

Shire of Shark Bay

Minutes of the Ordinary Council Meeting held on 30 April 2014



Hon AJ Simpson MLA, Minister for Local Government, Community Services, Seniors and Volunteering, Youth – 16 April 2014 at the new Denham Playground – Funded by Lotterywest



DISCLAIMER

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

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

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

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

The minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 30 April 2014 commencing at 3.11 pm

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1. DECLARATION OF OPENING

The President declared the meeting open at 3.11 pm.

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

ATTENDANCES

Cr C Cowell President

Cr K Capewell

Cr M Prior

Cr G Ridgley

Cr B Wake

Cr L Bellottie

Vacant Denham Ward

Mr P Anderson Chief Executive Officer

Ms C Wood 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

Mrs F Hoult EA Assistant

RESIGNATION as at 26 April 2014

Cr J Hanscombe Deputy President

APOLOGIES

VISITORS

4 visitors

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE

Nil

4. PUBLIC QUESTION TIME

The President opened Public Question Time at 3.12 pm and as there were no questions asked by the public the President closed Public Question Time at 3.13 pm.

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 26 MARCH 2014

Moved Cr Ridgley

Seconded Cr Wake

Council Resolution

That the minutes of the ordinary council meeting held on 26 March 2014, as circulated to all councillors, be confirmed as a true and accurate record.

6/0 CARRIED

8. ANNOUNCEMENTS BY THE CHAIR

The President has invited Ms Jane Garrett and Mr Robert Blennerhassett to attend the Ordinary Council Meeting.

The President announced the resignation of Cr Hanscombe and thanked him for his contribution and time as a Councillor for the Shire of Shark Bay.

9. PRESIDENT'S REPORT

GV00002

Committee Membership

Delegate Gascoyne Development Commission Board

Member Gascoyne Revitalisation Steering Committee

Member (President) Shark Bay 2016 Commemoration Advisory Committee

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

26 March 2014 March Ordinary Council meeting

27 March Dedication of the Sydney II Memorial Wall

1 April Mr S Webster, Chief Executive Officer Gascoyne Development
Commission Teleconference
Denham Structure Plan workshop

2 April National Landscapes Steering Committee – Carnarvon

4 April National Landscapes EDS Workshop – Denham

8 April Gascoyne Workforce Alliance workshop – Carnarvon
Gascoyne Development Commission Audit Committee meeting

9 April Gascoyne Development Commission Board meeting – Carnarvon
National Landscapes presentation to Gascoyne Development Commission
Board

16 April Hon T Simpson, Minister for Local Government visit

29 April Hon L Harvey, Minister for Tourism visit

General Matters

Nil

Date of Report 14 April 2014

Moved Cr Prior

Seconded Cr Wake

Council Resolution

That the President's activity report for April 2014 be received.

6/0 CARRIED

10. COUNCILLORS' REPORTS

10.1 Cr Wake
GV00007

Committee Membership

Member	Works Committee
Member	Audit Committee
Member	Gascoyne Regional Road Group
Member	Development Assessment Panel
Deputy Delegate	Gascoyne Zone of Western Australian Local Government Association

Meeting Attendance

16 April 2014	Hon T. Simpson (Minister for Local Government)
30 April	Budget Workshop
30 April	Council Meeting

General Matters

- Roads in car park at Hamelin Pool require maintenance.
- ANZAC Day rainfall event. Most pastoral leases received rainfall over a three day period.
- Woodleigh Byro Road requires inspection and development of a maintenance plan.
- Lights at Overlander not functioning.
- People report the Gascoyne Junction road requires maintenance.
- Shire symbols still missing on entrance walls.
- Roads busy with many tourists during school holiday Easter and Anzac day period.

Date of Report 30 April 2014

Moved Cr Ridgley
Seconded Cr Capewell

Council Resolution

That Councillor Wake's April 2014 report on activities as Council representative be received.

6/0 CARRIED

10.2 Cr Capewell
GV00005

Committee Membership

Member	Works Committee
Member	Audit Committee
Member	Shark Bay Marine Facilities Management Committee
Deputy Delegate	For Cr Wake on the Development Assessment Panel.

Meeting Attendance

27 March 2014	Attended the Sydney Memorial Dedication
1 April	Attended Structure Planning Workshop

General Matters

Nil

Date of Report 10 April 2014

Moved Cr Prior
Seconded Cr Wake

Council Resolution

That Councillor Capewell's April 2014 report on activities as Council representative be received.

6/0 CARRIED

10.3 Cr Hanscombe – Nil – Resigned on the 26 April 2014

10.4 Cr Bellottie
GV00010

Committee Membership

Member Audit Committee

Meeting Attendance

1 April Town Structure Planning Workshop
29 April Hon L Harvey – Minister for Tourism visit.
27 April Sydney Memorial opening

General Matters

Nil

Date of Report 15 April 2014

Moved Cr Prior
Seconded Cr Ridgley

Council Resolution

That Councillor Bellottie's April 2014 report on activities as Council representative be received.

6/0 CARRIED

10.5 Cr Ridgley
GV00008

Committee Membership

Member Works Committee
Member Audit Committee
Member Shark Bay Marine Facilities Management Committee
Member Shark Bay Community Resource Committee
Member Shark Bay 2016 Commemoration Advisory Committee
Member Regional Collaboration Group – Gascoyne

30 APRIL 2014

Meeting Attendance

16 April 2014 Hon T Simpson, Minister for Local Government visit
27 April HMAS Sydney Memorial Opening

General Matters

Nil

Date of Report 15 April 2014

Moved Cr Wake
Seconded Cr Prior

Council Resolution

That Councillor Ridgley's April 2014 report on activities as Council representative be received.

6/0 CARRIED

10.6 Cr Prior
GV00006

Committee Membership

Member Audit Committee
Member Shark Bay Commerce and Tourism Committee
Member Shark Bay Arts Council Inc
Member The Aviation Community Consultation Group
Deputy Member 2nd Deputy for Works Committee

Meeting Attendance

1 April Part of Structure Planning Review
4 April National Landscapes workshop
7 April Shark Bay Arts Council – Annual General Meeting and general meeting
16 April Hon T Simpson, Minister for Local Government visit
29 April Hon L Harvey, Minister for Tourism visit

General Matters

Nil

Date of Report 11 April 2014

Moved Cr Wake
Seconded Cr Capewell

Council Resolution

That Councillor Prior's April 2014 report on activities as Council representative be received.

6/0 CARRIED

11. ADMINISTRATION REPORT

11.1 UNDERTAKINGS SOUGHT BY JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION – AMENDMENTS TO ‘ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES’ LOCAL LAW, AND DOGS LOCAL LAW
LE00001 & LE00007

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved Cr Prior
Seconded Cr Capewell

Council Resolution

That the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation be advised that:

- 1. With respect to the *Shire of Shark Bay Repeal and Amendment Local Law 2013*, the Committee’s concerns with respect to compliance with s3.12(3(b) and (6) be acknowledged, and that:
 - a. Local Public Notice in accordance with s3.12(6) of the *Local Government Act* will be re-given;**
 - b. The description of the offence listed in Schedule 1 of the ‘Activities in Thoroughfares and Public Places’ local law adjacent to item 2.1(a) will be amended when the local law is next amended;**
 - c. A copy of the minutes of this meeting be provided to the Committee; and**
 - d. Where the local law is made publicly available in either hard copy or electronic format, a copy of these undertakings will also accompany it.****
- 2. With respect to the *Shire of Shark Bay Dogs Local Law 2013*, the Committee’s concerns with respect to compliance with s3.12(3(b) and (6) be acknowledged, and that:
 - a. Local Public Notice in accordance with s3.12(6) of the *Local Government Act* will be re-given;**
 - b. A copy of the minutes of this meeting will be provided to the Committee; and**
 - c. Where the local laws are made publicly available in either hard copy or electronic format, a copy of these undertakings will also accompany it.****

6/0 CARRIED

Background

As part of a process to update the Shire’s local laws amendments were made to a number of existing ones, and a Dogs local law created.

Both the *Shire of Shark Bay Repeal and Amendment Local Law 2013* and the *Shire of Shark Bay Dogs Local Law 2013* were published in the Government Gazette on 30 January 2014 and came into effect 14 days later.

Under s3.12(7) of the Local Government Act 1995, the Minister for Local Government and Communities may give directions to local governments requiring them to provide to Parliament copies of local laws they have made and any explanatory or other material relating to them. In this case, the Minister has a standing requirement that this is to be provided to the Joint Standing Committee on Delegated Legislation. Submissions were duly sent to the Committee with respect to these local laws in the required format.

Amongst other things, the Committee is empowered to inquire into the statutory and administrative procedures for the making of local laws.

Where the Committee forms a view that a local law offends its terms of reference, it may recommend that Parliament disallow it. It generally though requests a local government to rectify a problem if possible and requests an undertaking to do so. In this case, the Committee has identified a number of concerns about the Shire of Shark Bay Dogs Local Law, and two with respect to the Amendment and Repeal Local Law 2013.

Copies of its letters are attached, but in summary those concerns are:

- With respect to the Dogs local law:
 - As required by s3.12(3)(b), a copy of the local law and the notice required by s3.12(a) was not attached to a letter sent to the Minister as soon as the notice of intention to make the local law was given in July 2013. Given though that the required documents were eventually sent, and that feedback given was considered before the local law was finally made, the Committee resolved to take no further action.
 - Section 3.12(6) provides that a local government is to give local public notice of a local law after its publication in the Gazette. The local law was duly Gazetted on 30 January 2014, and the required notice published in the Northern Guardian on 12 February 2014, but was this notice was also placed from 17 December 2013 to 12 February 2014 (ie before the local law was Gazetted) on the Shire's public notice board. To deal with this concern, the Committee has requested that the local law be re-advertised.
- Similarly, with respect to the Repeal and Amendment local law:
 - As required by s3.12(3)(b), a copy of the notice required by s3.12(a) was not attached to a letter sent to the Minister as soon as the notice of intention to make the local law was given. Given though that the required documents were eventually sent, and that feedback given was considered before the local law was finally made, the Committee resolved to take no further action.
 - Section 3.12(6) provides that a local government is to give local public notice of a local law after its publication in the Gazette. The local law was duly Gazetted on 30 January 2014, and the required notice published in the Northern Guardian on 12 February 2014, but was this notice was also placed from 17 December 2013 to 12 February 2014 (ie before the local law was Gazetted) on the Shire's public notice board. To deal with this concern, the Committee has requested that the local law be re-advertised.
 - Clause 9(13) of the Local Law, which seeks to amend the description of the prescribed offence in Schedule 1 of the Shire of Shark Bay

'Activities in Thoroughfares and Public Places' local law for item 2.1(a) (which relates to an offence for a verge garden obstructing vehicular sight distance) contains a typographical error. It should be:

'Plant any plant (except grasses or a similar plant) ~~within 6~~ of 0.75 metres in height on thoroughfare within 10 metres of intersection'

(Error shown struck out)

The Committee has requested that this error be corrected when the local law is next amended.

Comment

While the above errors are relatively minor, they are still unacceptable and must be corrected as reflected in the recommendation to Council.

If the Shire does not provide the undertakings sought by the Committee, it may recommend disallowance of the local laws to Parliament.

Legal Implications

As noted above, s3.12 of the *Local Government Act* sets out the procedure for making a local law:

3.12. Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister*

administers the Act under which the local law is proposed to be made, to that other Minister.

- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
- (a) *stating the title of the local law;*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*
making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

Policy Implications

Nil

Financial Implications

There are minor costs associated with re-advertising the local laws under s3.12(6). The amendment required to the Activities and Thoroughfares Local Law can be undertaken at the same time future changes are done.

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

9 April 2014

30 APRIL 2014



JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Your Ref: LE00010 / O-LEG-13203

Our Ref: 3922:15:AH

Ms Cheryl Cowell
President
Shire of Shark Bay
65 Knight Terrace, Denham WA 6537

3 April 2014

By email: admin@sharkbay.wa.gov.au Attention Ms Rhonda Mettam

Dear President

Shire of Shark Bay Repeal and Amendment Local Law 2013

I refer to the above local law, which the Committee considered at its meeting on 2 April 2014 and resolved to write to you regarding its preliminary views on the local law.

Non-compliance with section 3.12(3)(b) of the Local Government Act 1995

The Committee noted that section 3.12(3)(b) of the Act provides that "as soon as the notice is given" (the statewide public notice referred to in section 3.12(3)) that the local government proposes to make the local law, a copy "is to" be given to the Minister.

According to the *Statutory Procedures Checklist* sent to the Committee as part of the Explanatory Memorandum, notice appeared in *The West Australian* on 17 July 2013 and the Minister was sent a letter that notice had been given on 12 July 2013. The Department of Local Government has confirmed the Minister received the letter on 17 July 2013.

However, the Committee has been informed by the Department that, in contravention of section 3.12(3)(b) the letter to the Minister did not attach the notice in *The West Australian*, which was subsequently emailed to the Department on 4 October 2013 at the Department's request. Comments on the draft local law were then sent by the Department to the Shire on 11 November 2013 and these were considered by the Council at its meeting on 27 November 2013.

While, despite this contravention, the Minister and the Department were not prevented from providing feedback on the proposed local law before it was made by the Shire Council, the Committee is of the view that taking nearly 12 weeks to provide the Minister with a copy of the statewide public notice is unsatisfactory and possibly in breach of the mandatory, sequential procedure in the Act. However, on this occasion, the Committee resolved to take no further action in relation to section 3.12(3)(b).

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Legislative Council Committee Office

18-32 Parliament Place West Perth Western Australia 6000

Telephone: +61 8 9222 7300 Facsimile +61 8 9222 7805 Email: lcco@parliament.wa.gov.au

Non-compliance with section 3.12(6) of the Local Government Act 1995

Section 3.12(6) provides that "**after**" the local law has been published in the *Gazette*, the local government is to give local public notice of the local law.

According to the *Statutory Procedures Checklist*, the Committee notes that the local law was published in the *Gazette* on 30 January 2014. However, it appeared on local notice boards from 17 December 2013 to 20 February 2014, that is, **before** the notice was gazetted (published in the *Northern Guardian* on 12 February 2014). This amounts to a breach of this provision. However, this can be cured by the Shire re-advertising the local law (as there is no time limit on when local public notice is given, as long as it is **after** gazetted).

Although the error with sections 3.12(3)(b) and (6) was noted in the *Statutory Procedures Checklist*, the checklist is an administrative document. The Committee's practice is to request written confirmation from the Council that a breach of sections 3.12(3)(b) and (6) within the local law making process, has occurred.

Clause 9(13) - amendment to Schedule 1 of the Activities in Thoroughfares and Public Place and Trading Local Law

The Committee notes the following clause, which appears to contain a typographical error (emphasis added in bold to highlight the error).

Clause 9(13) of the Local Law, which seeks to amend the description of the prescribed offence for item 2.1(a) by deleting:

Plant of 0.75m in height on thoroughfares within 6m of intersection

and replacing it with:

Plant any plant (except grasses or a similar plant) within 6 of 0.75 metres in height on thoroughfare within 10 metres of intersection.

Undertakings sought

Subject to receiving the written confirmation requested above, the Committee seeks the following undertakings from the Council of the Shire of Shark Bay, to be completed within 6 months of the date of the Shire's letter giving the undertakings:

- To re-advertise the Local Law for local public notice as required by section 3.12(6) of the *Local Government Act 1995*;
- Provide the Committee with a copy of the minutes of the meeting at which the Council resolves to provide the undertakings; and
- Where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.

Furthermore, the Committee seeks an undertaking from the Shire to correct the typographical error in clause 9(13) when the local law is next amended.

Noting that the Council meets on the last Wednesday of every month, the Committee requests the undertakings be provided by **Friday 2 May 2014**.

I advise that the Committee resolved to place a 'protective' Notice of Motion in the Legislative Council to disallow the Local Law. Notice will be given on 10 April 2014, the last date for

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disallowance. The reason for placing a Notice is to protect the Parliament's right to disallow the Local Law should the Committee ultimately recommend disallowance. It also provides the Shire with additional time to comply with the requested undertakings. Thus, the giving of the notice should not be taken as indicating that the Committee has resolved to recommend disallowance at this stage.

If you have any queries, please contact the Committee's Advisory Officer (Legal), Mr Alex Hickman on 9420 7633, by fax: 9222 7805 or via email at delleg@parliament.wa.gov.au.

I advise that the Committee has no objection to you discussing this matter with the Department of Local Government and Communities, WALGA or the Town's legal advisers.

Yours sincerely



Mr Peter Abetz MLA
Chairman

30 APRIL 2014



JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Your Ref: LE00010 / O-LEG-13202
Our Ref: 3922:14:AH

Ms Cheryl Cowell
President
Shire of Shark Bay
65 Knight Terrace, Denham WA 6537

3 April 2014

By email: admin@sharkbay.wa.gov.au Attention Ms Rhonda Mettam

Dear President

Shire of Shark Bay Dogs Local Law 2013

I refer to the above local law, which the Committee considered at its meeting on 2 April 2014 and resolved to write to you regarding its preliminary views on the local law.

Non-compliance with section 3.12(3)(b) of the Local Government Act 1995

The Committee noted that section 3.12(3)(b) of the Act provides that "as soon as the notice is given" (the statewide public notice referred to in section 3.12(3)) that the local government proposes to make the local law, a copy "is to" be given to the Minister.

According to the *Statutory Procedures Checklist* sent to the Committee as part of the Explanatory Memorandum, notice appeared in *The West Australian* on 17 July 2013 and the Minister was sent a letter that notice had been given on 12 July 2013. The Department of Local Government has confirmed the Minister received the letter on 17 July 2013.

However, the Committee has been informed by the Department that, in contravention of section 3.12(3)(b) the letter to the Minister did not attach:

- a copy of the proposed local law; or
- the notice in *The West Australian*.

These documents were subsequently emailed to the Department on 4 October 2013 (at the Department's request). Comments on the draft local law were then sent by the Department to the Shire on 11 November 2013 and these were considered by the Council at its meeting on 27 November 2013.

While, despite these contraventions, the Minister and the Department were not prevented from providing feedback on the proposed local law before it was made by the Shire Council, the Committee is of the view that taking nearly 12 weeks to provide the Minister with a copy of the proposed local law and the statewide public notice is unsatisfactory and possibly in breach of the mandatory, sequential procedure in the Act. However, on this occasion, the Committee resolved to take no further action in relation to section 3.12(3)(b).

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18-32 Parliament Place West Perth Western Australia 6000

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Non-compliance with section 3.12(6) of the *Local Government Act 1995*

Section 3.12(6) provides that "*after*" the local law has been published in the *Gazette*, the local government is to give local public notice of the local law.

