2013	TOBY ADAIR	GYM CARD DEPOSIT REFUND	-20.00
EFT14023	02/08/2013	PRIORITY SHARK BAY	TOUR SALES JULY 2013	-2055.38
EFT14024	02/08/2013	BAY LODGE MIDWEST OASIS	BOOKEASY SALES JULY 2013	-632.50
EFT14025	02/08/2013	SHARK BAY COASTAL TOURS	TOUR SALES JULY 2013	-918.72
EFT14026	02/08/2013	DENHAM VILLAS	BOOKEASY SALES JULY 2013	-1895.50
EFT14027	02/08/2013	GATEWAY MOTEL CARNARVON	BOOKEASY SALES JULY 2013	-238.00
EFT14028	02/08/2013	GASCOYNE OFFSHORE & MARINE SERVICES	TOUR SALES JULY 2013	-4280.40
EFT14029	02/08/2013	HARTOG COTTAGES	BOOKEASY REFUND JULY 2013	-1343.75
EFT14030	02/08/2013	HURLOCK HOLDINGS	TOUR SALES JULY 2013	-352.35
EFT14031	02/08/2013	HAMELIN POOL CVAN PARK & TOURIST CTR	BOOKEASY SALES JULY 2013	-62.90
EFT14032	02/08/2013	HAMELIN STATION STAY	BOOKEASY SALES JULY 2013	-59.50
EFT14033	02/08/2013	INTOWN APARTMENTS	BOOKEASY SALES JULY 2013	-127.50
EFT14034	02/08/2013	MONKEY MIA YACHT CHARTERS	TOUR SALES JULY 2013	-5185.36
EFT14035	02/08/2013	ASPEN MONKEY MIA	BOOKEASY SALES JULY 2013	-612.85
EFT14036	02/08/2013	MONKEYMIA WILDSIGHTS	TOUR SALES JULY 2013	-5074.91
EFT14037	02/08/2013	OCEANSIDE VILLAGE	BOOKEASY SALES JULY 2013	-280.50
EFT14038	02/08/2013	SHARK BAY HOTEL MOTEL	BOOKEASY SALES JULY 2013	-280.50
EFT14039	02/08/2013	SHARK BAY HOLIDAY COTTAGES	BOOKEASY SALES JULY 2013	-212.50
EFT14040	02/08/2013	SHARKBAY CARAVAN PARK	BOOKEASY SALES JULY 2013	-913.75
EFT14041	02/08/2013	SHIRE OF SHARK BAY	TOURS SALE COMMISSIONS JULY 2013	-5231.95
EFT14042	02/08/2013	SHARK BAY SCENIC QUAD BIKE TOURS	TOUR SALES JULY 2013	-2252.80
EFT14043	02/08/2013	TRADEWINDS SEAFRONT APARTMENTS	TOUR SALES JULY 2013	-1279.25
EFT14044	02/08/2013	UNREAL FISHING CHARTERS	TOUR SALES JULY 2013	-2718.75
EFT14045	02/08/2013	WULA GUDA NYINDA	TOUR SALES JULY 2013	-2066.88
EFT14073	08/08/2013	KATE WRIGHT	LIBRARY DEPOSIT REFUND KATE WRIGHT	-50.00
EFT14096	13/08/2013	TRISH MILBURN	ART SALES JULY 2013	-20.00
<b>TOTAL</b>				<b>\$38,306.50</b>

12.2 FINANCIAL REPORTS TO 31 JULY 2013

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved            Cr Ridgley  
Seconded       Cr Prior

Officer Recommendation

That the monthly financial reports to 31 July 2013 be presented to the Council at the ordinary meeting of the Council in September 2013.

**AMENDMENT TO OFFICER RECOMMENDATION**

**Reason:** Council wanted the financial reports presented before they adopted the 2013/2014 Budget.

Moved            Cr Prior  
Seconded       Cr Hanscombe

**Council Resolution**

**That the monthly financial reports to 31 July 2013 be presented to Council at a Special meeting of Council prior to the Ordinary meeting in September 2013.**

**7/0 CARRIED**

Comment

On a monthly basis, Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* require a statement of financial activity to be presented to council. Regulation 34 (4) of the *Local Government (Financial Management) Regulations 1996* states:

*A statement of financial activity, and the accompanying documents referred to it in sub-regulation (2), are to be –*

- (a) *presented to the council –*
- (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
  - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting.*

Due to the monthly financial statements not being finalised to 31 July 2013, they cannot be presented to council at the August meeting as referred to in part (i) of regulation 34. Therefore a statement of financial activity to 31 July 2013 will be submitted to council at the September council meeting in accordance with part (ii) of regulation 34.

Voting Requirements

Absolute Majority Required

Date of Report

20 August 2013

**13. TOWN PLANNING REPORT**

**13.1 RETROSPECTIVE PLANNING APPROVAL – PROPOSED GARAGE / PATIO – LOT 264 (UNIT 2) MEAD STREET, DENHAM**

P 1460

Author

Liz Bushby, Gray & Lewis Landuse Planners

Disclosure of Any Interest

Disclosure of Interest: Gray & Lewis

Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 39.639 of *Local Government Act 1999*

Moved Cr Ridgley

Seconded Cr Hanscombe

**Council Resolution**

**That Council:**

1. **Approve the application lodged by Richard and Susan Crossley for a patio / garage (boat storage) on Lot 264 (Unit 2) Mead Street, Denham subject to the following conditions:**
  - (i) **The new buildings to be constructed out of non-reflective colours and materials.**
  - (ii) **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 Shire Chief Executive Officer.**
  - (iii) **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.**
2. **Include a footnote / advice note on any planning approval to advise the applicant that:**
  - a. **Planning consent is not an approval to commence any site works or construction. A building permit extension must be obtained for all work.**
3. **Note that the adjacent strata owner has no objections to the application.**

**7/0 CARRIED**

Précis

Council is to consider an application for a garage / patio on Lot 264 (Unit 2) Mead Street, Denham. The building has been partly constructed.

BACKGROUND

Lot 264 has been developed with two dwelling units. Unit 2 is located to the rear.

A building licence was issued for the proposed building on the 25 July 2011 however construction was required to commence within 12 months. The building licence has expired so the owners are applying for an extension.

The proposed development only requires planning approval as it entails variations to the setback requirements of the Residential Design Codes.

It should be noted that the lot abuts Reserve 36163 to the north and west.

COMMENT

- *Proposed Development*

The owners propose a garage and patio addition to the west of existing Unit 2. The owners advise that there was previously a building in this location however it was of poor quality and required replacing.

The building has a total floor area of approximately 90m<sup>2</sup> of which approximately 68m<sup>2</sup> is proposed to be used for a garage / boat storage area. The rear portion of the building is proposed as a patio open on two sides.

- *Zoning*

The subject property is zoned 'Residential R10/20' under the Shire of Shark Bay Local Planning Scheme No 2 ('the Scheme').

The lot has an approximate area of 1165m<sup>2</sup> and the application has been assessed in accordance with the requirements applicable to the 'R20' density code.

- *Residential Design Codes – setbacks*

The application proposes a side (west) setback variation of 1.1 metres in lieu of the required 1.5 metres. A rear setback variation is also proposed as 6 metres is required and approximately 4 metres is proposed.

The setback variations are not considered an impediment to development as the lot abuts a reserve so the building will not have any impact on residential amenity. Overlooking of reserves is actively encouraged from a planning perspective as it provides casual surveillance and increased security of public spaces.

The owner of Unit 1 has no objection to the proposal and is not impacted on by the setback variations.

- *Residential Design Codes – site open space*

Under the Residential Design Codes 50 percent of the lot area has to be retained as site open space. Open space can include structures such as patios that are open on two sides however cannot include garages, carports or enclosed buildings.

It is difficult to accurately calculate the site open space as not all of the buildings on Lot 264 are reflected on the site plan. Gray & Lewis has undertaken conservative approximate calculations resulting in compliant site open space of 61%.

LEGAL IMPLICATIONS

The most applicable provisions of the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme') are summarised below:

- Clause 5.3 of the Scheme requires development to conform with the Residential Design Codes.
- Clause 5.6 of the Scheme allows variations to a standard or requirement prescribed under the Scheme, except for development in respect of which the Residential Design Codes apply.

POLICY IMPLICATIONS

Nil. Despite this, it should be noted that new Residential Design Codes were gazetted on the 2 August 2013. This application has been assessed in accordance with the new Codes.

FINANCIAL IMPLICATIONS

The Shire pays fees to Gray & Lewis for planning advice.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority Required

Date of Report

13 August 2013

13.2 PROPOSED OUTBUILDING – LOT 191 (71) BROCKMAN STREET, DENHAM  
P 4348

Author

Liz Bushby, Gray & Lewis Landuse Planners

Disclosure of Any Interest

Disclosure of Interest: Gray & Lewis receive planning fees for advice to the

Nature of Interest: Financial Interest as receive planning fees for advice to the Shire  
– Section 39.639 of *Local Government Act 1999*

Moved Cr Capewell

Seconded Cr Prior

Council Resolution

**That Council:**

1. **Approve the application lodged by Kim Gray for an Outbuilding on Lot 191 (Strata Lot 2 – 71) Brockman Street, Denham subject to the following conditions:**
  - (i) **The outbuilding to be constructed out of non reflective colours and materials (sandbank and surfmist colorbond) as stated in the application, unless alternative colours are approved by the Chief Executive Officer in writing.**
  - (ii) **The plans lodged with this application shall form part of this planning approval, and no approval has been granted for any retaining walls. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Shire Chief Executive Officer.**
  - (iii) **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 unless otherwise approved in writing by the Shire Chief Executive Officer.**
  - (iv) **The outbuilding is to be substantially commenced within 2 years from the date of this approval; and the approval lapses if the development has not substantially commenced before expiry of the specified two year period.**
2. **Include a footnote / advice note on any planning approval to advise the applicant that:**
  - a. **Planning consent is not an approval to commence any site works or construction. A building permit must be obtained for all work.**
3. **Note that a written non-objection has been received from the owner of Lot 192 Brockman Street, Denham.**

**7/0 CARRIED**

### Précis

Council is to consider an application for an outbuilding on Lot 191 (Strata Lot 2 – 71) Brockman Street, Denham.