According to the *Statutory Procedures Checklist*, the Committee notes that the local law was published in the *Gazette* on 30 January 2014. However, it appeared on local notice boards from 17 December 2013 to 20 February 2014, that is, **before** the notice was gazetted (published in the *Northern Guardian* on 12 February 2014). This amounts to a breach of this provision. However, this can be cured by the Shire re-advertising the local law (as there is no time limit on when local public notice is given, as long as it is **after** gazetted).

Although the error with sections 3.12(3)(b) and (6) was noted in the *Statutory Procedures Checklist*, the checklist is an administrative document. The Committee's practice is to request written confirmation from the Council that a breach of sections 3.12(3)(b) and (6) within the local law making process, has occurred.

Undertakings sought

Subject to receiving the written confirmation requested above, the Committee seeks the following undertakings from the Council of the Shire of Shark Bay, to be completed within 6 months of the date of the Shire's letter giving the undertakings:

- To re-advertise the Local Law for local public notice as required by section 3.12(6) of the *Local Government Act 1995*;
- Provide the Committee with a copy of the minutes of the meeting at which the Council resolves to provide the undertakings; and
- Where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.

Noting that the Council meets on the last Wednesday of every month, the Committee requests the undertakings be provided by **Friday 2 May 2014**.

I advise that the Committee resolved to place a 'protective' *Notice of Motion* in the Legislative Council to disallow the Local Law. Notice will be given on 10 April 2014, the last date for disallowance. The reason for placing a Notice is to protect the Parliament's right to disallow the Local Law should the Committee ultimately recommend disallowance. It also provides the Shire with additional time to comply with the requested undertakings. Thus, the giving of the notice should not be taken as indicating that the Committee has resolved to recommend disallowance at this stage.

If you have any queries, please contact the Committee's Advisory Officer (Legal), Mr Alex Hickman on 9420 7633, by fax: 9222 7805 or via email at delleg@parliament.wa.gov.au.

I advise that the Committee has no objection to you discussing this matter with the Department of Local Government and Communities, WALGA or the Town's legal advisers.

Yours sincerely



Mr Peter Abetz MLA
Chairman

12. FINANCE REPORT

12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED

Author

Finance Officer / Accounts Payable

Disclosure of any interest

Nil

Moved Cr Prior

Seconded Cr Capewell

Council Resolution

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$779,048.72 be accepted.

6/0 CARRIED

Comment

The schedules of accounts for payment covering -Municipal fund account cheque numbers 26601 to 26611 totalling \$23,687.01

Municipal fund account electronic payment numbers MUNI EFT 15170 to 15306 totalling \$594,492.86

Municipal fund account for payroll periods beginning 10/03/2014 ending 06/04/2014 totalling \$108,505.00

Trust fund account cheque numbers 993 to 1004 totalling \$3,139.20

Trust fund account electronic payment numbers 15170 to 15306 totalling \$30,488.55 and

Trust fund Police Licensing for March 2014 totalling \$18,736.10

The schedule of accounts submitted to each member of Council on 24 April 2014 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.

Voting Requirements

Simple Majority Required

Date of Report

11 April 2014

30 APRIL 2014

**SHIRE OF SHARK BAY
ORDINARY COUNCIL MEETING 30 APRIL 2014
MUNI CHQS 26601-26611**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
26601	24/03/2014	HORIZON POWER-MAIN USAGE	U6/34 HUGHES STREET	-336.09
26602	27/03/2014	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-481.38
26603	27/03/2014	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-227.84
26604	27/03/2014	ASTERON SUPER	SUPERANNUATION CONTRIBUTIONS	-372.29
26605	27/03/2014	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	-376.98
26606	27/03/2014	IOOF SUPER	SUPERANNUATION CONTRIBUTIONS	-170.80
26607	27/03/2014	SHIRE OF SHARK BAY	PAYROLL DEDUCTIONS	-290.00
26608	07/04/2014	WATER CORPORATION - OSBORNE PARK	HOUSE AT 51 DURLACHER ST LOT 152 SERVICE CHARGE	-256.87
26609	09/04/2014	HORIZON POWER-STREET LIGHTING	210 LIGHTS	-3216.45
26610	09/04/2014	HORIZON POWER-MAIN USAGE	ELECTRICITY	-9979.89
26611	09/04/2014	WATER CORPORATION - OSBORNE PARK	WATER USAGE AND SERVICE CHARGES. VARIOUS SHIRE PROPERTIES	-7978.42
			TOTAL	\$23,687.01

30 APRIL 2014

**SHIRE OF SHARK BAY
ORDINARY COUNCIL MEETING 30 APRIL 2014
MUNI EFTS 15170-15306**

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT15170	20/03/2014	ATOM-GERALDTON SUPPLIES	INDUSTRIAL LIFTING CLAMPS FOR DEPOT	-489.50
EFT15171	20/03/2014	UHY HAINES NORTON	PREPARE STATEMENT OF FINANCIAL ACTIVITY – FEB 2014	-6418.50
EFT15172	20/03/2014	PROFESSIONAL PC SUPPORT	COMPUTER CONSULTANT	-5568.00
EFT15173	20/03/2014	MP ROGERS & ASSOCIATES	MONKEY MIA JETTY TENDER PREPARATION	-3315.82
EFT15174	20/03/2014	SKIPPERS AVIATION	REIMBURSABLE FLIGHT FOR L WHALLEY	-306.00
EFT15175	20/03/2014	SHARK BAY FREIGHTLINES	FREIGHT	-284.45
EFT15176	20/03/2014	SALTWATER CAFÉ	CATERING FOR MEETING AT HAMELIN POOL STATION	-206.25
EFT15177-	EFT15177	USED IN TRUST		
EFT15178	24/03/2014	SHARK BAY ROOFING	REMOVAL OF OLD MORGUE	-2524.50
EFT15179	24/03/2014	AUSTRALIA'S CORAL COAST	CONTRIBUTION TO CARAVAN AND CAMPING SHOW STAND	-990.00
EFT15180	24/03/2014	AUTO ONE	ACCESSORIES FOR WORKS MANAGER UTE	-356.80
EFT15181	24/03/2014	BAJA DATA & ELECTRICAL SERVICES	INSTALL SOLAR LIGHTING OVERLANDER, REPAIR TO RECREATION CENTRE LIGHT SWITCHES ETC.	-4091.45
EFT15182	24/03/2014	BRIAN JOHN GALVIN	WORKS MANAGER ELECTRICITY AND IINET	-531.60
EFT15183	24/03/2014	S.A.BURTON	TILING OF EMERGENCY SERVICES BUILDING	-2211.00
EFT15184	24/03/2014	RUSSELL TODD CHAMBERLAIN	RENT FOR 39 DURLACHER STREET	-1157.30
EFT15185	24/03/2014	CDH ELECTRICAL	UPDATE ELECTRICS IN DEPOT OFFICE AND WORKSHOP	-3023.34
EFT15186	24/03/2014	DENHAM VILLAS	ACCOMMODATION PC SUPPORT IT CONSULTANT	-400.00
EFT15187	24/03/2014	GRAY & LEWIS LAND USE PLANNERS	REVIEW OF TOWN PLANNING SCHEME	-14575.00
EFT15188	24/03/2014	UHY HAINES NORTON	AUDIT CERTIFICATION OF THE MONKEY MIA ARTESIAN BORE	-880.00
EFT15189	24/03/2014	HITS RADIO	REPAY MONIES DEPOSITED INTO MUNI IN ERROR BY HITS RADIO	-100.00
EFT15190	24/03/2014	TOLL IPEC	FREIGHT	-151.67
EFT15191	24/03/2014	MIDWEST FIRE PROTECTION SERVICE	HALF YEARLY SERVICE OF FIRE EQUIPMENT	-746.90

MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT15192	24/03/2014	SKIPPERS AVIATION	SARAH TRANT AIRFARE JIMMY POLAND PROJECT	-612.00
EFT15193	24/03/2014	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	CONTRACT OF ENGAGEMENT FOR EMFA	-1540.00
EFT15194	24/03/2014	DALE PHYLLIS WILSON	TRAINING FUEL REIMBURSEMENT	-21.00
EFT15195- EFT15201	EFT15200 26/03/2014	USED IN TRUST LAURENCE JAMES MICHAEL BELLOTTIE	MEETING ATTENDANCE	-520.00
EFT15202	26/03/2014	SHARK BAY BAKERY	CATERING CLEAN UP AUSTRALIA DAY EVENT	-20.00
EFT15203	26/03/2014	BRIAN LAWRENCE	REFUND GYM CASUAL FEES	-30.00
EFT15204	26/03/2014	CHERYL LORRAINE COWELL	MEETING ATTENDANCE	-1706.00
EFT15205	26/03/2014	CUMMINS SOUTH PACIFIC	OIL FILTERS FOR BUS AND CAT LOADER	-1095.31
EFT15206	26/03/2014	DAVID GRAY & CO	PARTS FOR WHEELIE BINS	-299.20
EFT15207	26/03/2014	FIRE RESCUE SAFETY AUSTRALIA	VERTICAL RESCUE EQUIPMENT SES USELESS LOOP	-4947.80
EFT15208	26/03/2014	GASCOYNE DEVELOPMENT COMMISSION	REPAYMENT OF UNDEREXPENDED GRANT WORLD HERITAGE DRIVE PROJECT	-14343.45
EFT15209	26/03/2014	ATOM-GERALDTON INDUSTRIAL SUPPLIES	AIR FITTINGS FOR DEPOT	-731.75
EFT15210	26/03/2014	JOHN JOSEPH HANSCOMBE	MEETING ATTENDANCE	-717.00
EFT15211	26/03/2014	KB BUILDERS	REPAY MONIES DEPOSITED IN MUNI IN ERROR BY KB BUILDERS	-4664.00
EFT15212	26/03/2014	KEITH MICHAEL CAPEWELL	MEETING ATTENDANCE	-520.00
EFT15213	26/03/2014	MARGARET PRIOR	MEETING ATTENDANCE	-520.00
EFT15214	26/03/2014	PLAYRIGHT	SUPPLY AND INSTALL PLAYGROUND	-295647.34
EFT15215	26/03/2014	GREGORY LEON RIDGLEY	MEETING ATTENDANCE	-520.00
EFT15216	26/03/2014	SKIPPERS AVIATION	REIMBURSABLE FLIGHTS	-642.60
EFT15217	26/03/2014	SHARK BAY TOURISM ASSOCIATION	SHARK BAY VISITOR GUIDE ADVERTISEMENT	-5000.00
EFT15218	26/03/2014	SHARK BAY AIR CHARTER	FLIGHT CARNARVON FOR COMMUNITY CONSULTATION MEETING	-606.65
EFT15219	26/03/2014	SHARK BAY SKIPS	SKIP BIN MONTHLY ACCOUNT FEBRUARY 2014	-2940.00
EFT15220	26/03/2014	STATE LAW PUBLISHER	GOVERNMENT GAZETTE ADVERTISING-LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2014	-95.40
EFT15221	26/03/2014	TELSTRA CORPORATION LIMITED	MOBILE PHONE MONTHLY ACCOUNT	-346.26
EFT15222	26/03/2014	BRIAN WAKE	MEETING ATTENDANCE	-520.00

MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT15223	27/03/2014	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-779.91
EFT15224	27/03/2014	AUSTSAFE SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-224.00
EFT15225	27/03/2014	MTAA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-767.49
EFT15226	27/03/2014	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	-343.62
EFT15227	27/03/2014	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-776.42
EFT15228	27/03/2014	ONE STEP SUPER	SUPERANNUATION CONTRIBUTIONS	-349.62
EFT15229	27/03/2014	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	-273.11
EFT15230	27/03/2014	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-7252.93
EFT15231	27/03/2014	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-395.78
EFT15232	27/03/2014	REST	SUPERANNUATION CONTRIBUTIONS	-954.91
EFT15233	27/03/2014	SMA SUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-324.74
EFT15234	27/03/2014	AUSTRALIANSUPER	SUPERANNUATION CONTRIBUTIONS	-1108.03
EFT15235-	15256	USE IN TRUST		
EFT15257	03/04/2014	WA MUSEUM	HMAS SYDNEY BOOKS MERCHANDISE	-329.34
EFT15258	03/04/2014	BUNNINGS BUILDING SUPPLIES	CLOTHES LINES AND POLES PENSIONER UNITS	-3182.00
EFT15259	03/04/2014	GHD	PREPARATION OF DENHAM TOWNSITE PLAN	-9605.20
EFT15260	03/04/2014	ATOM-GERALDTON INDUSTRIAL SUPPLIES	ACRO PROPS FOR DENHAM MARINA	-396.00
EFT15261	03/04/2014	TOLL IPEC	FREIGHT	-91.00
EFT15262	03/04/2014	NORDIC HOMES	STAFF HOUSING	-2000.00
EFT15263	03/04/2014	PAPER PLUS OFFICE NATIONAL	STATIONERY	-1535.44
EFT15264	03/04/2014	BRIAN WAKE	TRAVEL REIMBURSEMENT	-653.46
EFT15265	03/04/2014	WURTH AUSTRALIA	TOOLS FOR DEPOT	-1203.00
EFT15266-	EFT15266	USED IN TRUST		
EFT15267	07/04/2014	MITRE 10 SHARK BAY MARINE & HARDWARE	MONTHLY HARDWARE ACCOUNT	-1365.55
EFT15268	07/04/2014	TELSTRA CORPORATION LIMITED	COMMUNITY SMS SERVICE, SBDC 1300 SERVICE AND LANDLINE MONTHLY ACCOUNTS	-1735.14
EFT15269	09/04/2014	P.G & S. J WOOD	CROSSOVER REIMBURSEMENT	-604.50
EFT15270	09/04/2014	AUSTRALIA POST	POSTAGE MONTHLY ACCOUNT	-381.61
EFT15271	09/04/2014	BUNNINGS BUILDING SUPPLIES	LEVELS FOR DEPOT	-135.38
EFT15272	09/04/2014	BAJA DATA & ELECTRICAL SERVICES	COMPLETE ELECTRICAL INSTALLATION AT	-8340.20

MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT15273	09/04/2014	BOOEASY AUSTRALIA	EMERGENCY SERVICES SITE AND MAINTENANCE TO SBDC OVERHEAD PROJECTOR	
EFT15274	09/04/2014	S.A.BURTON	MONTHLY BOOEASY ACCOUNT	-203.62
EFT15275	09/04/2014	CHOICES FLOORING GERLADTON	SUPPLY AND INSTALL SHELVING RECREATION CENTRE STORE ROOMS AND PICTURE HANGING TRACKS TO FOYER	-495.00
EFT15276	09/04/2014	CONWAY Highbury	FLOORING FOR NEW SES BUILDING AND 51 DURLACHER STREET	-22312.40
EFT15277	09/04/2014	DUN & BRADSTREET	REVIEW OF LOCAL LAWS AND POLICIES	-594.00
EFT15278	09/04/2014	CDH ELECTRICAL	COMMISSION ON DEBT RECOVERY RAVEN MULTIHULLS	-82.50
EFT15279	09/04/2014	DENHAM IGA X-PRESS	MOVE LIGHT SWITCHES IN STORE ROOMS AT REC CENTRE	-148.50
EFT15280	09/04/2014	SHARK BAY SUPERMARKET	MONTHLY ACCOUNT	-561.91
EFT15281	09/04/2014	GERALDTON FUEL COMPANY	MONTHLY ACCOUNT	-233.63
EFT15282	09/04/2014	GERALDTON INDEPENDENT BUILDING SUPPLIES	PART BULK FUEL ACCOUNT FOR MONTH	-6334.40
EFT15283	09/04/2014	ATOM-GERALDTON INDUSTRIAL SUPPLIES	OUTRIGGER TIMBER FOR LOW LOADER	-533.61
EFT15284	09/04/2014	GERALDTON MOWER & REPAIRS SPECIALISTS	REVOLVING LIGHTS FOR IVECOS	-333.43
EFT15285	09/04/2014	UHY HAINES NORTON	STIHL BLOWER FOR DEPOT	-269.00
EFT15286	09/04/2014	HERITAGE RESORT SHARK BAY	FINANCIAL AND MANAGEMENT REPORTING WORKSHOPS	-1815.00
EFT15287	09/04/2014	HITS RADIO	COUNCIL MEETING CATERING	-238.00
EFT15288	09/04/2014	HAMES SHARLEY PLANNING AND URBAN DESIGN	ADVERTISING ON RADIO FOR SHARK BAY MARCH 2014	-508.20
EFT15289	09/04/2014	TOLL IPEC	FORESHORE AND MAIN STREET REVITALISATION PLAN	-11198.00
EFT15290	09/04/2014	LAELINE DESIGN	FREIGHT	-34.60
EFT15291	09/04/2014	JASON SIGNMAKERS	POSTER DESIGN AND PRINTING BAREFOOT BLACK TIE 2014	-300.00
EFT15292	09/04/2014	KOORI KIDS	SIGNAGE ROYALTY FOR REGIONS DIGITAL TV	-148.50
			ANNUAL CONTRIBUTION NAIDOC WEEK SCHOOL	-450.00

MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT15293	09/04/2014	LGIS RISK MANAGEMENT	INITIATIVES	
EFT15294	09/04/2014	MIDWEST FIRE PROTECTION SERVICE	OSH CONTRACTED SERVICES 2014	-8701.00
			QUARTERLY SERVICE & INSPECTION OF FIRE ALARM SYSTEM	-1212.30
			SBDC AND RECREATION CENTRE	
EFT15295	09/04/2014	NORDIC HOMES	STAFF HOUSING	-75523.04
EFT15296	09/04/2014	OCEANSIDE VILLAGE	ACCOMMODATION FOR CONSULTANTS TOWN	-685.00
			PLANNING STRATEGY MEETINGS	
EFT15297	09/04/2014	PURCHER INTERNATIONAL	FUEL CAP FOR CASE TRACTOR	-69.95
EFT15298	09/04/2014	PRESTIGE INSTALLATIONS	NEW SES BUILDING AIRCONDITIONING	-12012.00
EFT15299	09/04/2014	PAULS TYRES	SUPPLY AND FIT TYRES ON VARIOUS PLANT	-647.00
EFT15300	09/04/2014	SKIPPERS AVIATION	TRAINING C WOOD AND A HEWITT	-1530.00
EFT15301	09/04/2014	STATE EMERGENCY SERVICE SHARK BAY INC	OVERSPEND ALLOCATION \$5500 AND BALANCE OF USELESS LOOP SES ALLOCATION TO DENHAM SES	-8959.65
EFT15302	09/04/2014	SHARK BAY TAXI SERVICE	SHIRE/OVERLANDER RUN MONTHLY ACCOUNT	-1452.00
EFT15303	09/04/2014	SHARK BAY HOTEL MOTEL	CATERING HMAS SYDNEY MEMORIAL OPENING	-350.00
EFT15304	09/04/2014	SHARK BAY SUB BRANCH RSL	ANNUAL ANZAC DAY DONATION 2014	-1000.00
EFT15305	09/04/2014	SHARK BAY COMMUNITY RESOURCE CENTRE	VISITOR GUIDE ADVERT DESIGN FULL PAGE, DENHAM SENIORS AND ST ANDREWS PHOTOCOPYING DONATION	-702.40
EFT15306	09/04/2014	SHARK BAY SKIPS	SKIP BINS MONTHLY ACCOUNTS MARCH 2014	-2812.00
			TOTAL	\$594,492.86

30 APRIL 2014

**SHIRE OF SHARK BAY
ORDINARY COUNCIL MEETING 30 APRIL 2014
TRUST CHQS 993-1004**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
993	26/03/2014	WEIRD LOGIC PTY LTD	BUILDING COMPLETION BOND REFUND	-300.00
994	26/03/2014	ROBIN JOHN ANDERSON	BUILDING COMPLETION BOND REFUND	-300.00
995	26/03/2014	20 20 PTY LTD	BUILDING COMPLETION BOND REFUND	-300.00
996	26/03/2014	A & A BROOKES	BUILDING COMPLETION BOND REFUND	-300.00
997	26/03/2014	JCY ARCHITECTS AND URBAN DESIGNERS	BUILDING COMPLETION BOND REFUND	-300.00
998	26/03/2014	JUDITH GAYLE HAWES	BUILDING COMPLETION BOND REFUND	-300.00
999	26/03/2014	JUSTIN MILLAR	BUILDING COMPLETION BOND REFUND	-300.00
1000	26/03/2014	D & J MAGUIRE	BUILDING COMPLETION BOND REFUND	-300.00
1001	26/03/2014	P & N MOTUZAS	BUILDING COMPLETION BOND REFUND	-300.00
1002	26/03/2014	LEE JAMES WARD	BUILDING COMPLETION BOND REFUND	-300.00
1004	31/03/2014	HOWARD COCK	ARTS SALES MARCH 2014	-139.20
			TOTAL	\$3,139.20

30 APRIL 2014

**SHIRE OF SHARK BAY
ORDINARY COUNCIL MEETING 30 APRIL 2014
TRUST EFTS 15170-15306**

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT15177	21/03/2014	SHIRE OF SHARK BAY	GYM CARD DEPOSIT FORFEIT	-420.00
EFT15195	24/03/2014	SHARK BAY ARTS COUNCIL INC	TAMWORTH ON TOUR FUNDS TRANSFER	-7012.75
EFT15196	25/03/2014	BRIAN LAWRENCE	GYM CARD DEPOSIT REFUND	-20.00
EFT15197	25/03/2014	PETER JAMIESON	GYM CARD DEPOSIT REFUND	-20.00
EFT15198	26/03/2014	JOHN FAMLONGA	BUILDING COMPLETION BOND REFUND	-300.00
EFT15199	26/03/2014	SHIRE OF SHARK BAY	BUILDING APP FEE PUT INTO TRUST IN ERROR	-220.00
EFT15200	26/03/2014	DALE PHYLLIS WILSON	BUILDING COMPLETION BOND REFUND	-300.00
EFT15235	31/03/2014	PRIORITY SHARK BAY	TOURS MARCH 2014	-885.66
EFT15236	31/03/2014	BAY LODGE MIDWEST OASIS	BOOKEASY MARCH 2014	-552.50
EFT15237	31/03/2014	SHARK BAY COASTAL TOURS	TOURS MARCH 2014	-737.76
EFT15238	31/03/2014	DENHAM VILLAS	BOOKEASY MARCH 2014	-821.25
EFT15239	31/03/2014	GASCOYNE OFFSHORE & MARINE SERVICES	TOURS MARCH 2014	-903.60
EFT15240	31/03/2014	HARTOG COTTAGES	BOOKEASY MARCH 2014	-1232.50
EFT15241	31/03/2014	HAMELIN POOL C/PARK & TOURIST CENTRE	BOOKEASY MARCH 2014	-142.50
EFT15242	31/03/2014	HAMELIN STATION STAY	BOOKEASY MARCH 2014	-416.50
EFT15243	31/03/2014	INTEGRITY COACH LINES	TOURS MARCH 2014	-132.60
EFT15244	31/03/2014	MONKEY MIA YACHT CHARTERS	TOURS MARCH 2014	-3513.10
EFT15245	31/03/2014	TRISH MILBURN	ART SALES MARCH 2014	-96.00
EFT15246	31/03/2014	ASPEN MONKEY MIA	BOOKEASY MARCH 2014	-1949.90
EFT15247	31/03/2014	MONKEYMIA WILDSIGHTS	TOURS MARCH 2014	-3741.99
EFT15248	31/03/2014	NANGA BAY RESORT	BOOKEASY MARCH 2014	-127.50
EFT15249	31/03/2014	OCEANSIDE VILLAGE	BOOKEASY MARCH 2014	-272.00
EFT15250	31/03/2014	SHARK BAY HOTEL MOTEL	BOOKEASY MARCH 2014	-429.25
EFT15251	31/03/2014	SHARKBAY CARAVAN PARK	BOOKEASY MARCH 2014	-281.25
EFT15252	31/03/2014	SHIRE OF SHARK BAY	TOURS/BOOKEASY COMMISSION MARCH 2014	-3066.29
EFT15253	31/03/2014	SHARK BAY SCENIC QUAD BIKE TOURS	TOURS MARCH 2014	-143.55
EFT15255	31/03/2014	TRADEWINDS SEAFRONT APARTMENTS	BOOKEASY MARCH 2014	-518.50
EFT15256	31/03/2014	WULA GUDA NYINDA	TOURS MARCH 2014	-1461.60
EFT15266	03/04/2014	THREE ISLANDS WHALE SHARK DIVE	BOOKEASY MARCH 2014	-770.00
			TOTAL	\$30,488.55

12.2 FINANCIAL REPORTS TO 31 MARCH 2014

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Capewell

Seconded Cr Prior

Council Resolution

That the monthly financial reports to 31 March 2014 as attached be received.

6/0 CARRIED

Comment

As per the requirements of Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government Accounting (Financial Management) Regulations 1996*, the following monthly financial reports to 31 March 2014 are attached.

Voting Requirements

Simple Majority Required

Date of Report

15 March 2014

Shire of Shark Bay

MONTHLY FINANCIAL REPORT

For the Period Ended 31 March 2014

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014

Shire of Shark Bay							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 31 March 2014							
	Note	Amended Annual Budget	Amended YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Operating Revenues		\$	\$	\$	\$	%	
Governance		14,060	12,166	33,998	21,832	179.45%	▲
General Purpose Funding		1,164,046	867,167	849,777	(17,390)	(2.01%)	▼
Law, Order and Public Safety		36,260	27,425	28,447	1,022	3.73%	
Health		1,950	1,449	977	(472)	(32.57%)	▼
Housing		86,810	64,986	55,201	(9,785)	(15.06%)	▼
Community Amenities		328,306	304,467	238,957	(65,510)	(21.52%)	▼
Recreation and Culture		240,300	181,775	172,098	(9,677)	(5.32%)	▼
Transport		507,391	282,078	122,271	(159,807)	(56.65%)	▼
Economic Services		844,470	696,664	231,462	(465,202)	(66.78%)	▼
Other Property and Services		10,000	9,820	18,561	8,741	89.01%	▲
Total (Ex. Rates)		3,233,593	2,447,997	1,751,749	(696,248)		
Operating Expense							
Governance		(342,988)	(266,621)	(253,983)	12,638	(4.74%)	▲
General Purpose Funding		(102,278)	(76,689)	(66,939)	9,750	(12.71%)	▲
Law, Order and Public Safety		(218,156)	(160,741)	(170,039)	(9,298)	5.78%	▼
Health		(63,029)	(47,277)	(32,291)	14,986	(31.70%)	▲
Education and Welfare		0	0	0	0		
Housing		(118,378)	(95,147)	(73,686)	21,461	(22.56%)	▲
Community Amenities		(1,055,045)	(787,947)	(506,960)	280,987	(35.66%)	▲
Recreation and Culture		(1,644,299)	(1,247,356)	(1,104,137)	143,219	(11.48%)	▲
Transport		(1,831,614)	(1,376,881)	(1,234,642)	142,239	(10.33%)	▲
Economic Services		(1,103,685)	(816,893)	(522,204)	294,689	(36.07%)	▲
Other Property and Services		(30,000)	(45,963)	(197,321)	(151,358)	329.30%	▼
Total		(6,509,472)	(4,921,515)	(4,162,202)	759,313		
Funding Balance Adjustment							
Add back Depreciation		1,988,668	1,491,489	1,422,364	(69,125)	(4.63%)	▼
Adjust (Profit)/Loss on Asset Disposal	8	(22,000)	(5,064)	80,202	75,138	(1483.77%)	▼
Adjust Provisions and Accruals		0	0	0	0		
Net Operating (Ex. Rates)		(1,309,211)	(987,093)	(907,887)	6,013		
Capital Revenues							
Grants, Subsidies and Contributions	11	3,720,077	3,220,541	2,166,545	(1,053,996)	(32.73%)	▼
Proceeds from Disposal of Assets	8	284,000	213,000	95,136	(117,864)	(55.34%)	▼
Transfer from Reserves	7	373,000	0	0	0		
Total		4,377,077	3,433,541	2,261,681	(1,171,860)		
Capital Expenses							
Land and Buildings	8	(2,480,182)	(2,442,177)	(1,411,306)	1,030,871	(42.21%)	▲
Infrastructure - Roads	8	(969,682)	(690,748)	(543,038)	147,710	(21.38%)	▲
Infrastructure - Public Facilities	8	(1,700,910)	(1,774,295)	(829,872)	944,423	(53.23%)	▲
Infrastructure - Footpaths	8	(100,000)	(87,494)	(43,058)	44,436	(50.79%)	▲
Infrastructure - Drainage	8	(60,000)	(30,000)	(424)	29,576	(98.59%)	▲
Heritage Assets	8	(25,000)	(12,500)	(20,141)	(7,641)	61.13%	▼
Plant and Equipment	8	(813,500)	(19,250)	(228,295)	(209,045)	1085.95%	▼
Furniture and Equipment	8	(38,000)	(33,762)	(19,779)	13,983	(41.42%)	▲
Loan Principal	10	(99,264)	(92,517)	(92,515)	2	(0.00%)	
Transfer to Reserves	7	(495,402)	(75,420)	(75,420)	0	0.00%	▲
Total		(6,781,940)	(5,258,163)	(3,263,848)	1,994,315		
Net Capital		(2,404,863)	(1,824,622)	(1,002,167)	822,455		
Total Net Operating + Capital		(3,714,074)	(2,811,715)	(1,910,054)	828,468		
Opening Funding Surplus(Deficit)	3	2,623,870	2,623,870	2,623,870	0	0.00%	
Rate Revenue	9	1,090,204	1,089,787	1,082,570	(7,217)	(0.66%)	▼
Closing Funding Surplus(Deficit)	3	0	901,942	1,796,386	894,444		
Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.							▲ ▼

Shire of Shark Bay										
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY										
For the Period Ended 31 March 2014										
1. SIGNIFICANT ACCOUNTING POLICIES										
The significant accounting policies which have been adopted in the preparation of this statement of financial activity are:										
(a) Basis of Accounting										
This statement is a special purpose financial report, prepared in accordance with applicable Australian Accounting Standards, other mandatory professional reporting requirements and the Local Government Act 1995 (as amended) and accompanying regulations (as amended).										
(b) The Local Government Reporting Entity										
All Funds through which the Council controls resources to carry on its functions have been included in this statement.										
In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.										
All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 12.										
(c) Rounding Off Figures										
All figures shown in this statement are rounded to the nearest dollar.										
(d) Rates, Grants, Donations and Other Contributions										
Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.										
(e) Goods and Services Tax										
In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables are stated inclusive of applicable GST.										
(f) Cash and Cash Equivalents										
Cash and cash equivalents comprise cash at bank and in hand and short-term deposits that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.										
For the purposes of the Cash Flow Statement, cash and cash equivalents consist of cash and cash equivalents as defined above, net of outstanding bank overdrafts. Bank overdrafts are included as short-term borrowings in current liabilities.										
(g) Trade and Other Receivables										
Trade receivables, which generally have 30 - 90 day terms, are recognised initially at fair value and subsequently measured at amortised cost using the effective interest rate method, less any allowance for uncollectible amounts.										
Collectability of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.										

Shire of Shark Bay	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 March 2014	
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)	
(h) Inventories	
<i>General</i>	
Inventories are valued at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs of necessary to make the sale.	
Inventories held from trading are classified as current even if not expected to be realised in the next 12 months.	
<i>Land Held for Resale</i>	
Land purchased for development and/or resale is valued at the lower of the cost and net realisable value. Cost includes the cost of acquisition, development and interest incurred on the financing of that land during its development. Interest and holding charges incurred after development is complete are recognised as expenses.	
Revenue arising from the sale of property is recognised in the operating statement as at the time of signing a binding contract of sale.	
Land held for resale is classified as current except where it is held as non-current based on Council's intentions to release for sale.	
(i) Fixed Assets	
All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead.	
Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.	
(j) Depreciation of Non-Current Assets	
All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.	
Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation rates and periods are:	
Buildings	25 to 50 years
Construction other than Buildings (Public Facilities)	5 to 50 years
Furniture and Equipment	4 to 10 years
Plant and Equipment	5 to 15 years
Heritage Assets	25 to 50 years
Roads	25 years
Footpaths	50 years
Sewerage Piping	75 years
Water Supply Piping and Drainage Systems	75 years

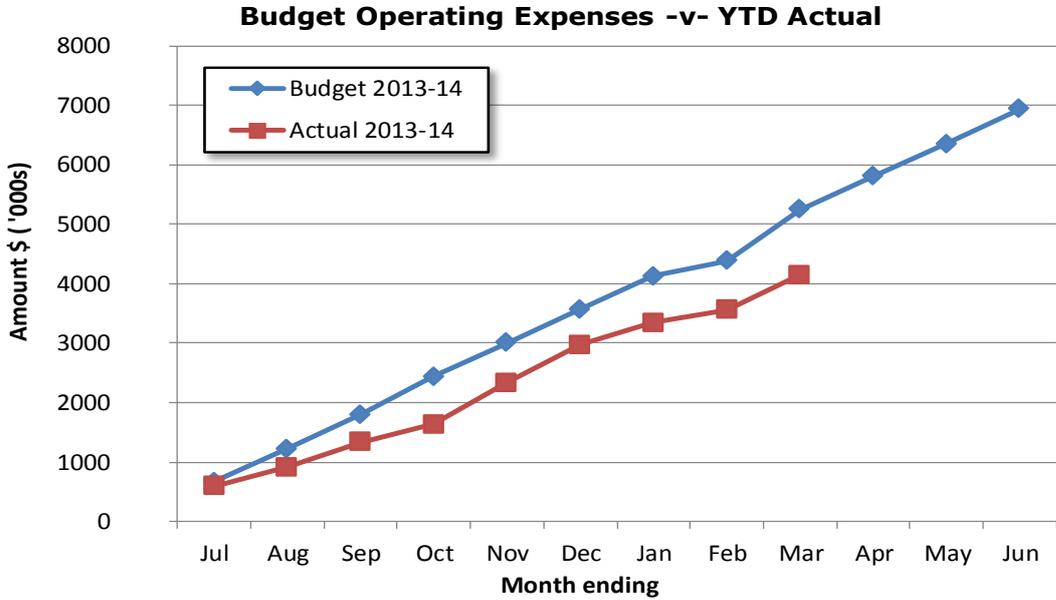
Shire of Shark Bay	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 March 2014	
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)	
(k) Trade and Other Payables	Trade and other payables are carried at amortised cost. They represent liabilities for goods and services provided to the local government prior to the end of the financial year that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured and are usually paid within 30 days of recognition.
(l) Employee Benefits	The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:
(i) Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)	The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the Shire has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Shire expects to pay and includes related on-costs.
(ii) Annual Leave and Long Service Leave (Long-term Benefits)	The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the project unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where the Shire does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.
(m) Interest-bearing Loans and Borrowings	All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings. Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date. Borrowing Costs Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.
(n) Provisions	Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses. Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one of item included in the same class of obligations may be small.
(o) Current and Non-Current Classification	In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non current based on Council's intentions to release for sale.