The outbuilding only requires planning approval as there is a minor variation to the permissible wall height under the Residential Design Codes.

### BACKGROUND

- *Existing development*

Lot 191 has been developed with a duplex and it consists of two strata lots. The lot is on the corner of Durlacher Street and Brockman Street – refer aerial.



Source: Landgate

### COMMENT

- *Proposed Development*

The owners propose to construct a new outbuilding to the south of the existing dwelling units. The outbuilding will be located 1.5 metres from the Brockman Street boundary.

The plans do not show any contours, ground levels or finished floor levels, however the applicant has lodged photographs showing the land is flat and level, and confirmed that no retaining walls are proposed.

- *Zoning*

The subject property is zoned 'Residential R10/20' under the Shire of Shark Bay Local Planning Scheme No 2 ('the Scheme').

The lot has an approximate area of 1133m<sup>2</sup> and the application has been assessed in accordance with the requirements applicable to the 'R20' density code.

- *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 criteria'.

Where an application proposes a variation to any 'deemed to comply' criteria of the Codes, then planning approval is required for the development, and a more detailed assessment has to be made based on 'performance criteria' in the Codes.

Under Clause 5.4.3 of the Codes there are specific 'deemed to comply' requirements for outbuildings as summarised in the table below.

<b>Clause 5.4.3 C3 'deemed to comply' criteria / Outbuildings that:</b>	<b>Officer Comment (Gray &amp; Lewis)</b>
(i) are not attached to a dwelling	Complies.
(ii) are non-habitable	Complies.
(iii) do not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Complies. The outbuilding is 58.5m <sup>2</sup> .
(iv) do not exceed a wall height of 2.4 metres	Minor Variation.  A wall height of 2.7 metres is proposed.
(v) do not exceed a ridge height of 4.2 metres	Complies. The ridge height is 3.571 metres to the peak.
(vi) are not within the primary street setback area;	Complies. The outbuilding is not in the primary street setback area and the location complies with the secondary street setback of 1.5 metres.
vi) do not reduce the amount of open space required in Table 1; and	Complies. There is still adequate site open space as per Table 1 of the Codes.
vii) comply with the setback requirements of Table 1.	Complies. The side setback to adjacent Lot 192 is required to be 1.1 metres and 1.7 – 3.92 metres is proposed. The setbacks all comply.

The application only proposes a minor variation to the 'deemed to comply' requirements in respect to wall height.

Council has to determine if the development complies with the performance criteria which is "*Outbuildings that do not detract from the streetscape or the visual amenity of residents of neighbouring properties*".

The proposed wall height only entails a 0.3 metre variation, is minor and will not have any negative impact on Brockman Street or the adjacent Lot 192 to the immediate west.

There is extensive vegetation located on Lot 192 which limits the view of the outbuilding by the west neighbour. The outbuilding will be partially screened from Brockman Street as there is an existing tree in the verge and a 1.8 metre fence along a portion of the Brockman Street boundary.

The applicant has submitted photographs of the lot which are available to Councillors on request.

- *Consultation*

The applicant has liaised with the adjacent owner of Lot 192 Brockman Street who has lodged a written non objection on the site plan.

#### LEGAL IMPLICATIONS

The most applicable provisions of the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme') are summarised below:

- Clause 5.3 of the Scheme requires development to conform with the Residential Design Codes.
- Clause 5.6 of the Scheme allows variations to a standard or requirement prescribed under the Scheme, except for development in respect of which the Residential Design Codes apply.
- Clause 8.2 (b) of the Scheme provides an exemption for outbuildings from obtaining planning approval where they are less than 60m<sup>2</sup>, except where a variation to the Residential Design Codes is proposed.
- Clause 10.2 of the Scheme outlines matters to be considered by the local government including things such as the compatibility of a use or development with its setting, preservation of amenity, relationship to development on adjacent land etc. Importantly Clause 10.2 (c) requires Council to consider any approved statement of planning policy of the Commission (such as the Residential Design Codes).

#### POLICY IMPLICATIONS

##### 1. Shire of Shark Bay Policy Manual :

The Shire of Shark Bay Policy Manual (amended December 1997) includes a '3.10 – Outbuilding Policy Residential Zoned Blocks'.

Gray & Lewis has not been assessing applications in accordance with the existing Policy because it is unknown whether it has been formally adopted as a legitimate Local Planning Policy in accordance with the Shires Scheme.

Gray & Lewis is of the understanding that the existing Policy manual will be reviewed, and in the future it is recommended that Council consider formally revoking '3.10 – Outbuilding Policy Residential Zoned Blocks'.

##### 2. Residential Design Codes :

The Residential Design Codes are a State Planning Policy. The current Residential Design Codes are new and were gazetted on the 2 August 2013.

All building permit, planning and subdivision applications lodged prior to the R-Codes gazettal on 2 August 2013, but not determined by that date, are required to be determined under the amended R-Codes.

This is in accordance with the general principle of administrative law that a decision-maker is required to make a decision in accordance with the laws that are in effect on the day the decision is made, unless there is some specific "transition" clause in the new laws. No such "transition" clause is contained in the amended R-Codes.

FINANCIAL IMPLICATIONS

The Shire pays fees to Gray & Lewis for planning advice.

STRATEGIC IMPLICATIONS

In the longer term, the Shire may consider developing a new outbuilding policy if it is deemed required. Any review should include a detailed analysis of existing outbuildings approved by the Shire over the last few years.

VOTING REQUIREMENTS

Simple Majority Required

Date of Report

16 August 2013

13.3 PRELIMINARY INFORMAL ADVERTISING – SHIRE OF MURCHISON LOCAL PLANNING STRATEGY AND TOWN PLANNING SCHEME

Author

Liz Bushby, Gray & Lewis Landuse Planners

Disclosure of Any Interest

Disclosure of Interest: Gray & Lewis

Nature of Interest: Financial Interest as receive planning fees for advice to the Shire,  
– Section 5.65 of *Local Government Act 1995*

Moved            Cr Prior  
Seconded       Cr Wake

Council Resolution

**That Council authorise Gray & Lewis to provide informal comments on the Shire of Murchison’s Local Planning Strategy and Scheme project to Urbis as follows:**

1.     **The matter has been considered by the Shire of Shark Bay Council and the Shire is not aware of any significant issues that need to be raised at this early juncture.**
2.     **Any local planning strategy for the Shire of Murchison should ensure that zonings and permissible landuses east of the Shire of Shark Bay local government boundary are compatible with existing zonings under the Shire of Shark Bay Local Planning Scheme No 3. Land in the Shire of Shark Bay west of the Shire of Murchison is zoned ‘Rural / Pastoral’ and ‘Conservation’.**
3.     **The Shire is expecting formal approval of the Shire of Shark Bay Local Planning Strategy shortly from the Western Australian Planning Commission, however it is not likely that the Shark Bay Strategy has major implications for preparation of the Shire of Murchison Local Planning Strategy.**
4.     **The Shire of Shark Bay appreciates the opportunity to comment at this early stage.**

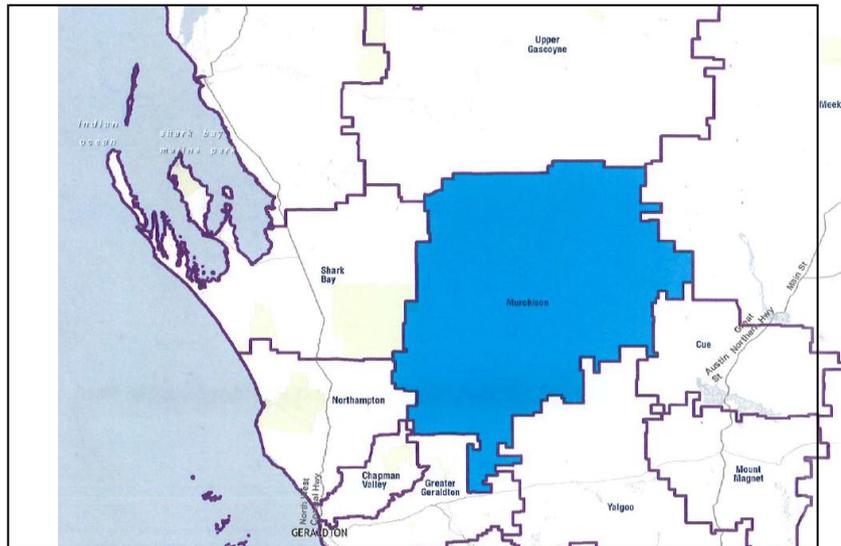
**7/0 CARRIED**

Précis

Urbis (planning consultants) have been engaged by the Shire of Murchison to prepare a Local Planning Strategy and Town Planning Scheme. Urbis is seeking any preliminary comment from key agencies and stakeholders, including the Shire of Shark Bay. Informal comments are requested by the 9 September 2013.

Background

The Shire of Murchison is located to the east of the Shire of Shark Bay local government boundary. It is approximately 650km north of Perth and 300km north east of Geraldton.



### Comment

Urbis has requested preliminary comment on any key issues that should be taken into account in preparation of a Strategy and Scheme.

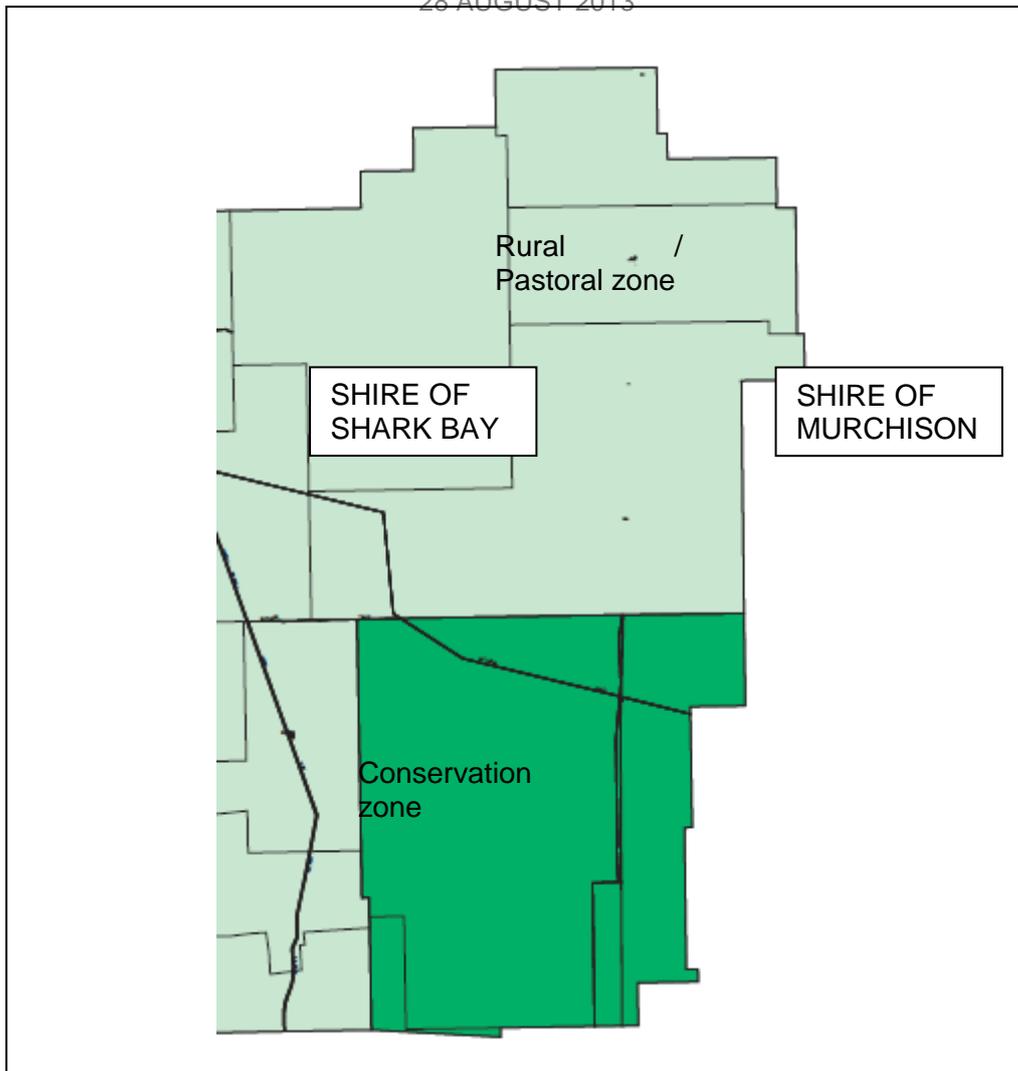
Urbis has advised that:

- a) The Shire of Murchison does not currently have a Local Planning Strategy or a Local Planning Scheme.
- b) The Shire does not have a formal townsite however the Murchison Settlement provides a hub for the community.
- c) Significant rural activities take place in the Shire of Murchison including 26 pastoral leases which farm sheep, cattle and goats.
- d) As of the 2011 Census, there were 114 people living in the Shire.

Gray & Lewis is not aware of any significant issues that need to be raised at this early juncture. Land within the Shire of Shark Bay that borders the Shire of Murchison local government boundary consists of both a 'Rural / Pastoral' zone and 'Conservation' zone – refer overpage.

It is recommended that any local planning strategy for the Shire of Murchison ensure that zonings and permissible landuses east of the Shire of Shark Bay local government boundary are compatible with existing zonings under the Shire of Shark Bay Local Planning Scheme No 3.

28 AUGUST 2013



It is also recommended that Urbis be advised that the Shire is expecting formal approval of the Shire of Shark Bay Local Planning Strategy shortly from the Western Australian Planning Commission, however it is not likely that the Shark Bay Strategy has major implications for preparation of the Shire of Murchison Local Planning Strategy.

Legal Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

20 August 2013

13.4 LOT 555 AND 556 DURLACHER STREET, DENHAM – PROPOSED OUTLINE DEVELOPMENT PLAN AND FUTURE DEVELOPMENT FOR EMERGENCY SERVICES BUILDING AND SHEDS

P 4380

Author

Liz Bushby, Gray & Lewis Landuse Planners

Disclosure of Any Interest

Disclosure of Interest: Gray & Lewis

Nature of Interest: Financial Interest as receive planning fees for advice to the Shire, – Section 5.65 of *Local Government Act 1995*

Disclosure of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as a Volunteer and Secretary of the Shark Bay St John's Ambulance

Disclosure of Interest: Cr Hanscombe

Nature of Interest: Impartiality Interest as a member of St John's Ambulance

Disclosure of Interest: Cr McLaughlin

Nature of Interest: Impartiality Interest as the Local Manager of the State Emergency Service Unit

Disclosure of Interest: Cr Ridgley

Nature of Interest: Impartiality Interest as a member of the Volunteer Marine Rescue

Moved Cr Prior

Seconded Cr Capewell

Council Resolution

**That Council:**

1. **Resolve to adopt an amended Outline Development Plan for final approval applicable to Lot 555 and 556 Durlacher Street, Denham, in accordance with Clause 5.9.5 of the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').**
2. **Note that the amended Outline Development Plan includes a third shed on the lots to cater for the Volunteer Marine Rescue. The third shed is proposed to the immediate south of the State Emergency Service shed shown on the original plans.**
3. **Note the submissions received during formal advertising and that the revised Outline Development Plan was advertised in July 2013.**
4. **Authorise the Chief Executive Officer to sign the Outline Development Plan (Attachment 1 at the end of the item) and retain a formal copy on the Shires records.**
5. **Approve the planning application lodged by the Shire of Shark Bay for 'community service depot' (ambulance and State Emergency Service sheds) and 'Civic use' (emergency services building) on Lot 555 and 556 Durlacher Street, Denham subject to the following conditions:**
  - (i) **A carparking area with capacity to accommodate a minimum of 14 carparking bays is 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 plans submitted as part of the application (dated 9.01.2012).

- (ii) The plans lodged with this application (DWG No 116.11 – SK10) 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.
  - (iii) 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.
  - (iv) Storage to be contained within the proposed buildings and sheds. Any external storage shall be located to the rear of the buildings unless otherwise approved in writing by the Chief Executive Officer.
  - (v) Landscaping shall be installed as approved by the Shire within 6 months from completion or occupation of the development, whichever is the lesser time period, or an alternative time period approved separately by the Shire in writing.
  - (vi) Landscaping to be maintained to the satisfaction of the Shire Chief Executive Officer.
  - (vii) The development approved is to be substantially commenced within 2 years of the date of this approval. The approval lapses if the development has not substantially commenced before expiration of the 2 year period.
6. Include the following footnote advice on the planning approval:
- (a) Planning approval is not a consent for any works. A separate building permit is required prior to commencement of works.
  - (b) Please be advised that adequate measures shall be undertaken to minimise dust nuisance to adjoining and nearby properties during or after commencement of site works and construction.

**7/0 CARRIED**

#### Précis

Council is to consider final adoption of an Outline Development Plan for Lot 555 and 556 Durlacher Street, Denham.

Council is also to determine the planning application lodged for an emergency services building, ambulance and State Emergency Service sheds on the lots.