Shire of Shark Bay	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 March 2014	
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)	
(p) Nature or Type Classifications	
Rates	All rates levied under the Local Government Act 1995. Includes general, differential, specific area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts offered. Exclude administration fees, interest on instalments, interest on arrears and service charges.
Operating Grants, Subsidies and Contributions	Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.
Non-Operating Grants, Subsidies and Contributions	Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.
Profit on Asset Disposal	Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.
Fees and Charges	Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.
Service Charges	Service charges imposed under Division 6 of Part 6 of the Local Government Act 1995. Regulation 54 of the Local Government (Financial Management) Regulations 1996 identifies the These are television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.
Interest Earnings	Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.
Other Revenue / Income	Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.
Employee Costs	All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.
Materials and Contracts	All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.
Utilities (Gas, Electricity, Water, etc.)	Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

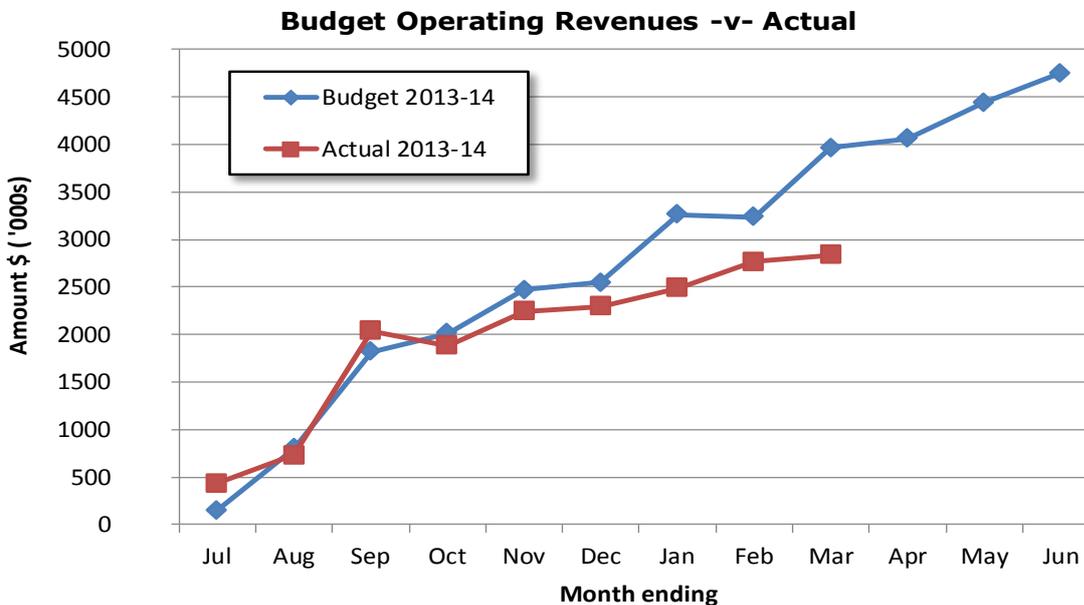
Shire of Shark Bay	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 March 2014	
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)	
(q) Nature or Type Classifications (Continued)	
Insurance	All insurance other than worker's compensation and health benefit insurance included as a cost of employment.
Loss on asset disposal	Loss on the disposal of fixed assets.
Depreciation on non-current assets	Depreciation expense raised on all classes of assets.
Interest expenses	Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.
Other expenditure	Statutory fees, taxes, provision for bad debts, member's fees or levies including WA Fire Brigade Levy and State taxes. Donations and subsidies made to community groups.
(r) Statement of Objectives	
	In order to discharge its responsibilities to the community, the Council has developed a set of operational and financial objectives. These objectives have been established both on an overall basis and for each of its broad activities/programs.
	Council operations as disclosed in this statement encompass the following service orientated activities/programs:
GOVERNANCE	Expenses associated with provision of services to members of council and elections. Also included are costs associated with computer operations, corporate accounting, corporate records and asset management. Costs reported as administrative expenses are redistributed in accordance with the principle of activity based costing (ABC).
GENERAL PURPOSE FUNDING	Rates and associated revenues, general purpose government grants, interest revenue and other miscellaneous revenues such as commission on Police Licensing. The costs associated with raising the above mentioned revenues, eg. Valuation expenses, debt collection and overheads.
LAW, ORDER, PUBLIC SAFETY	Enforcement of Local Laws, fire prevention, animal control and provision of ranger services.
HEALTH	Health inspection services, food quality control, mosquito control and contributions towards provision of medical health services.
HOUSING	Provision and maintenance of rented housing accommodation for pensioners and employees.
COMMUNITY AMENITIES	Sanitation, sewerage, stormwater drainage, protection of the environment, public conveniences, cemeteries and town planning.
RECREATION AND CULTURE	Parks, gardens and recreation reserves, library services, television and radio re-broadcasting, swimming facilities, walk trails, youth recreation, Shark Bay World Heritage Discovery and Visitor Centre, boat ramps, foreshore, public halls and Shark Bay Recreation Centre.
TRANSPORT	Construction and maintenance of roads, footpaths, drainage works, parking facilities, traffic control, depot operations, plant purchase, marine facilities and cleaning of streets.
ECONOMIC SERVICES	Tourism, community development, pest control, building services, caravan parks and private works.
OTHER PROPERTY & SERVICES	Plant works, plant overheads and stock of materials.

**Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2014**

Note 2 - Graphical Representation - Source Statement of Financial Activity



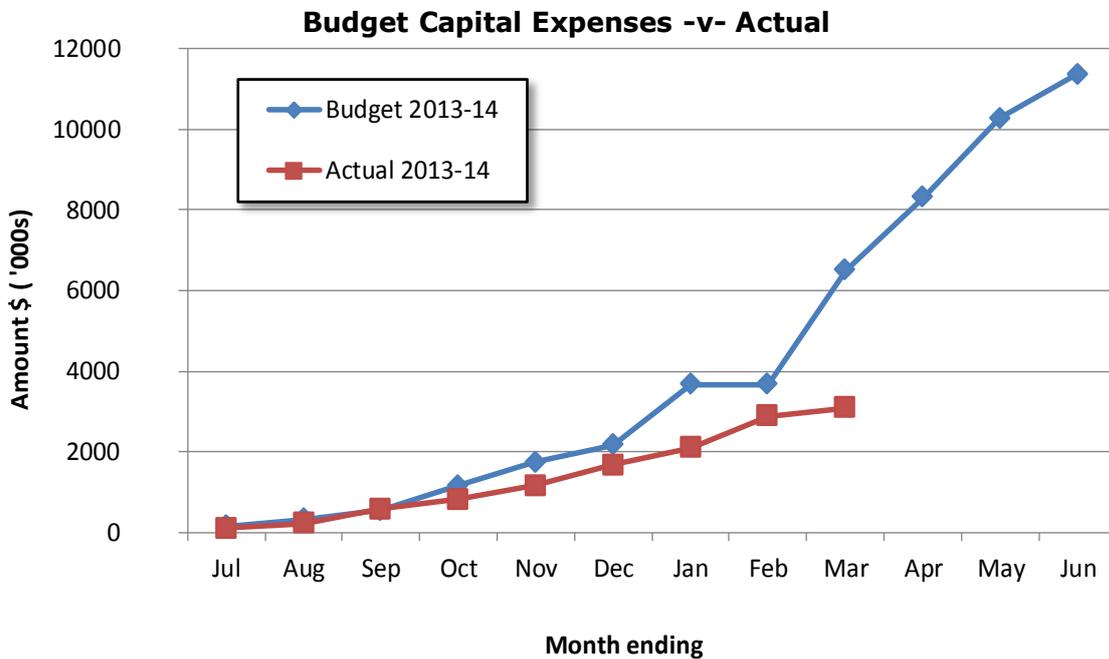
Comments/Notes - Operating Expenses



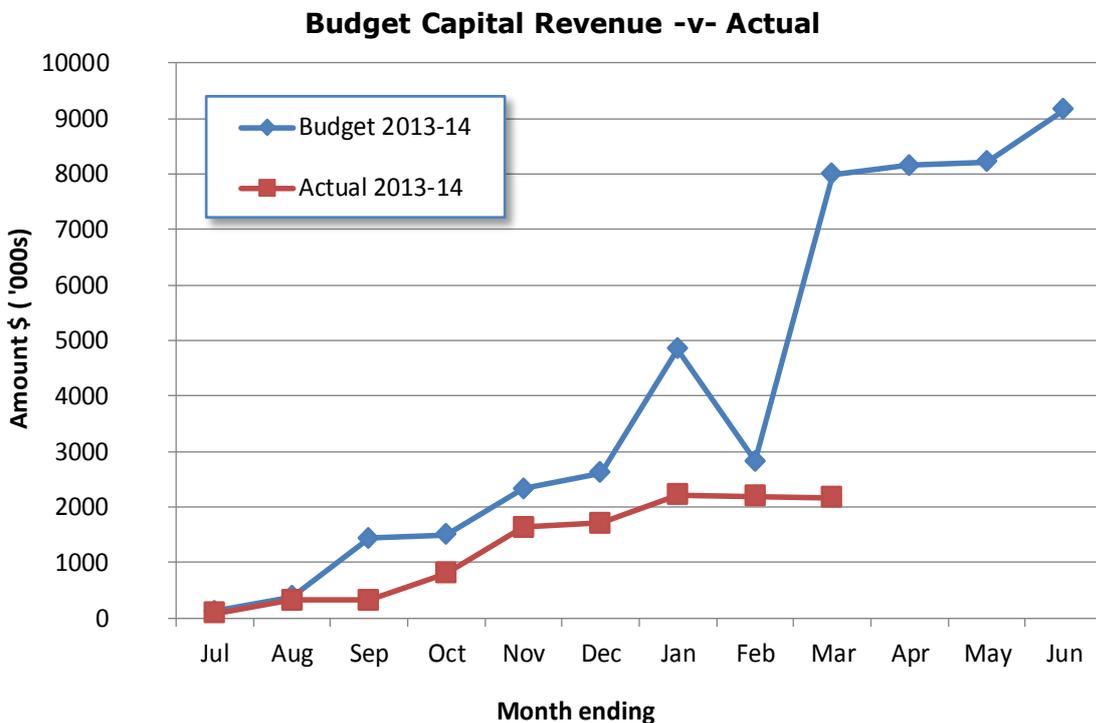
Comments/Notes - Operating Revenues

**Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2014**

Note 2 - Graphical Representation - Source Statement of Financial Activity



Comments/Notes - Capital Expenses

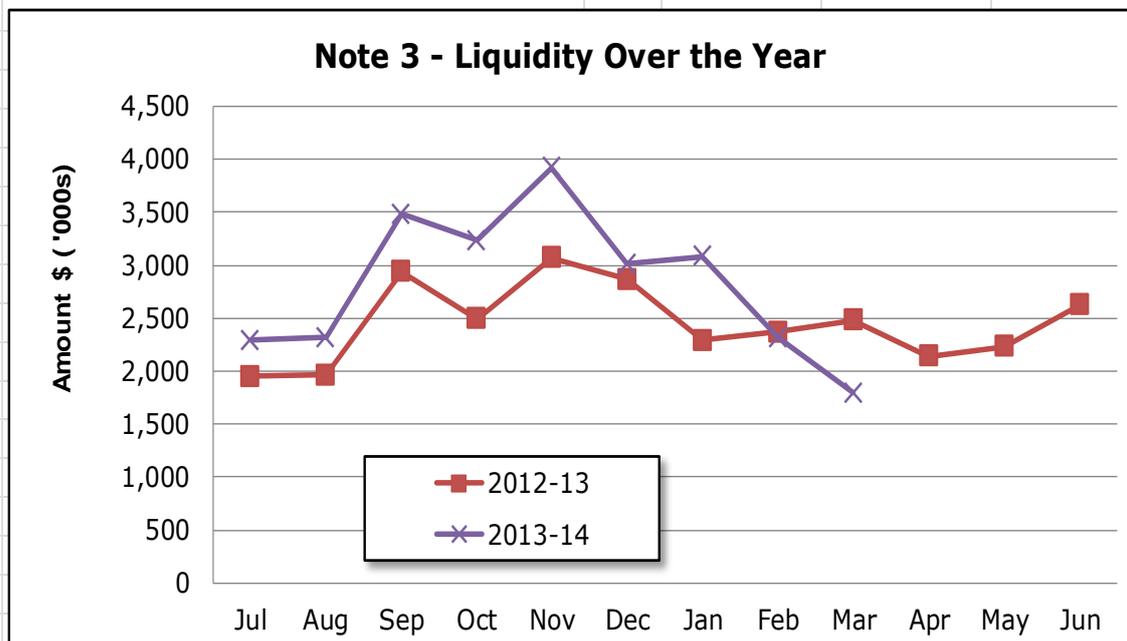


Comments/Notes - Capital Revenues

**Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2014**

Note 3: NET CURRENT FUNDING POSITION

	Note	Positive=Surplus (Negative=Deficit)		
		YTD 31 Mar 2014	30th June 2013	YTD 31 Mar 2013
		\$	\$	\$
Current Assets				
Cash Unrestricted	4	1,568,846	1,371,960	2,057,577
Cash Restricted	4	1,949,089	3,201,625	1,927,738
Receivables - Rates	6	151,477	6,217	56,467
Receivables -Other	6	167,131	366,815	540,070
Interest / ATO Receivable/Trust		23,168	26,229	0
Inventories		139,424	139,424	132,355
		3,999,135	5,112,270	4,714,207
Less: Current Liabilities				
Payables		(26,354)	(387,426)	(136,578)
Provisions		(227,306)	(227,306)	(187,703)
		(253,660)	(614,732)	(324,281)
Less: Cash Reserves	7	(1,949,089)	(1,873,668)	(1,927,738)
Net Current Funding Position		1,796,386	2,623,870	2,462,188



Comments - Net Current Funding Position

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 March 2014							
Note 4: CASH AND INVESTMENTS							
	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits							
Municipal Bank Account	1.25%	30,325			30,325	BankWest	At Call
Telenet Saver	2.50%	1,146,195			1,146,195	BankWest	At Call
Trust Bank Account	0.00%			4,820	4,820	BankWest	At Call
Cash On Hand	Nil	700			700	N/A	On Hand
(b) Term Deposits							
Municipal Gold	4.25%	391,626	1,949,089		2,340,715	BankWest	23-Jun-14
Trust	4.25%			83,636	83,636	BankWest	23-Jun-14
Total		1,568,846	1,949,089	88,456	3,606,391		
Comments/Notes - Investments							

MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014

Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2014

Note5: BUDGET AMENDMENTS

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Account Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
	Budget Adoption		Opening Surplus	\$	\$	\$	\$
	Permanent Changes						0
	Opening surplus adjustment				189,255		189,255
5200905	Advertising - General	26/02/2014-19.1	Operating Expenses		4,000		193,255
5200975	Printing & Stationery - Governance	26/02/2014-19.1	Operating Expenses		5,000		198,255
5201444	Financial Management Review	26/02/2014-19.1	Operating Expenses			(5,000)	193,255
5200590	Recruitment/Relocation Costs	26/02/2014-19.1	Operating Expenses			(4,000)	189,255
5101281	Strategic Planning	26/02/2014-19.1	Operating Expenses		5,000		194,255
5101126	Donations - Cash	26/02/2014-19.1	Operating Expenses			(5,000)	189,255
GC35202	CLGF Local 13/14 Eastern Knight Tce Toilets	26/02/2014-19.1	Capital Revenue			(100,000)	89,255
35205526	Foreshore Public Toilets	26/02/2014-19.1	Capital Expenses		100,000		189,255
35205459	Swimming Pontoon Capital	26/02/2014-19.1	Capital Expenses		506		189,761
35205528	Foreshore - Playground Equipment Capital Works	26/02/2014-19.1	Capital Expenses		7,590		197,351
35205459	Swimming Pontoon Capital	26/02/2014-19.1	Capital Expenses		78,988		276,339
35205528	Foreshore - Playground Equipment Capital Works	26/02/2014-19.1	Capital Expenses		87,940		364,279
35205459	Swimming Pontoon Capital	26/02/2014-19.1	Capital Expenses		506		364,785
35205528	Foreshore - Playground Equipment Capital Works	26/02/2014-19.1	Capital Expenses		4,470		369,255
35605690	HMAS Sydney II Memorials	26/02/2014-19.1	Capital Expenses			(12,000)	357,255
GC35303	CLGF Local 13/14 Playground Equipment	26/02/2014-19.1	Capital Revenue			(100,000)	257,255
GC35304	CLGF Local 13/14 Pontoon	26/02/2014-19.1	Capital Revenue			(80,000)	177,255
45103360	Roads to Recovery Grant - Capital	26/02/2014-19.1	Capital Revenue			(60,000)	117,255
45103385	Grants - Road Projects	26/02/2014-19.1	Capital Revenue			(110,000)	7,255
45180029	Francis Street - Capital Works	26/02/2014-19.1	Capital Expenses		110,000		117,255
45156694	Little Lagoon Road (Seal) R2R	26/02/2014-19.1	Capital Expenses		60,000		177,255
50205728	Welcome Signage	26/02/2014-19.1	Capital Expenses		6,000		183,255
50202860	Dirk Hartog Celebrations 2016	26/02/2014-19.1	Operating Expenses		6,000		189,255

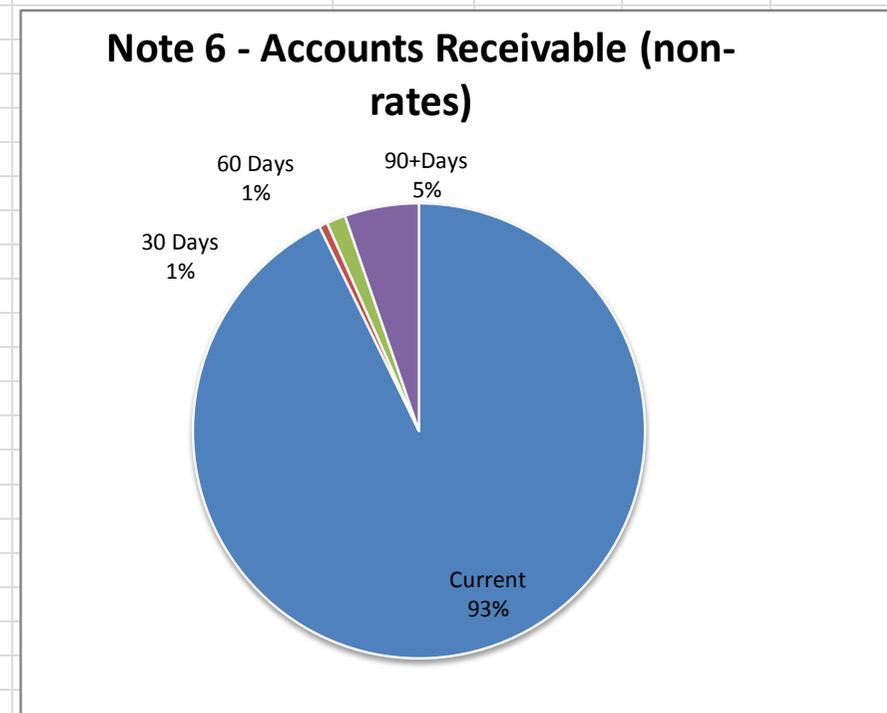
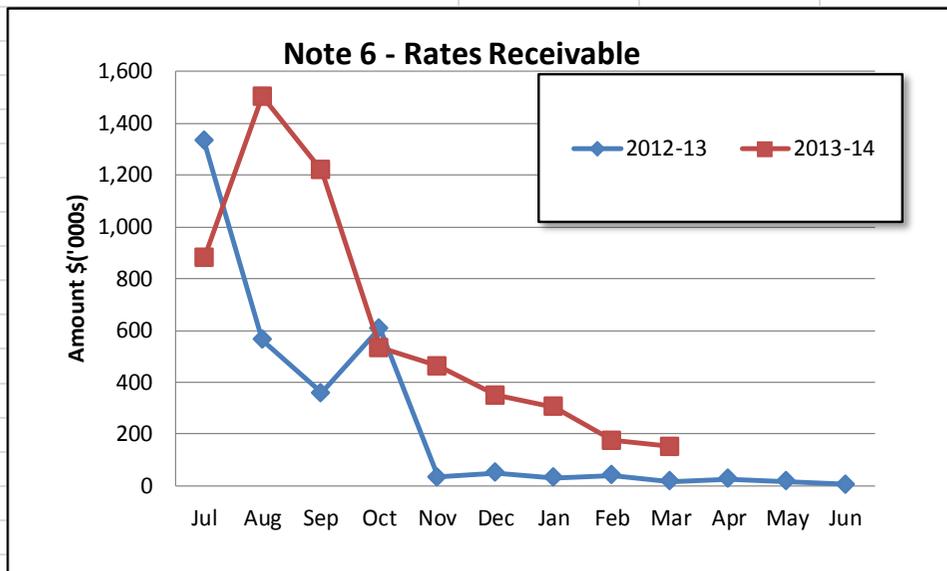
**Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2014**