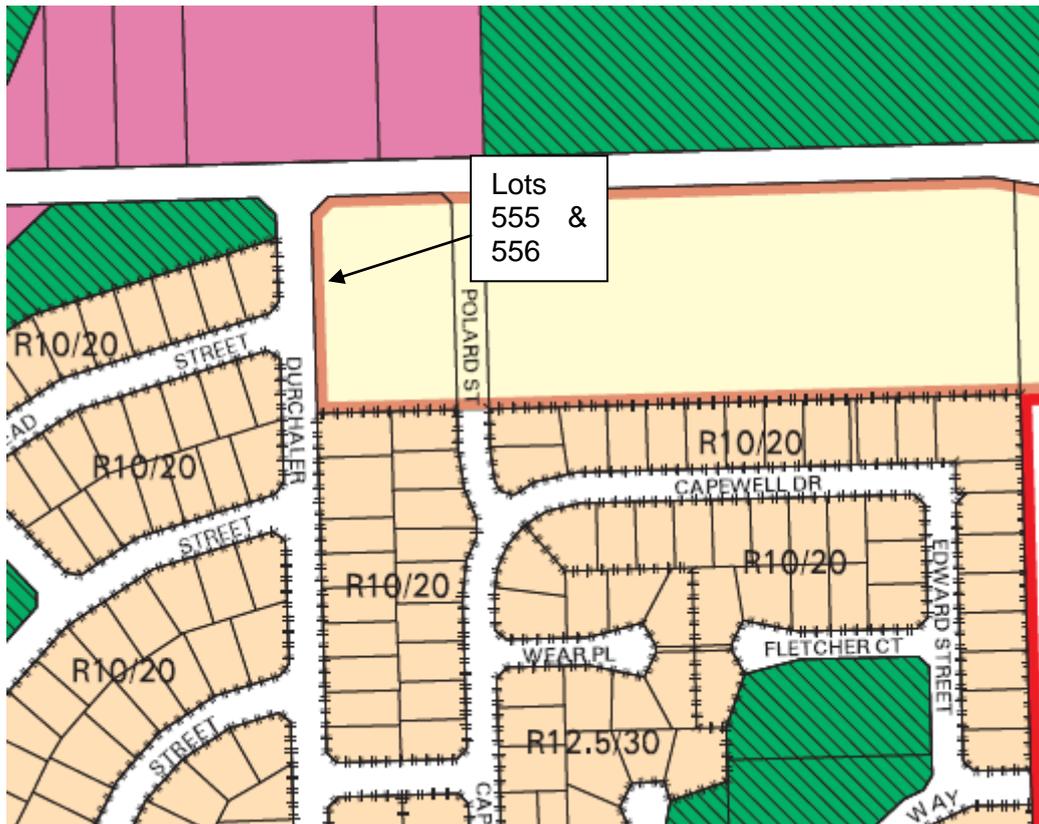
#### Background

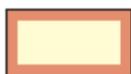
Lot 555 was identified by Council as being suitable to cater for emergency and community services as part of Councillor workshops held in formulation of the current Shire of Shark Bay Local Planning Strategy (Draft).

The land is currently zoned 'Residential Development' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'). As such, any development has to be considered in accordance with the current Scheme provisions.

Lot 555 has an area of 3004m<sup>2</sup>, is owned by the State of Western Australia and is Unallocated Crown Land. Gray & Lewis understands the Shire is finalising a Management Order for the land through the Department of Lands (formerly known as the Department of Regional Development and Lands).

Land to the north west is zoned 'Industrial' under the Scheme. Land to the west and south is zoned 'Residential'. The land to the east is undeveloped and zoned 'Residential Development'. A zoning plan is included below for ease of reference.



 RESIDENTIAL DEVELOPMENT

A report item on this matter was considered by Council on the 29 May 2013 (Item 13.1). Council resolved to advertise the Outline Development Plan for 14 days.

Comment

Description of Future Development / current Planning Application

Architectural plans have been commissioned and prepared for the Shire by Hodge Collard Preston Architects for a building to operate as an emergency services base and training facility.

Consultation – Outline Development Plan

The Shire wrote to owners of lots immediately adjacent to Lot 555 and 556 as part of advertising of the Draft Local Planning Strategy, between the 13 February 2013 and 8 March 2013. Consultation was undertaken with adjacent landowners as part of the Draft Strategy advertising to invite comments on a future zoning change earmarked for Lots 555 and 556 from 'Residential Development' zone to 'Community' zone. No submissions were lodged on that aspect of the Draft Strategy during advertising.

In June 2013, the Shire wrote to owners of lots nearby and adjacent to Lot 555 and 556 to provide them with an opportunity to specifically comment on an Outline Development Plan and planning application.

The Outline Development Plan was then modified to include a new (third) shed to cater for the Volunteer Marine Rescue. A modified Outline Development Plan was advertised in July 2013 and advertising closed on the 1 August 2013.

Four submissions have been received as follows:

<b>Submitter details</b>	<b>Summary of submission</b>	<b>Officer Comment</b>
John & Kay Allan 91 Durlacher St Denham	1a. We have received your letter dated 14 June 2013 advising of the intended Commercial dwellings to be erected opposite our residence at No. 91 Durlacher Street, Denham.	1a. Noted.
	1b. We built this residence some 23 years ago and have been pleased with the new infrastructure and improvements carried out in Denham over the past few years which have been of a very high standard.	1b. Noted.
	1c. We also built this residence with the knowledge that we were far enough away from the Light Industrial Area – having a Buffer Zone next to our House – and also that the land opposite was zoned Residential and fully expected houses to be built on it and not Emergency Services Buildings and Sheds.	1c. Noted. It is understood that there may be some expectation that the land be developed for housing, however a wide range of landuses can be considered in the Residential Development zone.
	1d. It will not be possible for me to peruse the Outline	1d. Noted. Council has discretion to consider

	<p>Development Plan before the cut off date of 1<sup>st</sup> July 2013 as I am in Perth and will not be in Denham until the last week of July.</p> <p>However, I am firmly of the opinion that any Commercial type development (as described in item 3.0 of the Planning Application) should be constructed in the gazetted Industrial area and not in the present zoned Residential area opposite my residence.</p> <p>1e. I most certainly would not appreciate looking at State Emergency Sheds housing trucks, boats, vehicles and training services; and could you please explain what “a Civic Use” means. Does this mean there could be 20 to 30 cars parked around the premises at any one time? What provision has been made for this parking? Any parking opposite my drive will impede safe entry and exit for my 8 metre Boat and Caravan as I require full use of the road when driving in or out.</p> <p>1f. We are opposing the location of this future development as it should be located in the Industrial area where trucks, cars, equipment and training areas should be.</p> <p>1g. Paul, would you or the Shire President like to have this built in the front of your house? There is so much land in Denham – why would you want to change this already established Residential</p>	<p>the proposed uses under the current Scheme.</p> <p>The Shire is to consider the application as submitted.</p> <p>1e. Noted. Whilst the submission raises concerns over aesthetics, it should be noted that the proposed emergency services building is of a good quality and is of a low scale compatible with residential development in the area. The proposed sheds will be substantially setback from Durlacher Street (over 20 metres) and will not have a detrimental visual impact.</p> <p>1f. Noted.</p> <p>1g. Noted. Whilst the buildings are not residential the architectural style, size and scale of the proposed buildings is compatible with the existing streetscape.</p>
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	<p>land.</p> <p>1h. If this commercial project goes ahead opposite our residence it will feel like we are living in the Light Industrial area. Not only am I not happy about that, but it will devalue our property.</p>	<p>The site will be developed to a high standard.</p> <p>1h. The development is for community based uses. Land values are not a valid planning consideration.</p>
<p>Colin Caporn 17 Mead Street Shark Bay WA 6537</p> <p>Note: This submission includes a number of queries which has been responded to in writing by the Chief Executive Officer.</p>	<p>2a. I acknowledge receipt of your letter dated the 14 June 2013 but not actually received by me until Monday 24 June 2013 concerning the above and requesting my 'comments' by the 1 July 2013. i.e. within 7 days(!)</p> <p>2b. I was the Building and Health Inspector for this Shire for a total of 4 years. To my knowledge I was and am the only Accredited Master Builder to be employed in the aforementioned capacity, or, in today's definition of the same role, that of the Manager, Building Regulation Services.</p> <p>2c. As far as I am aware there has been no change to the fundamental principle of the <i>Land Development Act of 2005</i> and the Building By-Laws that demand proper notice be given to all parties within proximity of any such proposed building development.</p>	<p>2a. Noted. Gray &amp; Lewis would have accepted a late submission as long as the agenda deadline permitted it.</p> <p>2b. Noted.</p> <p>2c. Noted. Building By-Laws are not applicable to the planning application which has to be assessed in accordance with the Shires current Local Planning Scheme No 3.</p> <p>It is assumed that the submitter meant to refer to the Planning and Development 2005, however it is the Shire's Local Planning Scheme which sets out consultation procedures for Outline Development Plans and planning</p>

	<p>2d. There are more stringent demands of notification to not only those neighbours effected but the community as a whole where there is an actual change to the zoning of the land in question.</p> <p>2e. I have neither seen nor been notified of any such proposals. (Please do not advise me of some notice in small print in some forgotten edition of the Inscription Post. I, like many others in Shark Bay do not read this publication for good reason as evidenced in the Report of the Inquiry into the Shire of Shark Bay following allegations of corruption in October 2010 and the use of that publication for Shire purposes. (see pages 51 &amp; 52 of that Inquiry – Finding 13 &amp; 14 – misleading information per the Inscription Post.</p> <p>2f. I do not use a computer. In the limited time you have given me to pursue this issue I have been unable to establish</p>	<p>applications.</p> <p>The application has been advertised in accordance with the Scheme, and advertising of the Outline Development Plan was not mandatory.</p> <p>2d. Noted. It appears there may be some confusion because the land is included in the draft Local Planning Strategy which earmarks a <u>future</u> zoning change.</p> <p>The letters sent to nearby landowners invited them to comment on the Outline Development Plan and planning application, not any zoning change.</p> <p>2e. The Shire wrote to the objector directly during advertising of the Draft Local Planning Strategy, and has publicly advertised the Outline Development Plan and planning application.</p> <p>The objector has been notified of all proposals relating to this land.</p> <p>2f. This is not a planning issue and Gray &amp; Lewis understands that the Shire Chief Executive Officer can respond to</p>
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	<p>whether or not the three Councillors involved with their respective roles in the Emergency Services declared their interests or abstained from voting on the development. e.g. Councillor/President Cowell (St. Johns Ambulance): Cr. Ridgley (Volunteer Marine Rescue): Cr. McLaughlin (State Emergency Service).</p> <p>2g. The whole tenure of your letter shows that the development is already a <i>fait accompli</i>. E.g. ...<i>the Shire is finalising a Management Order for the land... architectural plans have been commissioned ...A formal planning application for all proposed building has been lodged...(if no comments are received by the 1 July) the application will be assessed and determined on its merits and without any further consultation...</i></p> <p>2h. Your statement that photocopies of the plans (whilst available for inspection at the Shire offices) <i>will not be give out to the members of the public for copy right reasons</i>. (I have never encountered such a ruling involving the use of copyright.)</p> <p>2i. Whilst endorsing a combined facility for these three Emergency Services I would mention I have also been a member of the State Emergency Service for approximately</p>	<p>this query.</p> <p>2g. Noted. A standard consultation letter was used and it does not imply that any planning approval will be issued. It simply invites public comment and advises if no comments are lodged then the application will be determined.</p> <p>Architectural plans are required as part of the application so that surrounding landowners can view plans and make informed comments. All planning applications have to be accompanied by plans prior to advertising.</p> <p>2h. Noted. This is common practice for local governments as copyright is often to the architect or applicant. Gray &amp; Lewis has processed this application the same as any private development.</p> <p>2i. Noted. This statement does not appear to relate to the application directly.</p>
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	<p>2 years and Ambulance for approximately 4 years. Enthusiasm and thus membership for the Emergency Services can be an uncertain business. The current shed and week strewn grounds of the State Emergency Service have been in a state of sad neglect for at least the past 5 to 6 years. The Ambulance membership appears reasonably strong at the moment but I have seen it nearly fold but for primarily one individual. The same for the Volunteer Marine Rescue. Why should an investor in expensive freehold land have to live with the risk of a possible defunct depot and accompanying sheds on their doorstep? The fact that the Fire Brigade will not join forces with these three services is of note.</p> <p>2j. I partially conclude by saying there is more than enough land around town for such a combined Emergency Services development. Alongside the new school would be an obvious choice. Or a quarter acre block on the old school grounds nearest the Silver Chain Nursing post would be ideal from the Ambulance point of view.</p> <p>2k. I finally conclude by suggesting this Council put the matter on hold until a proper procedures have been adopted in the re-zoning of 555/6 Durlacher Street.</p>	<p>2j. Statement noted. The application as lodged has to be determined by Council.</p> <p>2k. No scheme amendment or rezoning is being undertaken at the present time. Any scheme amendment or rezoning requires Council approval, Western Australian Planning Commission assessment and</p>
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		<p>approval by the Minister for Planning.</p> <p>Consultation relating to the Outline Development Plan and planning application complies with the Shire's Scheme.</p>
<p>Richard Moroney 14 Mead Street, DENHAM WA 6537</p>	<p>3a. Whilst I have no objection to the proposed building, I have concerns in regard to the developer's responsibility to minimise dust during the construction. The building of the recreation centre saw massive amounts of sand, dirt and dust blown across the road and I do not want the same thing happening to my house.</p> <p>3b. I would seek the assurance of the Shire of Shark Bay that, in the tendering of the proposed building, the tenderer's have been informed of their responsibility to minimise dust blowing into the properties of nearby residences. I point out that many of today's electrical appliances are badly affected by fine dust.</p>	<p>3a. Noted.</p> <p>3b. Noted. This is a separate issue to the planning application.</p>
<p>Brad McVinish 16 Mead Street Denham WA 6537</p>	<p>4a. I had a letter from the Shire which I meant to respond to however left to Barrow Island for work. I just wanted to ensure that the contractor building the shed has good dust mitigation measures put in place.</p>	<p>4a. Noted.</p> <p>NB: The letter also raised separate issues relating to dumping in Dampier Road (referred to Chief Executive Officer).</p>

It is difficult to respond to some of the submission assertions that proper notice has not been given when advertising has been conducted in accordance with the Scheme.

The original Outline Development Plan was advertised in June 2013 for 14 days and a revised Outline Development Plan (with third shed) was advertised for another 14 days in July 2013. Neighbours have therefore had a total of 28 days to comment, in

addition to consultation that occurred as part of the Draft Local Planning Strategy advertising.

The original (May 2013) Outline Development Plan and planning application were also referred to the Department of Lands who advised they have no comment to make.

Residential Development zone (objectives)

The objective of the 'Residential Development' zone is to '*provide sufficient land in appropriate locations for residential development to meet the needs of the Scheme Area's anticipated growth and population without unduly restricting the choice of sites*'.

Despite this, Council has discretion to consider a range of non residential uses in the zone under 'Table 1 – Zoning Table' of the Scheme. Examples of uses that Council has discretion to approve under the Scheme include caravan park, child care premises, civic use, community service depot, education establishment, garden centre, home store, medical centre, nursing home, place of public worship, plant nursery shop, short term accommodation and telecommunications tower.

The Scheme allows flexibility for the zone to cater for a wide range of landuses.

Approval of the development will not undermine the objectives of the zone as land to the immediate east is also zoned 'Residential Development' zone and can cater for future urban growth.

This land has been identified in the Draft Local Planning Strategy as not being required for residential development, and is earmarked for the proposed uses.

Formal Planning Approval

Separate to the Outline Development Plan, the Shire needs to obtain planning approval for the proposed landuse and buildings.

The planning application can only be determined if the Outline Development Plan is approved. Development in the Residential Development Zone needs to be in accordance with an approved Outline Development Plan.

Landuse classification and permissibility

Part of the planning assessment involves examining the landuse definitions in the Scheme, and determining the 'best fit' landuse classification.

If the landuse is listed in 'Table 1: Zoning Table' of the Scheme, it dictates the permissibility of the use in the relevant zone (using a symbol).

- *Sheds*

The proposed ambulance, State Emergency Service and Volunteer Marine Rescue sheds can be considered as 'community service depot' defined in the Scheme as '*means land and buildings used for the garaging of vehicles and equipment used to provide a community service such as a fire brigade, ambulance and the like*'.

A 'community service depot' is an 'A' use under 'Table 1 : Zoning Table' in the Scheme which '*means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4*'.

Legal Implications

Shire of Shark Bay Local Planning Scheme No 3 –

- Under Clause 5.9.1 of the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme') it states '*The local government shall, in the case of the Residential Development zone.....require an Outline Development Plan prior to considering subdivision or development applications.*'
- Clause 5.9.5 of the Scheme '*the local government may, within 30 days of receiving the Outline Development Plan, require that it be advertised, in accordance with Clause 9.4.*'
- Clause 9.4.3 requires advertising in one or more ways including 14 day notice to nearby owners (which has been undertaken by the Shire).

Policy Implications

Nil

Financial Implications

There will be costs associated with development however Gray & Lewis understands some external funding and grants can be obtained.

Strategic Implications

Shire of Shark Bay (Draft) Local Planning Strategy – This land has been identified in the Draft Local Planning Strategy as not being required for residential development, and is earmarked for the proposed uses.

The Draft Strategy has been lodged with the Western Australian Planning Commission and requires state planning endorsement. Approval of the Strategy is expected soon.

Identification of the site in the Draft Local Planning Strategy does not preclude the Shire from examining other sites or locations for the proposed development. The Shire has broad discretion to approve a range of developments on land reserved under the Shire's Local Planning Scheme.

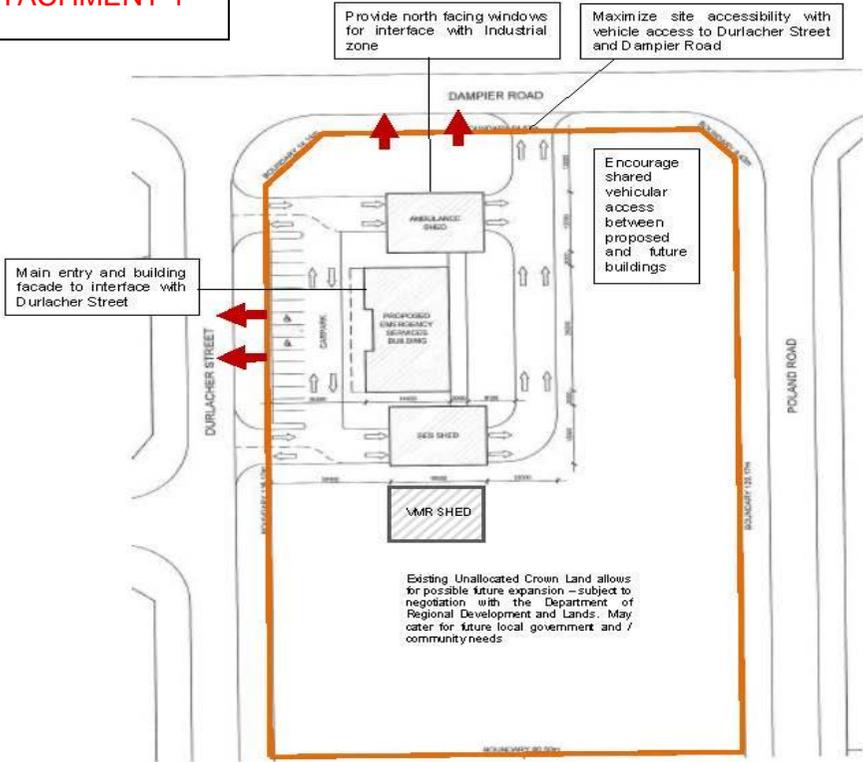
Voting Requirements

Simple Majority Required

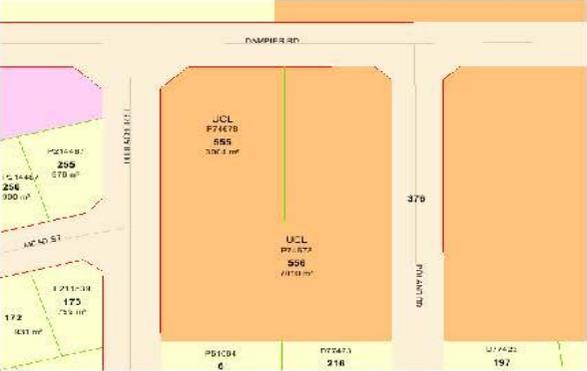
Date of Report

20 August 2013

**ATTACHMENT 1**



This Outline Development Plan (ODP) is prepared under the provisions of Clause 5.9.1 of the Shire of Shark Bay Local Planning Scheme No 3. The ODP applies to Lot 555 and 556 located on the corner of Dampier Road and Durlacher Street, Denham shown on the location plan below;



**OBJECTIVES**

- The objectives of this ODP are to;
- Maximise opportunities for co-location of emergency and community services and allow flexibility to cater for future local government needs
  - Facilitate development in accordance with the Shire of Shark Bay Local Planning Strategy. This land is included in the Strategy as Area 7 and is earmarked for emergency services and community uses.
  - Provide sufficient land for uses that have direct benefits to the local community.