Note 6: RECEIVABLES

Receivables - Rates Receivable	YTD 31 Mar 2014	YTD 30 June 2013
	\$	\$
Opening Arrears Previous Years	6,217	12,873
Levied this year	1,119,537	1,010,102
Less Collections to date	(974,277)	(1,016,758)
Equals Current Outstanding	151,477	6,217
Net Rates Collectable	151,477	6,217
% Collected	86.54%	99.39%

Receivables - General	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
Receivables - General	154,351	999	2,252	8,827
Total Receivables General Outstanding				166,429

Amounts shown above include GST (where applicable)



Comments/Notes - Receivables Rates

Comments/Notes - Receivables General

MINUTES OF THE ORDINARY COUNCIL MEETING

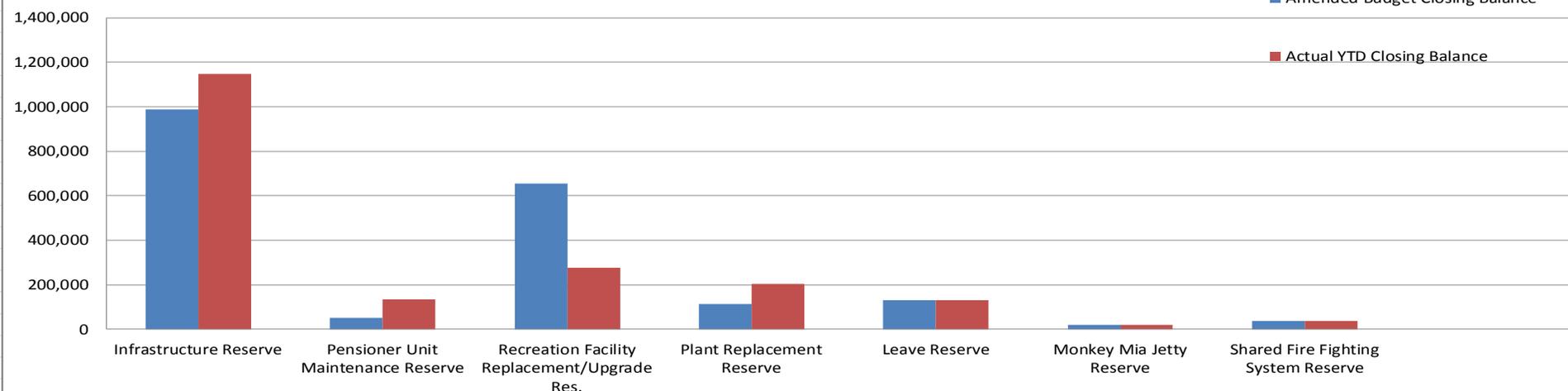
30 APRIL 2014

Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2014

Note 7: Cash Backed Reserve

2013-14 Name	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers In (+)	Actual Transfers In (+)	Amended Budget Transfers Out (-)	Actual Transfers Out (-)	Transfer out Reference	Amended Budget Closing Balance	Actual YTD Closing Balance
Infrastructure Reserve	\$ 1,106,067	\$ 0	\$ 42,775	\$ 80,532	\$ 0	\$ (200,000)	\$ 0		\$ 986,599	\$ 1,148,842
Pensioner Unit Maintenance Reserve	127,230	0	7,960	7,614	0	(83,000)	0		51,844	135,190
Recreation Facility Replacement/Upgrade Res.	266,106	0	10,291	389,903	0	0	0		656,009	276,397
Plant Replacement Reserve	194,803	0	7,534	8,340	0	(90,000)	0		113,143	202,337
Leave Reserve	125,335	0	4,767	6,696	0	0	0		132,031	130,102
Monkey Mia Jetty Reserve	18,466	0	714	790	0	0	0		19,256	19,180
Shared Fire Fighting System Reserve	35,662	0	1,379	1,527	0	0	0		37,189	37,041
	1,873,669	0	75,420	495,402	0	(373,000)	0		1,996,071	1,949,089

Note 7 - Year To Date Reserve Balance to End of Year Estimate



MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 March 2014							
Note 8: CAPITAL DISPOSALS AND ACQUISITIONS							
Actual YTD Profit/(Loss) of Asset Disposal				Disposals	Amended Current Budget		
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 31 March 2014		
				Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance	
\$	\$	\$	\$	\$	\$	\$	\$
				Plant and Equipment			
			0	CEO Vehicle	(4,000)	0	4,000
			0	EMFA Vehicle	(8,000)	0	8,000
			0	EMTED Vehicle	(10,000)	0	10,000
			0	Water Tanker	0	0	0
150,000	(7,860)	74,000	(68,140)	Front End Loader	20,000	(68,140)	(88,140)
			0	Community Bus	10,000	0	(10,000)
38,939	(5,741)	21,136	(12,062)	Country Ute	2,000	(12,062)	(2,000)
			0	Town Ute	12,000	0	(12,000)
188,939	(13,601)	95,136	(80,202)		22,000	(80,202)	(90,140)
Comments - Capital Disposal/Replacements							
				Summary Acquisitions	Amended Current Budget		
Comments					YTD 31 March 2014		
				Annual Budget	Actual	Variance	
				\$	\$	\$	
				Land and Buildings	2,480,182	1,411,306	1,068,876
				Infrastructure Assets - Roads	969,682	543,038	426,644
				Infrastructure Assets - Public Facilities	3,450,910	829,872	2,621,038
				Infrastructure Assets - Footpaths	100,000	43,058	56,942
				Infrastructure Assets - Drainage	60,000	424	59,576
				Heritage Assets	25,000	20,141	4,859
				Plant and Equipment	813,500	228,295	585,205
				Furniture and Equipment	38,000	19,779	18,221
				Capital Totals	7,937,274	3,095,913	(4,841,361)
Comments - Capital Acquisitions							

MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014

Comments	Land and Buildings	Amended Current Budget		
		YTD 31 March 2014		
		Budget	Actual	Variance
		\$	\$	\$
	Shire Office Carpark Capital Works	50,000	0	(50,000)
	Shire Offices - Upgrade & Refurbish	0	28	28
	Emergency Services Building Site Works	100,000	88,580	(11,420)
	Emergency Services Building Constructio	1,229,000	854,985	(374,015)
	Capital Works 5 Spaven Way	5,000	0	(5,000)
	Capital Works 65 Brockman St	5,000	0	(5,000)
	Capital Works 80 Durlacher St	10,000	0	(10,000)
	Capital Works 51 Durlacher St	5,000	8,469	3,469
	Construction Staff Housing Sunter Place	806,682	296,998	(509,684)
	Pensioner Units Capital Maint	15,000	16,212	1,212
	Pensioner Units Fencing	30,000	40,779	10,779
	Pensioner Units Exterior Painting	18,000	0	(18,000)
	Pensioner Units Capital Plumbing	10,000	0	(10,000)
	Pensioner Units Landscaping	10,000	0	(10,000)
	Denham Town Hall Capital Works	25,000	6,105	(18,895)
	Crc Landscaping And Car Park	20,000	35,782	15,782
	Crc Fencing	25,000	31,650	6,650
	Crc - Old Jail Restoration Plan	16,500	12,611	(3,889)
	Public Conveniences Town Oval - Capital	30,000	0	(30,000)
	Sport and Recreation Centre Capital Worl	50,000	16	(49,984)
	Depot Shed Resheeting	20,000	19,091	(909)
	Capital Totals	2,480,182	1,411,306	(1,068,876)
Comments	Infrastructure Assets - Roads	Amended Current Budget		
		YTD 31 March 2014		
		Budget	Actual	Variance (Under)Over
		\$	\$	\$
	Ocean Park Road - Country Roads	17,328	16,331	(997)
	Useless Loop Road Rrg	324,923	5,075	(319,848)
	Stella Rowley Drive Rrg	90,000	119,470	29,470
	Woodleigh/Byro Road-Rrg-(Cap)	193,066	214,846	21,780
	Hughes Street-Reseals(Capital) R2R	40,308	52,904	12,596
	Durlacher Street-Reseals (Cap) R2R	182,415	132	(182,283)
	Barnard Street - Seal R2R	102,642	126,382	23,740
	Knight Terrace- Capital Works	5,000	4,499	(501)
	Welcome Signage	14,000	3,400	(10,600)
	Capital Totals	969,682	543,038	(426,644)

MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014

Comments	Infrastructure Assets - Public Facilities	Amended Current Budget		
		YTD 31 March 2014		
		Budget	Actual	Variance (Under)Over
			\$	\$
	Refuse Site Shed	30,000	0	(30,000)
	Foreshore Bbq Facilities	8,600	0	(8,600)
	Foreshore Gazebo Re-Roofing	9,500	51	(9,449)
	Rock Wall - Capital Works	10,000	0	(10,000)
	Knight Terrace Boat Ramp	0	125	125
	Fencing - Multi Purpose Courts	30,000	0	(30,000)
	Sb Recreation Centre Grounds	720,000	419,662	(300,338)
	Charlie Sappie Park Capital Works	15,000	0	(15,000)
	Town Oval Shade Shelter Upgrade	6,500	11,852	5,352
	Town Oval Bore Capital	10,000	444	(9,557)
	Digital TV Upgrade	300,000	314,086	14,086
	HMAS Sydney II Memorials	82,000	60,208	(21,792)
	Monkey Mia Boat Car Park Plan	9,310	6,529	(2,781)
	Monkey Mia Jetty Capital Works	2,200,000	5,794	(2,194,206)
	Denham Commercial Jetty Capital Works	5,000	0	(5,000)
	Winch House and Jinker Capital Works	15,000	0	(15,000)
	Marina Development Planning	0	1,981	1,981
	Monkey Mia Bore Replacement	0	9,141	9,141
	Capital Totals	3,450,910	829,872	(2,621,038)
Comments	Infrastructure Assets - Footpaths	Amended Current Budget		
		YTD 31 March 2014		
		Budget	Actual	Variance (Under)Over
		\$	\$	\$
	Hughes St Footpath Construction	50,000	32,866	17,134
	Footpath Construction (As Per Denham F	50,000	10,192	39,808
	Capital Totals	100,000	43,058	(56,942)
Comments	Infrastructure Assets - Drainage	Amended Current Budget		
		YTD 31 March 2014		
		Budget	Actual	Variance (Under)Over
		\$	\$	\$
	Drainage/Sump Construction	30,000	424	(29,576)
	Foreshore Drainage Capital Works	30,000	0	(30,000)
	Capital Totals	60,000	424	(59,576)
Comments	Heritage Assets	Amended Current Budget		
		YTD 31 March 2014		
		Budget	Actual	Variance (Under)Over
		\$	\$	\$
	Day Care Centre Capital Works	5,000	4,630	370
	Velsheda / Galla - Capital Works	5,000	0	5,000.00
	Cape Inscription Restoration Capital	15,000	15,511	511
	Capital Totals	25,000	20,141	(4,859)

MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014

Comments	Plant and Equipment	Amended Current Budget		
		YTD 31 March 2014		
		Budget	Actual	Variance (Under)Over
		\$	\$	\$
	CEO Vehicle Replacement	68,000	0	(68,000)
	EMFA Vehicle Replacement	48,000	0	(48,000)
	EMTED Vehicle Replacement	45,000	0	(45,000)
	Loop Ses Personnel Carrier	76,000	0	(76,000)
	Loop Ses Rescue Equipment	4,500	0	(4,500)
	Community Bus	110,000	0	(110,000)
	Depot Tools and Major Plant	15,000	4,416	(10,584)
	Country Ute Replacement	45,000	0	(45,000)
	Town Ute Replacement	44,000	0	(44,000)
	Semi Water Tanker	120,000	0	(120,000)
	Water Tanker/Trailer - Evanco 2000L	8,000	0	(8,000)
	Front-End Loader	230,000	223,879	(6,121)
	Capital Totals	813,500	228,295	(585,205)
Comments	Furniture and Equipment	Amended Current Budget		
		YTD 31 March 2014		
		Budget	Actual	Variance (Under)Over
		\$	\$	\$
	Computer Hardware Upgrade/New	5,000	4,945	(55)
	Computer Software Upgrade/New	5,000	4,074	(926)
	Office Furniture & Equipment	5,000	2,756	(2,244)
	Council Chambers Furniture and Equipment	2,000	0	(2,000)
	SBDC - Furniture & Equipment	16,000	7,394	(8,606)
	Communications Upgrade	5,000	611	(4,389)
	Capital Totals	38,000	19,779	(18,221)

MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 31 March 2014

Note 9: RATING INFORMATION												
	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	Amended Budget Rate Revenue \$	Amended Budget Interim Rate \$	Amended Budget Back Rate \$	Amended Budget Total Revenue \$	
RATE TYPE												
Differential General Rate												
GRV	8.1923	303	3,996,587	327,412	(1,961)	0	325,451	327,912	0	0	327,912	
GRV - Commercial	8.1923	54	3,762,267	327,118	0	0	327,118	308,216	0	0	308,216	
GRV - Industrial	8.1923	39	548,945	49,579	0	0	49,579	45,217	0	0	45,217	
UV	18.4012	4	654,884	123,543	(4,174)	0	119,369	124,507	0	0	124,507	
UV Mining	18.4012	12	597,632	113,606	0	0	113,606	109,971	0	0	109,971	
UV Pastoral	10.1643	12	757,960	77,041	0	0	77,041	77,041	0	0	77,041	
Sub-Totals		424	10,318,275	1,018,299	(6,135)	0	1,012,164	992,864	0	0	992,864	
Minimum Rates	Minimum \$											
GRV	727.00	169	962,409	122,863	0	0	122,863	122,863	0	0	122,863	
GRV - Commercial	727.00	26	177,274	3,635	0	0	3,635	18,902	0	0	18,902	
GRV - Industrial	727.00	6	46,233	0	0	0	0	4,362	0	0	4,362	
UV	727.00	5	7,193	0	0	0	0	3,635	0	0	3,635	
UV Mining		5	134	0	0	0	0	3,635	0	0	3,635	
Sub-Totals		211	1,193,243	126,498	0	0	126,498	153,397	0	0	153,397	
UV Pastoral Concession							1,138,662				1,146,261	
Concession							(53,057)				(53,057)	
Amount from General Rates							1,082,569				1,090,204	
Ex-Gratia Rates							0				6,886	
Specified Area Rates							36,968				36,968	
Totals							1,119,537				1,134,058	

Comments - Rating Information

All land except exempt land in the Shire of Shark Bay is rated according to its Gross Rental Value (GRV) in town sites or Unimproved Value (UV) in the remainder of the Shire.

The differential rates detailed above for the 2013/14 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

30 APRIL 2014

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 March 2014								
10. INFORMATION ON BORROWINGS								
(a) Debenture Repayments								
Particulars	Principal 1-Jul-13	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual \$	Amended Budget \$	Actual \$	Amended Budget \$	Actual \$	Amended Budget \$
Loan 48 - McCleary Property	100,532		20,636	20,636	79,896	79,896	1,544	3,522
Loan 48 - McCleary Property - Shire Office	85,638		24,224	24,224	61,414	61,414	2,679	4,135
Loan 53 - Staff Housing	130,161		16,235	16,236	113,926	113,925	3,465	6,663
Loan 56 - Staff Housing	134,313		6,550	13,297	127,763	121,016	2,779	7,001
Loan 57 - Monkey Mia Bore	300,000		24,870	24,871	275,130	275,129	8,666	11,591
	750,644	0	92,515	99,264	658,129	651,380	19,132	32,912
All debenture repayments were financed by general purpose revenue.								
(b) New Debentures								
No new debentures were raised during the reporting period.								

MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014

**Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2014**

Note 11: GRANTS AND CONTRIBUTIONS

Program/Details GL	Grant Provider	Approval	2013-14 Amended Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
GENERAL PURPOSE FUNDING								
Grants Commission - General	WALGGC	Y	753,968	0	753,968	0	550,880	203,089
Grants Commission - Roads	WALGGC	Y	194,564	0	194,564	0	145,127	49,437
LAW, ORDER, PUBLIC SAFETY								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Y	7,160	0	7,160	0	5,370	1,790
Grant FESA - SES	Dept. of Fire & Emergency Serv.		23,000	0	23,000	0	16,331	6,669
FESA SES Capital Grants	Dept. of Fire & Emergency Serv.	\$480K Y	560,500	0	0	560,500	301,368	259,132
Grants - Other Law, Order and Public Safety	LotteryWest & GDC \$100K	\$249K Y	349,000	0	0	349,000	0	349,000
Contribution - SES			300,000	0	0	300,000	132,262	167,738
HOUSING								
Grants - Staff Housing	Regional Development & Lands	Y	378,341	0	0	378,341	378,341	0
COMMUNITY AMENITIES								
Grants - Town Planning and Regional Development	Dept. Regional Development	Y	75,000	0	75,000	0	0	75,000
RECREATION AND CULTURE								
Denham Hall Hire - Contra	Shire of Shark Bay		4,000	0	4,000	0	0	4,000
Grants - Public Facilities	Country Local Govt. Fund	Y	54,832	0	0	54,832	54,832	0
Grants - Recreation and Culture	LotteryWest	Y	376,500	0	0	376,500	300,000	76,500
Walk Trail Grant Funding	LotteryWest	N	1,500	0	1,500	0	0	1,500
Contributions & Donations Sport and Recreation	LotteryWest	Y	500,000	0	0	500,000	0	500,000
Grants - Youth Activities	Dept. of Communities	Y	1,000	0	1,000	0	1,000	0
TRANSPORT								
Road Preservation Grant	State Initiative	Y	77,741	0	77,741	0	77,741	0
Useless Loop Road - Mtce	Main Roads WA	Y	314,000	0	314,000	0	0	314,000
Contributions - Road Projects	Ocean Park	Y	0	7,000	7,000	0	7,000	0
Roads To Recovery Grant - Cap	Roads to Recovery	Y	192,071	0	0	192,071	75,575	116,496
RRG Grants - Capital Projects	Regional Road Group	Y	335,115	0	0	335,115	295,449	39,666
Grant - RBFS MM Boat Ramp Facilities	Dept. of Transport	Y	123,718	0	0	123,718	78,718	45,000
Grant - R4R Monkey Mia Jetty	Dept. of Regional Development	Y	250,000	0	0	250,000	250,000	0
ECONOMIC SERVICES								
Contributions-Seniors Projects	Council of the Aged WA	Y	500	500	1,000	0	1,000	0
Contribution - Monkey Mia Res			48,500	0	48,500	0	0	48,500
Festivals / Events - Other Grants	Various		0	4,000	4,000	0	4,000	0
Grants - Tourism and Area Promotion	Royalties for Regions	Y	300,000	0	0	300,000	300,000	0
TOTALS			5,221,010	11,500	1,512,433	3,720,077	2,996,212	2,236,298