**ENDORSEMENT:**

This Outline Development Plan (ODP) is approved under the provisions of Clause 5.9.6 of the Shire of Shark Bay Local Planning Scheme No 3.

Approval date (Ordinary Meeting of Council) \_\_\_\_\_

Chief Executive Officer \_\_\_\_\_



**OUTLINE DEVELOPMENT PLAN**



Not To Scale

**EMERGENCY SERVICES AND CIVIC PRECINCT**

Note: Boundaries subject to survey

**14. BUILDING REPORT**

Nil

**15. HEALTH REPORT**

Nil

**16. WORKS REPORT**

Nil

**17. TOURISM, RECREATION AND CULTURE REPORT**

Nil

Cr Hanscombe left the Council meeting at 11.58 am

Moved Cr Wake  
Seconded Cr Ridgley

**Council Resolution**

**That Council Suspended Standing orders at 11.59 am.**

**6/0 CARRIED**

The President reconvened the Council meeting at 12.55 pm with Cr Hanscombe in attendance.

Moved Cr Wake  
Seconded Cr Capewell

**Council Resolution**

**That Council reinstate Standing Orders.**

**7/0 CARRIED**

**18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**19. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

Moved Cr Prior  
 Seconded Cr Ridgley

**Council Resolution**

**That Council accept the tabling of the following urgent business items:**

**19.1 Rates**

**7/0 CARRIED**

**19.1 RATES**

RA 106

**Author**

Chief Executive Officer

**Disclosure of Any Interest**

Disclosure of Interest: Cr Wake

Nature of Interest: Financial Interest in Item 2 of the Officer's Recommendations as his wife is the owner of Hamelin Station

Moved Cr Prior  
 Seconded Cr Ridgley

**Council Resolution**

**That the rescinding of resolution 19.3 Differential Rates adopted at the July 2013 Ordinary meeting of Council be considered.**

**6/1 CARRIED**

Moved Cr Ridgley  
 Seconded Cr Prior

**Council Resolution**

**That resolution 19.3 Differential Rates adopted at the July 2013 Ordinary meeting of Council as follows:**

**Council Resolution:**

**That Council -**

- 1. Advertise in *The West Australian* the Shire of Shark Bay's Notice of Intention to Levy the following Differential Rates in accordance with Section 6.36 of the *Local Government Act 1995*.**

<b>Rates Category</b>	<b>Minimum Rates</b>	<b>Rate in the Dollar</b>
	<b>(¢)</b>	<b>(\$)</b>
<b>Gross Rental Value (GRV)</b>		
<b>GRV Rateable Property</b>	<b>727.00</b>	<b>8.1923</b>
<b>GRV Commercial</b>	<b>727.00</b>	<b>8.1923</b>
<b>GRV Industrial</b>	<b>727.00</b>	<b>8.1923</b>

<b>Unimproved Value (UV)</b>		
<b>UV Rateable Property</b>	<b>727.00</b>	<b>18.4012</b>
<b>UV Mining</b>	<b>727.00</b>	<b>18.4012</b>
<b>UV Pastoral</b>	<b>727.00</b>	<b>3.1643</b>

2. If no submissions are received after the expiration of the 21 days required for the public to make submissions on the above advertisement, Ministerial approval be sort for differential rating in accordance with Section 6.33 of the *Local Government Act 1995*.

be rescinded.

**5/2 CARRIED BY ABSOLUTE MAJORITY**

Moved Cr Ridgley  
 Seconded Cr Hanscombe

**Officer Recommendation – Item 1**

**That Council -**

**Adopt the following minimums and rates in the dollar for the 2013/2014 financial year in accordance with section 6.32 of the *Local Government Act 1995*.**

<b>Rates Category</b>	<b>Minimum (\$)</b>	<b>Rates</b>	<b>Rate in the Dollar (¢)</b>
<b>Gross Rental Value (GRV)</b>			
<b>GRV Rateable Property</b>	<b>727.00</b>		<b>8.1923</b>
<b>GRV Commercial</b>	<b>727.00</b>		<b>8.1923</b>
<b>GRV Industrial</b>	<b>727.00</b>		<b>8.1923</b>
<b>Unimproved Value (UV)</b>			
<b>UV Rateable Property</b>	<b>727.00</b>		<b>18.4012</b>
<b>UV Mining</b>	<b>727.00</b>		<b>18.4012</b>
<b>UV Pastoral</b>	<b>727.00</b>		<b>10.1643</b>

**5/2 CARRIED BY ABSOLUTE MAJORITY**

Disclosure of Any Interest

Disclosure of Interest: Cr Wake

Nature of Interest: Financial Interest as wife is the owner of Hamelin Pool Station

Cr Wake left the Council meeting at 1.36 pm

Moved Cr Prior  
 Seconded Cr Capewell

**Officer Recommendation – Item 2**

**That a concession of 7.00 cents in the dollar be applied to the following pastoral properties for the 2013/2014 financial year:**

Assess	Owner	Station	Value	Rates Raised	Amount Waived	Amount to be paid
A2022	Australian Wildlife Conservancy	Faure	\$30,000	\$3,049.29	\$2,100.00	\$949.29
A2009	Bennet	Yalardy	\$34,960	\$3,553.44	\$2,447.20	\$1,106.24
A2006	Crawford	Meadow	\$53,200	\$5,407.41	\$3,724.00	\$1,683.41
A2023	Crawford	Nerren Nerren	\$29,580	\$3,006.60	\$2,070.60	\$936.00
A2004	Fenny	Carbla	\$88,300	\$8,975.08	\$6,181.00	\$2,794.08
A2007	Fenny	Woodleigh	\$82,460	\$8,381.48	\$5,577.20	\$2,609.28
A2014	Gabor Holdings Pty Ltd	Tamala	\$70,240	\$7,139.40	\$4,916.80	\$2,222.60
A2005	Gunson Resources	Coburn	\$42,420	\$4,311.70	\$2,969.40	\$1,342.30
A2008	Mungullah Community Aboriginal Corporation	Gilroyd	\$44,600	\$4,533.28	\$3,122.00	\$1,411.28
A2013	Shark Bay Resources	Carrarang	\$39,040	\$3,968.14	\$2,732.80	\$1,235.34
A2010	Waiane Investments	Talisker	\$63,420	\$6,446.20	\$4,439.40	\$2,006.80
A2001	Wake	Hamelin Pool	\$179,740	\$182,69.31	\$12,581.80	\$5,687.51
Total			\$757,960	\$77,041.33	\$53,057.20	\$23,984.13

**6/0 CARRIED BY ABSOLUTE MAJORITY**

Cr Wake returned to the Council meeting at 1.38 pm.

Background

At the ordinary meeting held in July 2013 the Council resolved to adopt a rate model incorporating differential rates for the Unimproved Values (copy of July report attached).

Comment

Accordance with the resolution of Council and the **Local Government Act 1995** the approval of the Minister has been sought to impose the differential rates adopted by the Council.

A request was received on the 8 August for the Department of Local Government for more information in relation to the imposing of the differential rates on behalf of the Minister. This information was provided on the 26 August 2013. Advice from the Department is that the Minister is unlikely to approve the differential rates due to the significant disparity and insufficient substantiation to warrant the differential.

The imposition of a differential rate of the amount adopted by the Council in response to the rate revaluation in 2000 has always carried a degree of risk as Council does not have the final approval in relation to the imposition of these rates. The ongoing reliance, as discussed at the July meeting on a significant mining rate that is not in production is also a risk that must have a mitigation strategy.

The ongoing practice of raising the rate in the dollar by a set percentage without a full analysis of the impact on the different rate categories can make the Council reliant on revenue sources that may not be sustainable.

The Council to enable the rates to be raised and the budget adopted can consider raising the rate in the dollar applied to the pastoral unimproved values and then apply a concession in accordance with section 6.47 of the **Local Government Act 1995**.

This will enable the opportunity to review the rate models in greater detail during the 2013/2014 financial year and propose a solution to address this significant risk to Councils rating income.

There is also a political and financial risk associated with the application of concessions as the objects of and reasons for the waiver or concessions needs to be included in the Annual Financial Report. The Council may be challenged if the reasoning is not sound and applied in a fair and equitable manner.

#### Legal Implications

The **Local Government Act 1995** section 6.33 (3) requires the approval of the Minister of Local Government to impose a differential rate which is more than twice the lowest differential rate imposed by it.

In accordance with section 6.47

#### **Concessions**

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

\* *Absolute majority required.*

Section 6.48 then applies regulations to the use of section 6.47

#### **Regulation of grant of discounts and concessions**

Regulations may prescribe circumstances in which a local government is not to exercise a power under section 6.46 or 6.47 or regulate the exercise of the power.

The Local Government (financial management) regulations section 42 then States

#### **42. Discounts for early payment etc., information about in annual financial report**

(1) The annual financial report is to include for each discount or other incentive granted for early payment of any money and in respect of each waiver or concession in relation to any money —

(A) in respect of a discount —

(i) the amount of the discount, or the percentage discount, allowed; and

- (ii) the circumstances in which the discount was granted;  
and
  - (b) in respect of an incentive other than a discount —
    - (i) a brief description of the incentive scheme; and
    - (ii) a statement of how that incentive was claimed;  
and
  - (c) in relation to a waiver or concession —
    - (i) a brief description of the waiver or concession; and
    - (ii) a statement of the circumstances in which it was granted; and
    - (iii) details of the persons or class of persons to whom it was available;  
and
    - (iv) the objects of, and reasons for, the waiver or concession.
- (2) The annual financial report is to include, separately in relation to all general rates, each specified area rate, each service charge and all fees and charges imposed under the Act or any other written law details of —
- (a) the total amount of the discounts granted; and
  - (b) the total cost to the local government of each incentive scheme; and
  - (c) the total cost, or reduction of revenue, to the local government of the waiver or grant of a concession; and
  - (d) the total amount of money written off.

Policy Implications

Nil

Financial Implications

The financial impact of the increase and subsequent write-offs are significant and must be reported in the Annual Report.

The proposal in this report will have a nil net effect on the amount the Council considered raising the rate income at the July 2013 meeting.

The manner in which the pastoral rates are raised and the waiver applied has no immediate effect but may have the effect of reducing the Councils grant income and sustainability ratios.

As has been discussed the risk of imposing significantly higher rates on assessments that have limited title or ability to recover funds from is a strategy that needs to be reviewed.

Strategic Implications

Rates revenue makes up approximately 20% of the Shire's total operating revenue and as such has an impact on the Shire's strategic planning.

Shire of Shark Bay 10+ Year Strategic Community Plan 2011, Outcome 1.2.2, "Consider additional models to review rates recoverability that is equitable to all property classes."

Voting Requirements

**Absolute Majority Required**

Signatures

Chief Executive Officer

*P Anderson*

Date of Report

27 August 2013

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING 31 JULY 2013

19.3 RATES - DIFFERENTIAL RATES

RA106

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Ridgley  
Seconded Cr Capewell

**Council Resolution**

**That Council -**

- 1. Advertise in *The West Australian* the Shire of Shark Bay's Notice of Intention to Levy the following Differential Rates in accordance with Section 6.36 of the *Local Government Act 1995*.**

<b>Rates Category</b>	<b>Minimum Rates</b>	<b>Rate in the Dollar</b>
	<b>(\$)</b>	<b>(¢)</b>
<b>Gross Rental Value (GRV)</b>		
<b>GRV Rateable Property</b>	<b>727.00</b>	<b>8.1923</b>
<b>GRV Commercial</b>	<b>727.00</b>	<b>8.1923</b>
<b>GRV Industrial</b>	<b>727.00</b>	<b>8.1923</b>
<b>Unimproved Value (UV)</b>		
<b>UV Rateable Property</b>	<b>727.00</b>	<b>18.4012</b>
<b>UV Mining</b>	<b>727.00</b>	<b>18.4012</b>
<b>UV Pastoral</b>	<b>727.00</b>	<b>3.1643</b>

- 2. If no submissions are received after the expiration of the 21 days required for the public to make submissions on the above advertisement, Ministerial approval be sort for differential rating in accordance with Section 6.33 of the *Local Government Act 1995*.**

**5/1 CARRIED**

Background

A rates modelling document is provided under separate cover for Council to consider a range of rating proposals.

Should the Shire of Shark Bay wish to impose a differential general rate it must give local public notice as per Section 1.7 of the *Local Government Act 1995* of its intention within the period of two (2) months preceding the commencement of the financial year (i.e. on or after 1 May).

An elector or ratepayer is invited to lodge a submission in respect of the proposed rate or minimum payment within twenty one (21) days of the notice being published. The Local Government is required to consider any submissions received before imposing the proposed rate.

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING 31 JULY 2013

A differential rate is defined under Section 6.33 (1) of the *Local Government Act 1995* -

*"A local government may impose differential general rates according to any, or a combination, of the following characteristics-*

- (a) the purpose for which the land is zoned under a town planning scheme in force under the Town Planning and Development Act 1928;*
- (b) The predominant purpose for which the land is held or used as determined by the Local Government;*
- (c) Whether or not the land is vacant land; or*
- (d) Any other characteristic or combination of characteristics prescribed.'*

Section 6.33 (3) of the *Local Government Act 1995* also applies -

*"In imposing a differential general rate a local government is not, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it."*

The use of differential rates and specified area rates provides Local Government with flexibility to achieve equity in their revenue raising. The Shire of Shark Bay has previously imposed a differential rate in accordance with Sub Division 2 of Division 6 of the *Local Government Act 1995*. If the Shire wishes to impose a differential rate again this year, local public notice must be given and contain the following information -

- (a) details of each rate or minimum payment the Local Government intends to impose;
- (b) an invitation for submissions to be made by an elector or ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days of the notice; and
- (c) any further information in relation to matters specified in the above which may be prescribed.

In the 2012/2013 financial year the Shire of Shark Bay imposed the following differential rates -

<b>Rates Category</b>	<b>Minimum Rates</b>	<b>Rate in the Dollar</b>
	<b>(\$)</b>	<b>(¢)</b>
Gross Rental Value (GRV)	672.00	7.5679
Unimproved Value (UV)	672.00	16.9988
Unimproved Pastoral	672.00	2.9231

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2013

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING 31 JULY 2013

These differential rates resulted in the rates model below.

(i) Non-Minimum Rates								
Land Category	Rate/\$	No. Properties	GRV /UV Value	% of properties in category	Rates Levied	Average Rates Per Assessment	% Increase in Average per Assessment	% Increase in Rates Levied
GRV	7.5679	395	9,623,435	66%	638,111	1,295	2.72%	5.00%
UV	16.9988	20	1,313,918	74%	222,187	8,403	-2.78%	5.00%
UV Pastoral	2.9231	12	757,960	100%	22,156	1,846	5.00%	5.00%
	Sub Total	427			882,454			
(ii) Minimum Rates								
Land Category	Minimum	No. Properties		% of properties in category	Rates Levied			
GRV	672	203		34%	136,416	672	5.00%	
UV	672	7		26%	4,704	672	5.00%	
	Sub Total	210			141,120			
	Total	637			1,023,574			5.00%

Total rates levied on 637 properties was **\$1,023,574**  
 Actual rates received for 2012/2013 was \$1,010,102

Comment

When determining the amount of rates to levy, Council need to consider the cost of maintaining its current level of services and facilities as well as any additional services and facilities that are being introduced in the new financial year. The Consumer Price Index is accepted as the most accurate indicator of inflation which to the end of the March quarter 2013 for Perth was 2.4%. The forecast for the Local Government Cost Index through 2013/2014 is 3.2%. This index shows the forecast increase in Local Government type consumables for the coming financial year. This indicates that the Shire of Shark Bay will need an extra \$32,754 from rates to maintain its current levels of service to the community.

There have been small changes made to the property valuations by the Valuer General for the coming year which provides some stability to the effect of the imposed rates by not causing large fluctuations to individual assessments. However there has been a decrease in the number of assessments with the Silver Chain property becoming exempt from rates and changes in mining tenements.

The Shire of Shark Bay Long Term Financial Plan (draft) shows rates revenue for 2013/214 of \$1,119,646. Allowing for specified area rates of \$36,968 and a provision for interim and back rates of \$4,000, to achieve this outcome Council will need to raise an additional \$68,576 in rate revenue. This equates to approximately a 7.7% increase in rate revenue.

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The Plan anticipates a rate revenue increase of 5.2% comprising Local Government CPI, being 3.2% plus 1% plus an additional 1% in years 1 and 2. An additional 1% applied to individual assessments will make up for the revenue lost from the Silver Chain property becoming exempt from rates and the difference of 1.5% to allow for mining tenements that have expired.

Details of the draft proposal of rates for 2013/2014, including an 8.25% rate increase on the average rate per assessment and raising the minimum rate to \$727 per assessment are as follows –

Rates Category	Minimum Rates	Rate in the Dollar (\$)(¢)
Gross Rental Value (GRV)		
GRV Rateable Property	727.00	8.1923
GRV Commercial	727.00	8.1923
GRV Industrial	727.00	8.1923
Unimproved Value (UV)		
UV Rateable Property	727.00	18.4012
UV Mining	727.00	18.4012
UV Pastoral	727.00	3.1643

These differential rates result in the rates model below.