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 March 2014				
Note 12: TRUST FUND				
Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:				
Description	Opening Balance 1-Jul-13	Amount Received	Amount Paid	Closing Balance 31-Mar-14
	\$	\$	\$	\$
Shark Bay Aerobics Group	141	0	0	141
Hall Bond - Expense	0	270	(270)	0
Election Deposits	0	320	(320)	0
BCITF Levy	0	3,002	(2,562)	440
Library Card Bond	200	300	(450)	50
Bond Marina Facilities	4,305	168	0	4,473
Kerb/Footpath Deposit	2,700	3,500	0	6,200
Building Completion Bond	71,955	2,665	(3,820)	70,800
Denham Youth Group	1,378	1,114	(1,378)	1,114
Bond Key	2,350	1,360	(2,120)	1,590
Man in the Biosphere	701	0	0	701
Police Licensing	5,531	187,880	(191,626)	1,785
Public Open Space	0	0	0	0
Clearing Account	2,364	148	(2,512)	(0)
Len Thompson Trust	800	0	0	800
Community Bus	2,100	600	(1,800)	900
Policeman's Ball	750	0	(750)	0
Community Chest	6,750	263	(7,013)	0
Building License Levy	0	1,664	(1,484)	180
Fundraising Collection	170	0	0	170
Marquee Deposit	700	1,400	(2,100)	0
Public Open Space Trust Reserve	0	0	0	0
Hillside Residential Dual Use Path	0	0	0	0
Tour Sales	0	177,441	(176,289)	1,152
Bookeasy Sales	0	82,358	(83,510)	(1,152)
Unspecified Trust Items	0	0	(888)	(888)
				0
	102,895	464,453	(478,892)	88,456

Shire of Shark Bay	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 March 2014	
Note 13: MAJOR VARIANCES	
Comments/Reason for Variance	
13.1 OPERATING REVENUES	
13.1.1 GOVERNANCE	
Insurance Reimbursement for assessed wages in 2012/13.	
13.1.2 GENERAL PURPOSE FUNDING	
Interest on investments to be actioned on maturity	
13.1.3 LAW, ORDER AND PUBLIC SAFETY	
No Reportable Variance	
13.1.4 HEALTH	
Miscellaneous health licence fees received when required.	
13.1.5 HOUSING	
House rentals to be received	
13.1.6 COMMUNITY AMENITIES	
Grant yet to be received	
13.1.7 RECREATION AND CULTURE	
Crediting of Gym fees to incorrect area - to be corrected.	
13.1.8 TRANSPORT	
Grants yet to be received	
13.1.9 ECONOMIC SERVICES	
Main Roads work to be undertaken in next 4 months	
13.1.10 OTHER PROPERTY AND SERVICES	
Miscellaneous reimbursements	
13.2 OPERATING EXPENSE	
13.2.1 GOVERNANCE	
Employment costs lower than expected.	
13.2.2 GENERAL PURPOSE FUNDING	
Allocation of overheads lower than expected.	
13.2.3 LAW, ORDER AND PUBLIC SAFETY	
YTD budget is inaccurate.	
13.2.4 HEALTH	
Consultant charges not received	
13.2.5 HOUSING	
Maintenance of housing is variable throughout the year	
13.2.6 COMMUNITY AMENITIES	
Plans and strategies yet to be completed	
13.2.7 RECREATION AND CULTURE	
These savings are made up of miscellaneous minor underexpenditure in all areas.	
13.2.8 TRANSPORT	
Maintenance of country roads to be completed	
13.2.9 ECONOMIC SERVICES	
Main Roads private works to be undertaken over the next 4 months	
13.2.10 OTHER PROPERTY AND SERVICES	
Under recovery of overheads	

13.3 CAPITAL REVENUE
13.3.1 GRANTS, SUBSIDIES AND CONTRIBUTIONS
Grants still to be received
13.3.2 PROCEEDS FROM DISPOSAL OF ASSETS
Sale of assets to be undertaken
13.3.3 PROCEEDS FROM NEW DEBENTURES
Not applicable
13.3.4 PROCEEDS FROM SALE OF INVESTMENT
Not applicable
13.3.5 PROCEEDS FROM ADVANCES
Not applicable
13.3.6 SELF-SUPPORTING LOAN PRINCIPAL
Not applicable
13.3.7 TRANSFER FROM RESERVES (RESTRICTED ASSETS)
Not applicable
13.4 CAPITAL EXPENSES
13.4.1 LAND HELD FOR RESALE
Not applicable
13.4.2 LAND AND BUILDINGS
Delay in commencing projects
13.4.3 PLANT AND EQUIPMENT
Year to date budget incorrect - planned replacement of plant and equipment will continue to June
13.4.4 FURNITURE AND EQUIPMENT
Purchases delayed - will continue to end of year
13.4.5 INFRASTRUCTURE ASSETS - ROADS
Projects progressing - underexpenditure relates to YTD budget level
13.4.6 INFRASTRUCTURE ASSETS - OTHER
Delay in commencing projects - due to receipt of grants
13.4.7 PURCHASES OF INVESTMENT
Not applicable
13.4.8 REPAYMENT OF DEBENTURES
No Reportable Variance
13.4.9 ADVANCES TO COMMUNITY GROUPS
Not applicable
13.4.10 TRANSFER TO RESERVES (RESTRICTED ASSETS)
No Reportable Variance
13.4.11 TRANSFER FROM RESERVES (RESTRICTED ASSETS)
No Reportable Variance

13.5 OTHER ITEMS

13.5.1 RATE REVENUE

No Reportable Variance

13.5.2 OPENING FUNDING SURPLUS(DEFICIT)

As per amended budget

MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014

Shire of Shark Bay					
Detailed Schedules to 31 March 2014					
Program	Description	Annual Budget	YTD Budget	YTD Actual	Variance \$ YTD Actual/YTD Budget
Governance					
<i>Administration Other</i>					
Operating Income	Operating Statement				
	User Fees & Charges	100	72	360	288
	Other Revenue	13,460	12,489	33,262	20,773
	Operating Statement Total	13,560	12,561	33,622	21,061
Operating Income Total		13,560	12,561	33,622	21,061
Operating Expenditure					
<i>Operating Statement</i>					
	Employment Costs	(703,581)	(532,028)	(423,957)	108,071
	Materials & Contracts	(180,490)	(137,357)	(160,007)	(22,650)
	Depreciation Of Assets	(53,876)	(40,401)	(45,547)	(5,146)
	Insurance	(13,798)	(13,797)	(14,156)	(359)
	Interest On Financing Costs	(17,799)	(8,322)	(8,923)	(601)
	Loss On Sale Of Assets	(22,000)	(22,000)	0	22,000
	Other Expenses	(10,500)	(7,875)	(9,245)	(1,370)
	Plant & Overhead Costs	(11,250)	(8,442)	(8,376)	66
	Utility Charges	(11,000)	(6,073)	(11,731)	(5,658)
	Activity Based Distribution	998,593	748,944	646,019	(102,925)
	Operating Statement Total	(25,701)	(27,351)	(35,922)	(8,571)
Operating Expenditure Total		(25,701)	(27,351)	(35,922)	(8,571)
Capital Expenditure					
<i>Buildings</i>					
	Employment Costs	(12,144)	(9,108)	0	9,108
	Materials & Contracts	(25,711)	(19,287)	0	19,287
	Plant & Overhead Costs	(12,145)	(9,108)	(28)	9,080
	Buildings Total	(50,000)	(37,503)	(28)	37,475
<i>Furniture & Office Equip.</i>					
	Materials & Contracts	(17,000)	(12,762)	(11,776)	986
	Furniture & Office Equip. Total	(17,000)	(12,762)	(11,776)	986
<i>Plant, Equip. & Vehicles</i>					
	Materials & Contracts	(161,000)	0	0	0
	Plant, Equip. & Vehicles Total	(161,000)	0	0	0
Capital Expenditure Total		(228,000)	(50,265)	(11,804)	38,461
Members Of Council					
Operating Income	Operating Statement				
	Other Revenue	500	(395)	376	771
	Operating Statement Total	500	(395)	376	771
Operating Income Total		500	(395)	376	771
Operating Expenditure					
<i>Operating Statement</i>					
	Employment Costs	(860)	(648)	0	648
	Materials & Contracts	(116,720)	(87,552)	(86,979)	573
	Depreciation Of Assets	0	0	(90)	(90)
	Insurance	(5,207)	(5,207)	(3,299)	1,908
	Other Expenses	(85,875)	(64,395)	(58,203)	6,192
	Plant & Overhead Costs	(120)	(90)	0	90
	Activity Based Distribution	(108,506)	(81,378)	(69,489)	11,889
	Operating Statement Total	(317,288)	(239,270)	(218,061)	21,209
Operating Expenditure Total		(317,288)	(239,270)	(218,061)	21,209
Governance Total		(556,929)	(304,720)	(231,789)	72,931

MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014

General Purpose Funding					
Rates					
Operating Income	Operating Statement				
	Interest Earned	5,000	3,753	2,922	(831)
	Rates	1,134,058	1,126,755	1,119,538	(7,217)
	User Fees & Charges	3,100	2,472	4,176	1,704
	Operating Statement Total	1,142,158	1,132,980	1,126,635	(6,345)
Operating Income Total		1,142,158	1,132,980	1,126,635	(6,345)
Operating Expenditure					
	Operating Statement				
	Materials & Contracts	(4,500)	(3,366)	(4,147)	(781)
	Activity Based Distribution	(40,097)	(30,069)	(25,743)	4,326
	Operating Statement Total	(44,597)	(33,435)	(29,890)	3,545
Operating Expenditure Total		(44,597)	(33,435)	(29,890)	3,545
General Purpose Income					
Operating Income	Operating Statement				
	Contributions	948,532	711,399	696,007	(15,392)
	Operating Statement Total	948,532	711,399	696,007	(15,392)
Operating Income Total		948,532	711,399	696,007	(15,392)
Interest On Investments					
Operating Income	Operating Statement				
	Interest Earned	141,261	97,812	92,836	(4,976)
	Operating Statement Total	141,261	97,812	92,836	(4,976)
Operating Income Total		141,261	97,812	92,836	(4,976)
Other General Purpose Income					
Operating Income	Operating Statement				
	User Fees & Charges	200	199	225	26
	Other Revenue	22,100	14,564	16,644	2,080
	Operating Statement Total	22,300	14,763	16,869	2,106
Operating Income Total		22,300	14,763	16,869	2,106
Operating Expenditure					
	Operating Statement				
	Materials & Contracts	(400)	(297)	0	297
	Utility Charges	0	0	(254)	(254)
	Activity Based Distribution	(57,281)	(42,957)	(36,795)	6,162
	Operating Statement Total	(57,681)	(43,254)	(37,049)	6,205
Operating Expenditure Total		(57,681)	(43,254)	(37,049)	6,205
General Purpose Funding Total		2,151,973	1,880,265	1,865,407	(14,858)
Law, Order And Public Safety					
Animal Control					
Operating Income	Operating Statement				
	User Fees & Charges	3,100	2,302	3,620	1,318
	Operating Statement Total	3,100	2,302	3,620	1,318
Operating Income Total		3,100	2,302	3,620	1,318
Operating Expenditure					
	Operating Statement				
	Employment Costs	(810)	(612)	(5,501)	(4,889)
	Materials & Contracts	(8,220)	(7,684)	(577)	7,107
	Plant & Overhead Costs	(70)	(54)	(27)	27
	Activity Based Distribution	(16,039)	(12,033)	(10,324)	1,709
	Operating Statement Total	(25,139)	(20,383)	(16,429)	3,954
Operating Expenditure Total		(25,139)	(20,383)	(16,429)	3,954

MINUTES OF THE ORDINARY COUNCIL MEETING

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Fire Prevention					
Operating Income	Operating Statement				
	Contributions	7,160	5,370	5,370	0
	Other Revenue	500	500	0	(500)
	Operating Statement Total	7,660	5,870	5,370	(500)
Operating Income Total		7,660	5,870	5,370	(500)
Operating Expenditure	Operating Statement				
	Employment Costs	(3,694)	(2,772)	(2,895)	(123)
	Materials & Contracts	(5,866)	(4,392)	0	4,392
	Depreciation Of Assets	0	0	(465)	(465)
	Insurance	(3,000)	(3,000)	(3,000)	0
	Plant & Overhead Costs	(2,100)	(1,575)	(3,049)	(1,474)
	Activity Based Distribution	(16,039)	(12,033)	(10,324)	1,709
	Operating Statement Total	(30,699)	(23,772)	(19,732)	4,040
Operating Expenditure Total		(30,699)	(23,772)	(19,732)	4,040
Other Law, Order & Public Safety					
Operating Income	Operating Statement				
	Contributions	23,000	17,250	16,331	(919)
	User Fees & Charges	500	500	873	373
	Other Revenue	2,000	1,503	2,252	749
	Operating Statement Total	25,500	19,253	19,456	203
Operating Income Total		25,500	19,253	19,456	203
Operating Expenditure	Operating Statement				
	Employment Costs	(49,946)	(39,134)	(42,579)	(3,445)
	Materials & Contracts	(40,171)	(21,626)	(16,555)	5,071
	Depreciation Of Assets	(28,322)	(21,240)	(17,059)	4,181
	Insurance	(1,703)	(1,704)	(1,703)	1
	Other Expenses	0	0	(17,565)	(17,565)
	Plant & Overhead Costs	(21,500)	(17,375)	(25,541)	(8,166)
	Utility Charges	(1,200)	(900)	(368)	532
	Activity Based Distribution	(19,476)	(14,607)	(12,508)	2,099
	Operating Statement Total	(162,318)	(116,586)	(133,877)	(17,291)
Operating Expenditure Total		(162,318)	(116,586)	(133,877)	(17,291)
Capital Revenue	Operating Statement				
	Non Operating Grants, Subsidies A	1,209,500	932,875	433,630	(499,245)
	Operating Statement Total	1,209,500	932,875	433,630	(499,245)
Capital Revenue Total		1,209,500	932,875	433,630	(499,245)
Capital Expenditure	Buildings				
	Employment Costs	(48,074)	(48,074)	(41,613)	6,461
	Materials & Contracts	(1,269,926)	(1,269,926)	(823,705)	446,221
	Plant & Overhead Costs	(11,000)	(11,000)	(34,480)	(23,480)
	Utility Charges	0	0	(43,767)	(43,767)
	Buildings Total	(1,329,000)	(1,329,000)	(943,565)	385,435
	Plant , Equip. & Vehicles				
	Materials & Contracts	(80,500)	0	0	0
	Plant , Equip. & Vehicles Total	(80,500)	0	0	0
Capital Expenditure Total		(1,409,500)	(1,329,000)	(943,565)	385,435
Law, Order And Public Safety Total		(381,896)	(529,441)	(651,528)	(122,087)

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Health					
Health Inspection					
Operating Income	Operating Statement				
	User Fees & Charges	1,950	1,449	977	(472)
	Operating Statement Total	1,950	1,449	977	(472)
Operating Income Total		1,950	1,449	977	(472)
Operating Expenditure					
	Operating Statement				
	Materials & Contracts	(44,500)	(33,381)	(20,031)	13,350
	Activity Based Distribution	4,312	3,231	(1,223)	(4,454)
	Operating Statement Total	(40,188)	(30,150)	(21,254)	8,896
Operating Expenditure Total		(40,188)	(30,150)	(21,254)	8,896
Other Health					
Operating Expenditure	Operating Statement				
	Materials & Contracts	(5,750)	(4,311)	(3,550)	761
	Other Expenses	(280)	(207)	(224)	(17)
	Activity Based Distribution	(10,311)	(7,731)	(6,618)	1,113
	Operating Statement Total	(16,341)	(12,249)	(10,392)	1,857
Operating Expenditure Total		(16,341)	(12,249)	(10,392)	1,857
Preventative Services					
Operating Expenditure	Operating Statement				
	Employment Costs	(1,922)	(1,440)	(220)	1,220
	Materials & Contracts	(4,128)	(3,096)	(425)	2,671
	Plant & Overhead Costs	(450)	(342)	0	342
	Operating Statement Total	(6,500)	(4,878)	(646)	4,232
Operating Expenditure Total		(6,500)	(4,878)	(646)	4,232
Health Total		(61,079)	(45,828)	(31,314)	14,514
Housing					
Pensioner Units					
Operating Income	Operating Statement				
	User Fees & Charges	74,360	55,809	47,970	(7,839)
	Operating Statement Total	74,360	55,809	47,970	(7,839)
Operating Income Total		74,360	55,809	47,970	(7,839)
Operating Expenditure	Operating Statement				
	Employment Costs	(11,682)	(8,730)	(3,091)	5,639
	Materials & Contracts	(18,063)	(14,579)	(16,783)	(2,204)
	Depreciation Of Assets	(10,210)	(7,659)	(7,364)	295
	Insurance	(4,205)	(4,204)	(4,626)	(422)
	Plant & Overhead Costs	(1,060)	(792)	(521)	271
	Utility Charges	(17,495)	(16,858)	(9,584)	7,274
	Activity Based Distribution	(38,213)	(28,656)	(24,487)	4,169
	Operating Statement Total	(100,928)	(81,478)	(66,456)	15,022
Operating Expenditure Total		(100,928)	(81,478)	(66,456)	15,022
Capital Expenditure	Buildings				
	Employment Costs	0	0	(694)	(694)
	Materials & Contracts	(83,000)	(65,000)	(55,939)	9,061
	Plant & Overhead Costs	0	0	(357)	(357)
	Buildings Total	(83,000)	(65,000)	(56,991)	8,009
Capital Expenditure Total		(83,000)	(65,000)	(56,991)	8,009

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Staff Housing					
Operating Income	Operating Statement				
	User Fees & Charges	9,450	6,927	7,231	304
	Other Revenue	3,000	2,250	0	(2,250)
	Operating Statement Total	12,450	9,177	7,231	(1,946)
Operating Income Total		12,450	9,177	7,231	(1,946)
Operating Expenditure					
	Operating Statement				
	Employment Costs	(2,224)	(1,656)	(1,606)	50
	Materials & Contracts	(51,836)	(38,544)	(28,778)	9,766
	Insurance	(3,382)	(3,382)	(2,288)	1,094
	Plant & Overhead Costs	(360)	(288)	(203)	85
	Utility Charges	(7,950)	(6,024)	(1,086)	4,938
	Activity Based Distribution	48,302	36,225	26,729	(9,496)
	Operating Statement Total	(17,450)	(13,669)	(7,231)	6,438
Operating Expenditure Total		(17,450)	(13,669)	(7,231)	6,438
Capital Revenue					
	Operating Statement				
	Non Operating Grants, Subsidies A	378,341	378,341	378,341	0
	Operating Statement Total	378,341	378,341	378,341	0
Capital Revenue Total		378,341	378,341	378,341	0
Capital Expenditure					
	Buildings				
	Employment Costs	(6,072)	(6,068)	(13,095)	(7,027)
	Materials & Contracts	(821,855)	(821,852)	(289,874)	531,978
	Plant & Overhead Costs	(3,755)	(3,756)	(2,497)	1,259
	Buildings Total	(831,682)	(831,676)	(305,466)	526,210
Capital Expenditure Total		(831,682)	(831,676)	(305,466)	526,210
Housing Total		(567,909)	(548,496)	(2,602)	545,894
Community Amenities					
Sanitation - Household Refuse					
Operating Income	Operating Statement				
	User Fees & Charges	158,456	158,456	158,286	(170)
	Operating Statement Total	158,456	158,456	158,286	(170)
Operating Income Total		158,456	158,456	158,286	(170)
Operating Expenditure					
	Operating Statement				
	Employment Costs	(112,140)	(81,387)	(88,347)	(6,960)
	Materials & Contracts	(58,922)	(44,181)	(35,779)	8,402
	Depreciation Of Assets	(23,041)	(17,280)	(3,179)	14,101
	Plant & Overhead Costs	(50,800)	(38,106)	(27,134)	10,972
	Utility Charges	0	0	(166)	(166)
	Activity Based Distribution	(26,349)	(19,764)	(16,941)	2,823
	Operating Statement Total	(271,252)	(200,718)	(171,547)	29,171
Operating Expenditure Total		(271,252)	(200,718)	(171,547)	29,171
Capital Expenditure					
	Public Facilities				
	Employment Costs	(1,922)	(1,284)	0	1,284
	Materials & Contracts	(26,154)	(17,436)	0	17,436
	Plant & Overhead Costs	(1,924)	(1,284)	0	1,284
	Public Facilities Total	(30,000)	(20,004)	0	20,004
Capital Expenditure Total		(30,000)	(20,004)	0	20,004

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Other Community Amenities					
Operating Income	Operating Statement				
	User Fees & Charges	2,200	1,647	735	(912)
	Operating Statement Total	2,200	1,647	735	(912)
Operating Income Total		2,200	1,647	735	(912)
Operating Expenditure					
	Operating Statement				
	Employment Costs	(9,313)	(6,975)	(6,699)	276
	Materials & Contracts	(41,719)	(31,293)	(24,982)	6,311
	Depreciation Of Assets	(20,409)	(15,300)	(15,321)	(21)
	Insurance	(393)	(392)	(393)	(1)
	Plant & Overhead Costs	(1,500)	(1,125)	(1,060)	65
	Utility Charges	(2,500)	(1,081)	(2,539)	(1,458)
	Activity Based Distribution	(24,465)	(18,351)	(15,619)	2,732
	Operating Statement Total	(100,300)	(74,517)	(66,612)	7,905
Operating Expenditure Total		(100,300)	(74,517)	(66,612)	7,905
Capital Expenditure					
	Buildings				
	Materials & Contracts	0	0	0	0
	Buildings Total	0	0	0	0
Capital Expenditure Total		0	0	0	0
Sanitation Other					
Operating Income	Operating Statement				
	User Fees & Charges	79,800	59,850	67,331	7,481
	Other Revenue	200	37	0	(37)
	Operating Statement Total	80,000	59,887	67,331	7,444
Operating Income Total		80,000	59,887	67,331	7,444
Operating Expenditure					
	Operating Statement				
	Employment Costs	(2,226)	(1,674)	(1,170)	504
	Materials & Contracts	(28,824)	(21,618)	(13,943)	7,675
	Depreciation Of Assets	(895)	(675)	(672)	3
	Insurance	(342)	(342)	(342)	0
	Plant & Overhead Costs	(500)	(378)	(255)	123
	Activity Based Distribution	(31,416)	(23,562)	(19,924)	3,638
	Operating Statement Total	(64,203)	(48,249)	(36,306)	11,943
Operating Expenditure Total		(64,203)	(48,249)	(36,306)	11,943
Town Planning&Regional Develop					
Operating Income	Operating Statement				
	Contributions	75,000	75,000	0	(75,000)
	User Fees & Charges	12,650	9,477	12,604	3,127
	Operating Statement Total	87,650	84,477	12,604	(71,873)
Operating Income Total		87,650	84,477	12,604	(71,873)
Operating Expenditure					
	Operating Statement				
	Materials & Contracts	(572,150)	(429,102)	(202,712)	226,390
	Other Expenses	(500)	(378)	0	378
	Activity Based Distribution	(46,640)	(34,983)	(29,782)	5,201
	Operating Statement Total	(619,290)	(464,463)	(232,494)	231,969
Operating Expenditure Total		(619,290)	(464,463)	(232,494)	231,969
Community Amenities Total		(756,739)	(503,484)	(268,003)	235,481

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Recreation And Culture					
Foreshore					
Operating Expenditure	Operating Statement				
	Employment Costs	(16,550)	(12,420)	(5,505)	6,915
	Materials & Contracts	(102,705)	(77,031)	(67,962)	9,069
	Depreciation Of Assets	(39,802)	(29,853)	(7,455)	22,398
	Insurance	(2,420)	(2,420)	(2,898)	(478)
	Plant & Overhead Costs	(8,675)	(6,507)	(3,655)	2,852
	Utility Charges	(10,350)	(5,522)	(6,279)	(757)
	Activity Based Distribution	(27,902)	(20,925)	(17,869)	3,056
	Operating Statement Total	(208,405)	(154,678)	(111,624)	43,054
Operating Expenditure Total		(208,405)	(154,678)	(111,624)	43,054
Capital Revenue					
	Operating Statement				
	Non Operating Grants, Subsidies A	54,832	54,832	54,832	0
	Operating Statement Total	54,832	54,832	54,832	0
Capital Revenue Total		54,832	54,832	54,832	0
Capital Expenditure					
	Buildings				
	Employment Costs	0	0	75	75
	Materials & Contracts	0	0	(75)	(75)
	Buildings Total	0	0	0	0
	Public Facilities				
	Employment Costs	(4,858)	(2,832)	(51)	2,781
	Materials & Contracts	(16,932)	(16,705)	(125)	16,580
	Plant & Overhead Costs	(6,310)	(3,561)	0	3,561
	Public Facilities Total	(28,100)	(23,098)	(176)	22,922
Capital Expenditure Total		(28,100)	(23,098)	(176)	22,922
Libraries					
Operating Income	Operating Statement				
	User Fees & Charges	100	72	90	18
	Other Revenue	600	600	519	(81)
	Operating Statement Total	700	672	609	(63)
Operating Income Total		700	672	609	(63)
Operating Expenditure	Operating Statement				
	Materials & Contracts	(5,750)	(4,311)	(5,434)	(1,123)
	Insurance	(70)	(70)	(70)	(0)
	Utility Charges	0	0	(260)	(260)
	Activity Based Distribution	(49,262)	(36,945)	(31,633)	5,312
	Operating Statement Total	(55,082)	(41,326)	(37,397)	3,929
Operating Expenditure Total		(55,082)	(41,326)	(37,397)	3,929
Museum					
Operating Expenditure	Operating Statement				
	Depreciation Of Assets	(729)	(549)	(322)	227
	Insurance	(138)	(138)	(138)	0
	Activity Based Distribution	(11,456)	(8,595)	(7,346)	1,249
	Operating Statement Total	(12,323)	(9,282)	(7,805)	1,477
Operating Expenditure Total		(12,323)	(9,282)	(7,805)	1,477
Capital Expenditure	Heritage Assets				
	Materials & Contracts	(15,000)	(7,500)	(15,511)	(8,011)
	Heritage Assets Total	(15,000)	(7,500)	(15,511)	(8,011)
Capital Expenditure Total		(15,000)	(7,500)	(15,511)	(8,011)

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Other Culture					
Operating Expenditure	Operating Statement				
	Employment Costs	(3,036)	(3,036)	(3,121)	(85)
	Materials & Contracts	(26,884)	(21,529)	(11,466)	10,063
	Depreciation Of Assets	(27,055)	(20,295)	(19,409)	886
	Insurance	(950)	(950)	(900)	50
	Plant & Overhead Costs	(500)	(500)	(215)	285
	Utility Charges	(500)	(378)	(189)	189
	Operating Statement Total	(58,925)	(46,688)	(35,300)	11,388
Operating Expenditure Total		(58,925)	(46,688)	(35,300)	11,388
Capital Expenditure	Heritage Assets				
	Employment Costs	(1,012)	0	0	0
	Materials & Contracts	(3,888)	0	0	0
	Plant & Overhead Costs	(100)	0	0	0
	Heritage Assets Total	(5,000)	0	0	0
	Public Facilities				
	Employment Costs	0	0	(13,644)	(13,644)
	Materials & Contracts	(82,000)	(82,000)	(45,560)	36,440
	Plant & Overhead Costs	0	0	(1,004)	(1,004)
	Public Facilities Total	(82,000)	(82,000)	(60,208)	21,792
Capital Expenditure Total		(87,000)	(82,000)	(60,208)	21,792
Other Recreation & Sport					
Operating Income	Operating Statement				
	Contributions	1,500	1,125	0	(1,125)
	User Fees & Charges	28,700	21,519	13,581	(7,938)
	Other Revenue	100	72	0	(72)
	Operating Statement Total	30,300	22,716	13,581	(9,135)
Operating Income Total		30,300	22,716	13,581	(9,135)
Operating Expenditure	Operating Statement				
	Employment Costs	(88,303)	(67,644)	(44,807)	22,837
	Materials & Contracts	(121,336)	(91,008)	(93,873)	(2,865)
	Depreciation Of Assets	(56,305)	(42,219)	(39,654)	2,565
	Insurance	(3,533)	(3,533)	(2,943)	590
	Other Expenses	(10,000)	(7,497)	(6,055)	1,442
	Plant & Overhead Costs	(20,640)	(15,489)	(12,023)	3,466
	Utility Charges	(17,800)	(15,127)	(8,092)	7,035
	Activity Based Distribution	(40,504)	(30,375)	(25,943)	4,432
	Operating Statement Total	(358,421)	(272,892)	(233,390)	39,502
Operating Expenditure Total		(358,421)	(272,892)	(233,390)	39,502
Capital Revenue	Operating Statement				
	Non Operating Grants, Subsidies A	876,500	649,836	300,000	(349,836)
	Operating Statement Total	876,500	649,836	300,000	(349,836)
Capital Revenue Total		876,500	649,836	300,000	(349,836)
Capital Expenditure	Buildings				
	Materials & Contracts	(80,000)	(72,498)	0	72,498
	Buildings Total	(80,000)	(72,498)	0	72,498
	Plant , Equip. & Vehicles				
	Materials & Contracts	(110,000)	0	0	0
	Plant , Equip. & Vehicles Total	(110,000)	0	0	0
	Public Facilities				
	Employment Costs	(100,297)	(76,246)	(95,715)	(19,469)
	Materials & Contracts	(658,253)	(492,860)	(318,150)	174,710
	Plant & Overhead Costs	(22,950)	(17,442)	(18,092)	(650)
	Public Facilities Total	(781,500)	(586,548)	(431,957)	154,591
Capital Expenditure Total		(971,500)	(659,046)	(431,957)	227,089

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Public Hall & Civic Centres					
Operating Income	Operating Statement				
	Contributions	4,000	2,997	0	(2,997)
	User Fees & Charges	7,100	5,319	2,290	(3,029)
	Other Revenue	1,500	1,125	0	(1,125)
	Operating Statement Total	12,600	9,441	2,290	(7,151)
Operating Income Total		12,600	9,441	2,290	(7,151)
Operating Expenditure	Operating Statement				
	Employment Costs	(7,340)	(5,508)	(6,165)	(657)
	Materials & Contracts	(19,200)	(14,400)	(14,507)	(107)
	Depreciation Of Assets	(122,253)	(91,692)	(88,836)	2,856
	Insurance	(13,749)	(13,748)	(13,749)	(1)
	Other Expenses	(4,000)	(2,997)	0	2,997
	Plant & Overhead Costs	(1,020)	(765)	(810)	(45)
	Utility Charges	(7,700)	(5,545)	(1,386)	4,159
	Activity Based Distribution	(27,902)	(20,925)	(17,869)	3,056
	Operating Statement Total	(203,164)	(155,580)	(143,321)	12,259
Operating Expenditure Total		(203,164)	(155,580)	(143,321)	12,259
Capital Revenue	Operating Statement				
	Non Operating Grants, Subsidies A	0	0	0	0
	Operating Statement Total	0	0	0	0
Capital Revenue Total		0	0	0	0
Capital Expenditure	Buildings				
	Employment Costs	(16,193)	(16,193)	(27,830)	(11,637)
	Materials & Contracts	(58,235)	(58,235)	(53,975)	4,260
	Plant & Overhead Costs	(12,072)	(12,072)	(4,360)	7,712
	Buildings Total	(86,500)	(86,500)	(86,165)	335
	Heritage Assets				
	Materials & Contracts	(5,000)	(5,000)	(4,630)	370
	Heritage Assets Total	(5,000)	(5,000)	(4,630)	370
Capital Expenditure Total		(91,500)	(91,500)	(90,795)	705
Tv & Radio Re-Broadcasting					
Operating Expenditure	Operating Statement				
	Employment Costs	0	0	(1,101)	(1,101)
	Materials & Contracts	(7,500)	(5,625)	(2,864)	2,761
	Depreciation Of Assets	(6,000)	(4,500)	0	4,500
	Insurance	(279)	(280)	(279)	1
	Plant & Overhead Costs	0	0	(37)	(37)
	Activity Based Distribution	(14,893)	(11,169)	(9,530)	1,639
	Operating Statement Total	(28,672)	(21,574)	(13,811)	7,763
Operating Expenditure Total		(28,672)	(21,574)	(13,811)	7,763
Capital Expenditure	Public Facilities				
	Employment Costs	0	0	(14,196)	(14,196)
	Materials & Contracts	(300,000)	(300,000)	(299,543)	457
	Plant & Overhead Costs	0	0	(347)	(347)
	Public Facilities Total	(300,000)	(300,000)	(314,086)	(14,086)
Capital Expenditure Total		(300,000)	(300,000)	(314,086)	(14,086)

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World Heritage					
Operating Income	Operating Statement				
	User Fees & Charges	150,000	112,500	119,653	7,153
	Other Revenue	45,700	35,699	34,966	(733)
	Operating Statement Total	195,700	148,199	154,619	6,420
Operating Income Total		195,700	148,199	154,619	6,420
Operating Expenditure	Operating Statement				
	Employment Costs	(240,650)	(181,996)	(149,223)	32,773
	Materials & Contracts	(147,646)	(110,745)	(142,345)	(31,600)
	Depreciation Of Assets	(240,030)	(180,018)	(175,145)	4,873
	Insurance	(17,345)	(17,344)	(17,345)	(1)
	Other Expenses	0	0	(159)	(159)
	Plant & Overhead Costs	(550)	(414)	(235)	179
	Utility Charges	(33,800)	(25,353)	(17,003)	8,350
	Activity Based Distribution	(29,786)	(22,338)	(19,125)	3,213
	Operating Statement Total	(709,807)	(538,208)	(520,580)	17,628
Operating Expenditure Total		(709,807)	(538,208)	(520,580)	17,628
Capital Expenditure	Furniture & Office Equip.				
	Materials & Contracts	(16,000)	(16,000)	(7,394)	8,606
	Furniture & Office Equip. Total	(16,000)	(16,000)	(7,394)	8,606
Capital Expenditure Total		(16,000)	(16,000)	(7,394)	8,606
Youth Recreation					
Operating Income	Operating Statement				
	Contributions	1,000	747	1,000	253
	Operating Statement Total	1,000	747	1,000	253
Operating Income Total		1,000	747	1,000	253
Operating Expenditure	Operating Statement				
	Materials & Contracts	(9,500)	(7,128)	(909)	6,219
	Operating Statement Total	(9,500)	(7,128)	(909)	6,219
Operating Expenditure Total		(9,500)	(7,128)	(909)	6,219
Recreation And Culture Total		(1,981,767)	(1,540,057)	(1,497,332)	42,725
Transport					
Denham Marine Facilities					
Operating Income	Operating Statement				
	User Fees & Charges	43,000	42,431	28,632	(13,799)
	Other Revenue	8,650	5,242	4,099	(1,143)
	Operating Statement Total	51,650	47,673	32,731	(14,942)
Operating Income Total		51,650	47,673	32,731	(14,942)
Operating Expenditure	Operating Statement				
	Employment Costs	(20,394)	(15,282)	(4,891)	10,391
	Materials & Contracts	(23,776)	(17,829)	(8,148)	9,681
	Depreciation Of Assets	(12,048)	(9,036)	(7,496)	1,540
	Insurance	(915)	(916)	(736)	180
	Other Expenses	(2,000)	(1,503)	0	1,503
	Plant & Overhead Costs	(10,230)	(7,668)	(1,207)	6,461
	Utility Charges	(9,200)	(6,903)	(5,403)	1,500
	Activity Based Distribution	(19,476)	(14,607)	(12,508)	2,099
	Operating Statement Total	(98,039)	(73,744)	(40,390)	33,354
Operating Expenditure Total		(98,039)	(73,744)	(40,390)	33,354
Capital Expenditure	Public Facilities				
	Employment Costs	(4,048)	(4,048)	0	4,048
	Materials & Contracts	(14,952)	(14,954)	(1,981)	12,973
	Plant & Overhead Costs	(1,000)	(1,000)	0	1,000
	Public Facilities Total	(20,000)	(20,002)	(1,981)	18,021
Capital Expenditure Total		(20,000)	(20,002)	(1,981)	18,021