Total rates levied on 635 properties will be **\$1,088,704**  
Proposed increase in net rates is 7.78% or **\$78,603**

(i) Non-Minimum Rates									
Land Category	Rate/\$	No. Properties	GRV /UV Value	% of properties in category	Rates Levied	Average Rates Per Assessment	Average per Assessment	% Increase in Rates	% Increase in Rates
GRV	8.1923	303	3,993,725	64%	327,412		1,081	8.25%	8.33%
GRV Commercial	8.1923	54	3,768,867	68%	308,216		5,708	8.25%	8.06%
GRV Industrial	8.1923	39	548,045	87%	45,217		1,159	8.25%	9.02%
UV	18.4012	4	654,884	44%	120,507		30,127	8.25%	8.25%
UV Mining	18.4012	12	662,633	71%	109,971		9,164	8.25%	-2.37%
UV Pastoral	3.1643	12	757,960	100%	23,984		1,999	8.25%	8.25%
	Sub Total	424	10,386,114		935,307				
(ii) Minimum Rates									
Land Category	Minimum	No. Properties		% of properties in category	Rates Levied				
GRV	714	169	962,411	36%	122,863		727	8.25%	8.18
GRV Commercial	714	26	177,274	33%	18,902		727	8.25%	8.18
GRV Industrial	714	6	46,233	13%	4,362		727	8.25%	8.18
UV	714	5	662,077	56%	3,635		727	8.25%	8.18
UV Mining	714	5	662,767	29%	3,635		727	8.25%	80.31
	Sub Total	211	2,510,762		153,397				
<b>Total</b>		<b>635</b>	<b>12,896,876</b>		<b>1,088,704</b>				<b>7.78%</b>
Specified Area rates Monkey Mia Interim/Backrates	3.3221	1	1,112,800		36,968				
<b>Total Budgeted Rates</b>					<b>1,129,672</b>				

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Legal Implications

Sub Division 2 of Division 6 under Part 6 of the *Local Government Act 1995 – Categories of Rates and Service Charges*.  
Section 1.7 of the *Local Government Act 1995 – Local Public Notice* .

Policy Implications

Nil

Financial Implications

Ensuring that rate revenue remains at a level where the Shire can maintain its present level of service to ratepayers.

Strategic Implications

Rates revenue makes up approximately 20% of the Shire's total operating revenue and as such has an impact on the Shire's strategic planning.

Shire of Shark Bay 10+ Year Strategic Community Plan 2011, Outcome 1.2.2, "Consider additional models to review rates recoverability that is equitable to all property classes."

Voting Requirements

Absolute Majority Required

Signatures

Author	<i>R Jewell</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	14 June 2013

**20. MATTERS BEHIND CLOSED DOORS**

Moved Cr Ridgley  
Seconded Cr Hanscombe

**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**

**20.1 APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL: MODIFIED RETAINING WALLS - LOT 150 (55) DURLACHER STREET, DENHAM**

P 1483

**Author**

Liz Bushby, Gray & Lewis Landuse Planners

**NOTES:**

1. A summary of the application is available for viewing in a powerpoint presentation for ease of Council discussion at the Council meeting.
2. Gray & Lewis has provided notes on 2012 site photographs to visually show the proposed modifications in this application.

**Disclosure of Any Interest**

Disclosure of Interest: Gray & Lewis

Nature of Interest: Financial Interest as receive planning fees for advise to the Shire of Shark Bay – Section 5.65 of Local Government Act 1995.

Moved Cr Ridgley  
Seconded Cr Capewell

**Council Resolution**

**That Council:**

1. **Defer determination of the application for modified retaining walls and accompanying plans (dated 13/06/2013 Rev. 3) on Lot 150 Durlacher Street, Denham as:**
  - a) **The owner / applicant has provided a new engineering report by Structerre Engineers, however there is still concerns over the ‘engineering’ of the existing retaining walls by Blacktop Engineering Consultants who have been engaged by the Shire to provide an independent engineering assessment.**
  - b) **Council has to be satisfied over the ‘engineering’ of the retaining walls under Design Principle P8 of Clause 5.3.8 of the Residential Design Codes.**
2. **Authorise the Chief Executive Officer to advise the applicant that:**
  - a) **Council is generally supportive of the revised plans dated 13/06/2013 (Rev. 3) and would be willing to issue a conditional planning**

approval if the Shire's consultant engineer, Blacktop Consulting Engineers, confirms in writing that the retaining walls as modified pursuant to the application are structurally sound and, therefore, engineered to meet Design Principle P8 under Clause 5.3.8 of the Residential Design Codes.

- b) The Shire is legally required to assess the application in accordance with State Planning Policy 3.1 – Residential Design Codes and new Codes were gazetted on the 3 August 2013.

Historically engineering issues have been dealt with as part of the Building Permit process, however the new Codes include specific references to 'engineering' of retaining walls which means the Shire has to consider engineering as part of the planning process.

- c) Please be advised that general support for the modified design and retaining heights does not impact on the current (separate) Building Order.

- d) There are some minor plan discrepancies identified by the Shires planning consultant as follows:

- There is a note on the site plan (1 of 10) to the south wall which states 'retain as is' which is incorrect and was a drafting error.
- The site plan includes a retaining wall height of 18.969 for the north wall. This was rounded up to 18.97 for the elevation plans.
- The west elevation does not clearly notate the 18.969/ 18.97 level for the west retaining wall. It cites the fill level.

These anomalies do not materially affect the assessment however to avoid future confusion it is recommended that the applicant update the plans.

- e) In the event that you aggrieved by the decision please be advised that you may have a right of review to the State Administrative Tribunal.
3. Note that an application has been lodged seeking to extend Building Licence 3156 for two grouped dwellings on Lot 150 Durlacher Street Denham and the extension has not been granted based on advice from the Shire's solicitors.
4. Note that Gray & Lewis (consultant planners) has conferred with the Shire's solicitors on aspects of the new Residential Design Codes.

7/0 CARRIED

20.2 STAFF HOUSING TENDER

RES 40381

Author

Chief Executive Officer

Disclosure of Any Interest

Disclosure of Interest: Cr Cowell

Nature of Interest: Proximity Interest as owns adjacent residential property

Cr Cowell vacated the chair and left the Council meeting at 2.01 pm.

Cr Hanscombe assumed the chair.

Moved            Cr Prior  
Seconded       Cr Ridgley

**Council Resolution**

**That the recommendation submitted by the Chief Executive Officer in the confidential report for the supply and install two three bedroom two bathroom transportable dwellings in accordance with the specifications provided in accordance with tender TE 2012/2013-05 excluding the separately listed additional components be considered.**

**6/0 CARRIED**

Officers Recommendation

A: That the Nordic homes be awarded the tender to design, supply and install two three bedroom two bathroom transportable dwellings in accordance with the specifications provided in accordance with tender TE 2012/13-05 excluding the separately listed additional components.

OR

B: That the Chief Executive Officer be given delegated authority to conduct successful negotiations for the provision of supply and installation of two three bedroom two bathroom transportable dwellings with the preferred tender to achieve a suitable outcome for the Shire of Shark Bay within a maximum price range.

Moved            Cr Capewell  
Seconded       Cr Ridgley

**Council Resolution**

**That the Chief Executive Officer be given delegated authority to conduct successful negotiations for the provision of supply and installation of two three bedroom two bathroom transportable dwellings with the preferred tender to achieve a suitable outcome for the Shire of Shark Bay within a maximum price range.**

**6/0 CARRIED**

20.3 RECREATION PRECINCT PLAYGROUND DEVELOPMENT

Author

Executive Manager Tourism Community and Economic Development

Disclosure of Any Interest

Nil

Moved            Cr Prior  
Seconded       Cr Ridgley

**Council Resolution**

**That the recommendation submitted by the Executive Manager, Tourism, Community and Economic Development in the confidential evaluation report for the Preferred Supplier PS 2013/20104-01 Construction of Playground, be considered.**

**6/0 CARRIED**

Moved            Cr Prior  
Seconded       Cr Ridgley

**Council Resolution**

**That PlayRight Pty Ltd be awarded the Preferred Supplier Request for Quotation 2013-2014-01 VP09435 to construct a playground on the Shark Bay Recreation Precinct at the submitted price and design demonstrating the necessary experience and design criteria in the provision of the requested works.**

Cr Cowell returned to the Council meeting at 2.19 pm and assumed the chair.

**7/0 CARRIED**

20.4 ASPHALT QUOTES

PS 2013/2014-02

Author

Works Manager

Disclosure of Any Interest

Nil

Moved            Cr Prior  
Seconded       Cr Capewell

**Council Resolution**

**The recommendation submitted by the Works Manager in the confidential evaluation report for asphalt quotes as per the conditions of quote be considered.**

**7/0 CARRIED**

28 AUGUST 2013

Moved Cr Capewell  
Seconded Cr Prior

**Council Resolution**

**That Council appoint Boral Asphalt for the Supply and Lay of 4,000 square metres AC10. Boral Asphalt has provided the most advantageous submission to comply with the time frames of the funding allocations available to the Shire of Shark Bay based on the assessment of the compliance criteria, supply of service, qualitative criteria and pricing structures offered under Supply and Lay of 4,000 square metres AC10 Asphalt.**

**7/0 CARRIED**

Moved Cr Prior  
Seconded Cr Ridgley

**Council Resolution**

**That Council accept the tabling of Urgent Confidential Business Item 20.5 Chief Executive Officer's Employment Package.**

**7/0 CARRIED**

All Council staff left the meeting at 2.36 pm

20.5 CHIEF EXECUTIVE OFFICER'S EMPLOYMENT PACKAGE

Author  
Shire President

Disclosure of Any Interest  
Nil

Moved Cr Ridgley  
Seconded Cr Capewell

**Council Resolution**

**That the Chief Executive Officer's re-negotiated total remuneration package for 2012/2013 of \$152,055, in accordance with the Salaried and Allowances Tribunal recommendation for the Shire of Shark Bay within Band 4, be endorsed by Council.**

Cr Prior left the Council meeting at 2.45 pm

**6/0 CARRIED**

Cr Prior returned to the Council meeting at 2.48 pm

Moved Cr Prior  
Seconded Cr Hanscombe

**Council Resolution**

**That the meeting be reopened to the members of the public.**

**7/0 CARRIED**

**21. DATE AND TIME OF NEXT MEETING**

The next Ordinary meeting of Council will be held on the 25 September 2013 in Council Chambers at the Shark Bay Recreation Centre commencing at 9.00 am.

**22. CLOSURE OF MEETING**

With no further business the President closed the Ordinary Council meeting at 3.08 pm.