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Monkey Mia Boating Facilities					
Operating Income	Operating Statement				
	User Fees & Charges	4,000	4,000	0	(4,000)
	Operating Statement Total	4,000	4,000	0	(4,000)
Operating Income Total		4,000	4,000	0	(4,000)
Operating Expenditure	Operating Statement				
	Employment Costs	(3,038)	(2,286)	(2,079)	207
	Materials & Contracts	(512)	(387)	(682)	(295)
	Depreciation Of Assets	(28,248)	(21,186)	(4,551)	16,636
	Insurance	(1,559)	(1,560)	(1,738)	(178)
	Plant & Overhead Costs	(650)	(486)	(342)	144
	Activity Based Distribution	(11,456)	(8,595)	(7,346)	1,249
	Operating Statement Total	(45,463)	(34,500)	(16,737)	17,763
Operating Expenditure Total		(45,463)	(34,500)	(16,737)	17,763
Capital Revenue	Operating Statement				
	Non Operating Grants, Subsidies A	373,718	373,718	328,718	(45,000)
	Operating Statement Total	373,718	373,718	328,718	(45,000)
Capital Revenue Total		373,718	373,718	328,718	(45,000)
Capital Expenditure	Public Facilities				
	Employment Costs	0	0	0	0
	Materials & Contracts	(2,209,310)	(742,643)	(12,322)	730,321
	Plant & Overhead Costs	0	0	0	0
	Public Facilities Total	(2,209,310)	(742,643)	(12,322)	730,321
Capital Expenditure Total		(2,209,310)	(742,643)	(12,322)	730,321
Road Plant Purchases					
Operating Income	Operating Statement				
	Profit On Sale Of Assets	44,000	27,064	0	(27,064)
	Other Revenue	16,000	0	0	0
	Operating Statement Total	60,000	27,064	0	(27,064)
Operating Income Total		60,000	27,064	0	(27,064)
Operating Expenditure	Operating Statement				
	Depreciation Of Assets	0	0	(38)	(38)
	Loss On Sale Of Assets	0	0	(80,203)	(80,203)
	Activity Based Distribution	(22,913)	(17,181)	(14,691)	2,490
	Operating Statement Total	(22,913)	(17,181)	(94,932)	(77,751)
Operating Expenditure Total		(22,913)	(17,181)	(94,932)	(77,751)
Capital Expenditure	Plant , Equip. & Vehicles				
	Materials & Contracts	(447,000)	(8,000)	(223,879)	(215,879)
	Plant , Equip. & Vehicles Total	(447,000)	(8,000)	(223,879)	(215,879)
Capital Expenditure Total		(447,000)	(8,000)	(223,879)	(215,879)
Streets,Roads,Bridges,Depots					
Operating Income	Operating Statement				
	Contributions	391,741	203,341	84,741	(118,600)
	Other Revenue	0	0	4,799	4,799
	Operating Statement Total	391,741	203,341	89,540	(113,801)
Operating Income Total		391,741	203,341	89,540	(113,801)
Operating Expenditure	Operating Statement				
	Employment Costs	(244,062)	(183,420)	(132,245)	51,175
	Materials & Contracts	(182,646)	(138,230)	(90,069)	48,161
	Depreciation Of Assets	(925,923)	(694,449)	(689,947)	4,502
	Insurance	(3,454)	(3,454)	(3,454)	0
	Plant & Overhead Costs	(226,726)	(170,118)	(116,671)	53,447
	Utility Charges	(40,000)	(29,997)	(22,998)	6,999
	Activity Based Distribution	(42,388)	(31,788)	(27,199)	4,589
	Operating Statement Total	(1,665,199)	(1,251,456)	(1,082,582)	168,874
Operating Expenditure Total		(1,665,199)	(1,251,456)	(1,082,582)	168,874

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Capital Revenue	Operating Statement				
	Non Operating Grants, Subsidies A	527,186	530,939	371,024	(159,915)
	Operating Statement Total	527,186	530,939	371,024	(159,915)
Capital Revenue Total		527,186	530,939	371,024	(159,915)
Capital Expenditure	Buildings				
	Materials & Contracts	(20,000)	(20,000)	(19,091)	909
	Buildings Total	(20,000)	(20,000)	(19,091)	909
	Drainage/Culverts				
	Employment Costs	(7,084)	(4,048)	(283)	3,765
	Materials & Contracts	(50,366)	(24,452)	0	24,452
	Plant & Overhead Costs	(2,550)	(1,500)	(141)	1,359
	Drainage/Culverts Total	(60,000)	(30,000)	(424)	29,576
	Footpaths				
	Employment Costs	(4,554)	(3,914)	(1,741)	2,173
	Materials & Contracts	(92,946)	(81,394)	(40,332)	41,062
	Plant & Overhead Costs	(2,500)	(2,186)	(985)	1,201
	Footpaths Total	(100,000)	(87,494)	(43,058)	44,436
	Furniture & Office Equip.				
	Materials & Contracts	(5,000)	(5,000)	(611)	4,389
	Furniture & Office Equip. Total	(5,000)	(5,000)	(611)	4,389
	Plant , Equip. & Vehicles				
	Materials & Contracts	(15,000)	(11,250)	(4,416)	6,834
	Plant , Equip. & Vehicles Total	(15,000)	(11,250)	(4,416)	6,834
	Roads (Non Town)				
	Employment Costs	(171,800)	(128,844)	(107,853)	20,991
	Materials & Contracts	(258,227)	(198,003)	(149,240)	48,763
	Plant & Overhead Costs	(195,290)	(146,475)	(98,599)	47,876
	Utility Charges	0	0	(30)	(30)
	Roads (Non Town) Total	(625,317)	(473,322)	(355,722)	117,600
	Town Streets				
	Employment Costs	(31,374)	(18,474)	(12,896)	5,578
	Materials & Contracts	(292,623)	(180,977)	(168,408)	12,569
	Plant & Overhead Costs	(6,368)	(3,975)	(2,613)	1,362
	Town Streets Total	(330,365)	(203,426)	(183,917)	19,509
Capital Expenditure Total		(1,155,682)	(830,492)	(607,239)	223,253
Transport Total		(4,255,311)	(1,791,283)	(1,258,049)	533,234
Economic Services					
Building Control					
Operating Income	Operating Statement				
	User Fees & Charges	10,800	8,091	5,598	(2,493)
	Other Revenue	200	57	111	54
	Operating Statement Total	11,000	8,148	5,709	(2,439)
Operating Income Total		11,000	8,148	5,709	(2,439)
Operating Expenditure	Operating Statement				
	Materials & Contracts	(2,200)	(1,647)	0	1,647
	Activity Based Distribution	(47,869)	(35,901)	(27,655)	8,246
	Operating Statement Total	(50,069)	(37,548)	(27,655)	9,893
Operating Expenditure Total		(50,069)	(37,548)	(27,655)	9,893

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Community Development					
Operating Income	Operating Statement				
	Contributions	500	378	1,000	622
	User Fees & Charges	0	0	6,014	6,014
	Operating Statement Total	500	378	7,014	6,636
Operating Income Total		500	378	7,014	6,636
Operating Expenditure	Operating Statement				
	Employment Costs	(162,970)	(123,308)	(112,308)	11,000
	Insurance	(701)	(522)	0	522
	Other Expenses	(6,000)	(4,500)	(24)	4,476
	Plant & Overhead Costs	(3,000)	(2,250)	(1,748)	502
	Activity Based Distribution	(39,886)	(29,916)	(26,392)	3,524
	Operating Statement Total	(212,557)	(160,496)	(140,472)	20,024
Operating Expenditure Total		(212,557)	(160,496)	(140,472)	20,024
Other Economic Services					
Operating Income	Operating Statement				
	User Fees & Charges	14,100	10,594	13,536	2,942
	Other Revenue	3,000	2,266	2,217	(49)
	Operating Statement Total	17,100	12,860	15,753	2,893
Operating Income Total		17,100	12,860	15,753	2,893
Operating Expenditure	Operating Statement				
	Employment Costs	(1,216)	(918)	(456)	462
	Materials & Contracts	(17,876)	(12,162)	(9,897)	2,265
	Depreciation Of Assets	(44,161)	(33,120)	(33,038)	82
	Insurance	(1,790)	(1,790)	0	1,790
	Interest On Financing Costs	(3,522)	(2,646)	(1,544)	1,102
	Plant & Overhead Costs	(608)	(459)	(48)	411
	Utility Charges	(3,850)	(2,889)	0	2,889
	Activity Based Distribution	(29,048)	(21,789)	(18,597)	3,192
	Operating Statement Total	(102,072)	(75,773)	(63,580)	12,193
Operating Expenditure Total		(102,072)	(75,773)	(63,580)	12,193
Private Works					
Operating Income	Operating Statement				
	User Fees & Charges	685,500	581,174	144,643	(436,531)
	Operating Statement Total	685,500	581,174	144,643	(436,531)
Operating Income Total		685,500	581,174	144,643	(436,531)
Operating Expenditure	Operating Statement				
	Employment Costs	(241,332)	(180,990)	(51,619)	129,371
	Materials & Contracts	(268,765)	(201,573)	(86,137)	115,436
	Plant & Overhead Costs	(58,236)	(43,677)	(42,529)	1,148
	Operating Statement Total	(568,333)	(426,240)	(180,285)	245,955
Operating Expenditure Total		(568,333)	(426,240)	(180,285)	245,955
Tourism & Area Promotion					
Operating Income	Operating Statement				
	Contributions	48,500	48,500	4,000	(44,500)
	User Fees & Charges	81,870	45,604	54,343	8,739
	Operating Statement Total	130,370	94,104	58,343	(35,761)
Operating Income Total		130,370	94,104	58,343	(35,761)
Operating Expenditure	Operating Statement				
	Employment Costs	(9,108)	(6,840)	(8,202)	(1,362)
	Materials & Contracts	(105,838)	(68,121)	(64,884)	3,237
	Insurance	(340)	(340)	(278)	62
	Interest On Financing Costs	(11,591)	(8,694)	(8,666)	28
	Other Expenses	(6,000)	(4,500)	(6,000)	(1,500)
	Plant & Overhead Costs	(4,554)	(3,420)	(874)	2,546
	Activity Based Distribution	(33,223)	(24,921)	(21,309)	3,612
	Operating Statement Total	(170,654)	(116,836)	(110,212)	6,624
Operating Expenditure Total		(170,654)	(116,836)	(110,212)	6,624

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Other Property And Services					
Plant Operation Costs					
Operating Expenditure	Operating Statement				
	Employment Costs	(53,134)	(39,852)	(36,521)	3,331
	Materials & Contracts	(267,466)	(200,601)	(145,736)	54,865
	Depreciation Of Assets	(349,362)	(262,017)	(266,779)	(4,762)
	Insurance	(23,488)	(23,488)	(25,731)	(2,243)
	Plant & Overhead Costs	693,450	520,083	410,868	(109,215)
	Operating Statement Total	0	(5,875)	(63,898)	(58,023)
Operating Expenditure Total		0	(5,875)	(63,898)	(58,023)
Public Works Overheads					
Operating Expenditure	Operating Statement				
	Employment Costs	221,474	159,065	58,289	(100,776)
	Materials & Contracts	(7,400)	(5,553)	(14,585)	(9,032)
	Insurance	(42,166)	(42,166)	(42,166)	(0)
	Plant & Overhead Costs	0	0	(692)	(692)
	Utility Charges	(3,500)	(2,628)	(2,168)	460
	Activity Based Distribution	(168,408)	(126,306)	(108,001)	18,305
	Operating Statement Total	(0)	(17,588)	(109,323)	(91,735)
Operating Expenditure Total		(0)	(17,588)	(109,323)	(91,735)
Stock Purchases & Issues					
Operating Expenditure	Operating Statement				
	Employment Costs	0	0	(52)	(52)
	Materials & Contracts	0	0	(3,391)	(3,391)
	Operating Statement Total	0	0	(3,443)	(3,443)
Operating Expenditure Total		0	0	(3,443)	(3,443)
Salaries & Wages					
Operating Expenditure	Operating Statement				
	Employment Costs	0	0	0	0
	Operating Statement Total	0	0	0	0
Operating Expenditure Total		0	0	0	0
Unclassified					
Operating Income	Operating Statement				
	Other Revenue	10,000	9,820	18,561	8,741
	Operating Statement Total	10,000	9,820	18,561	8,741
Operating Income Total		10,000	9,820	18,561	8,741
Operating Expenditure	Operating Statement				
	Employment Costs	0	0	(1,878)	(1,878)
	Materials & Contracts	(20,000)	(15,003)	0	15,003
	Other Expenses	(10,000)	(7,497)	(18,780)	(11,283)
	Operating Statement Total	(30,000)	(22,500)	(20,657)	1,843
Operating Expenditure Total		(30,000)	(22,500)	(20,657)	1,843
Other Property And Services Total		(20,000)	(36,143)	(178,760)	(142,617)
Grand Total		(6,402,872)	(3,253,416)	(2,257,252)	996,164

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Councillor Ridgley declared a Financial Interest in the next item, Item 12.3 Raven Multihulls Pty Ltd, and asked to be allowed to return to Council Chambers for the discussion.

Cr Ridgley left Council Chambers at 3.44 pm

Moved Cr Prior
Seconded Cr Bellottie

Council Resolution

**That Cr Ridgley be allowed to return to Council Chambers for the discussion.
3/2 CARRIED**

Cr Ridgley returned to Council Chambers at 3.45 pm.

Moved Cr Prior
Seconded Cr Wake

Council Resolution

That Council suspend Standing Orders.

6/0 CARRIED

Moved Cr Prior
Seconded Cr Wake

Council Resolution

That Council resume Standing Orders.

6/0 CARRIED

Cr Ridgley left Council Chambers at 4.02 pm.

Moved Cr Cowell
Seconded Cr Prior

Council Resolution

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

5/0 CARRIED

Council invited Mr Harvey Raven back into Council Chambers to clarify information and then he left Council Chambers.

Moved Cr Wake
Seconded Cr Prior

Council Resolution

That the meeting be reopened to members of the public.

5/0 CARRIED

12.3 RAVEN MULTIHULLS PTY LTD
FM00004

Author

Chief Executive Officer

Disclosure of Any Interest

Declaration of Interest: Cr Ridgley

Nature of Interest: Financial Interest as works at Monkey Mia.

Officers Recommendation

That Council note the additional information provided by Raven Multihulls Pty Ltd in regard to outstanding fees at the Monkey Mia jetty.

Option 1

Council in consideration of the additional information provided by Raven Multihulls Pty Ltd delegate the authority to the President and the Chief Executive Officer to negotiate a mutually agreeable settlement within the parameters set by council.

Or

Option 2

Raven Multihulls Pty Ltd be advised that the Council considers the discounted amount of \$6,478.00 resolved at the Ordinary meeting of Council dated 31 October 2012 due and payable and instruct the administration to continue to pursue the debt in a cost effective manner

Moved Cr Capewell
Seconded Cr Prior

Council Resolution

That Council note the additional information provided by Raven Multihulls Pty Ltd in regard to outstanding fees at the Monkey Mia jetty

Council in consideration of the additional information provided by Raven Multihulls Pty Ltd authorize the President and the Chief Executive Officer to negotiate a mutually agreeable settlement within the parameters set by council.

If the negotiations fail the matter is to be bought back to Council.

5/0 CARRIED

Cr Ridgley returned to Council Chambers at 4.23 pm.

Background

Raven Multihulls Pty Ltd have been in dispute with an account for the use of the Monkey Mia jetty since July 2008.

Reports were presented to the Ordinary Council meetings held in July (Appendix I) and October 2012 (Appendix II) attached and the Council resolved the following:

July 2012

That Council waive the 20% surcharge of \$2,548 that was imposed where no advice of usage was provided by the operator in accordance with Council's fees and charges in the 2010/11 adopted budget, and that all other outstanding fees totalling \$6,478 remain due and payable.

October 2012

Council Resolution

That Council continue to pursue the recovery of outstanding jetty fees of \$7,536 from July 2009 for Monkey Mia Wildsights based on 364 berths per quarter (4 berths per day by 91 days) until Mr Raven can substantiate his reduced claim by producing documentary evidence of his vessels berthing activities relative to the outstanding fees and bring the report bought back to the September 2012 ordinary Council meeting.

Dunn and Bradstreet were commissioned to follow up on the debt outstanding which Raven Multihulls have elected to contest in the courts.

The matter has now progressed to a court date and following this advice the defendant has presented further information regarding a clarification of the advice and subsequent interpretation contained within the reports that were presented to Council.

Comment

The recent submission from Mr Raven from Raven Multihulls Pty Ltd follows:

Hello Paul,

Thanks for your time this morning.

I have been unable to comprehend why I was being billed for 100% of possible usage of the jetty and why the Councillors were unrelenting in this. However whilst preparing information for my solicitor in connection with my defence of your claim, it came to my attention that the councillors had been mis-informed by comment provided to them and which is attached as a PDF.

Our brochure advertises 3 cruises and the Agenda Comment associated with that indicates that we would therefore come and go three times a day. This is correct, but the methodology used to calculate the comings and goings is incorrect.

I had previously explained to Richard Towell that we do no land for each cruise departure and return ie 2 landings per each of the 3 cruises (6 times/day).

If we were to use the 3 cruises advertised then the schedule would result in 4 landings

First Landing 9am for 9:30 cruise departure

Second Landing 12pm for disembarkation of 9:30 cruise and for boarding 12:30 cruise

Third Landing 3:30pm for disembarkation of 12:30 cruise and staying alongside for vessel service (in accord with attached permission letter from Shire) until boarding sunset cruise

Fourth & Final Landing for disembarkation of sunset cruise.

The maximum landing we could possibly do would be 4 not 6 as stated. I see now that the Councillors believed they were making an allowance of 2 landings per day and that I therefore be billed for 4 landings per day.

I negotiated 3 landings per day with CEO Matthews, instead of 4, to allow for weather, periods of absence for slipping, cancelled cruises due to lack of custom, breakdown and periods when we operated full day cruises.

There is not an operator in Shark Bay that operates 100% of their promoted schedule. In fact "Aristocat 2" operated by Councillor Ridgley usually operates only 1 of the 4 cruises advertised in the "Aristocat 2" brochure.

It took a lot of work with Richard Towell to unscramble our fees situation due to inaccuracies in accounts, however my fees have paid in full since February 2012 in accordance with the berthage agreed with Mr Matthews and which he undertook to monitor and for which I was then historically charged.

I sincerely hope this sorts this out and that neither of us face any further legal costs over this matter.

Chief Executive Officers comment

The information now presented conflicts to some degree with what has previously been presented to council.

The information now provided indicates agreements that have been entered into with previous staff members of which there is limited information.

The permission letter that was attached to the email submission is dated 1998 and refers to a trial period. It is the understanding of the defendant that this trial period is still in force.

The Council amended its Local Laws in 2002 that would have had the effect of making any ad-hoc arrangements that were in conflict to the Local Laws redundant. This would have applied to the trial arrangement as the 2002 Local Law applied time limits.

It is also unreasonable to believe that a trial period would continue for an extended period of time and to remain in force following a public review and enactment of a Local Law that specifically dealt with the Monkey Mia jetty.

The explanation now provided by Mr Raven in regard to the usage of the jetty appears to have some credibility, however the assertion regarding the negotiations with Chief Executive Officer Mr Matthews appears to be negated by the correspondence to Mr Raven dated 2 October 2008 (appendix 6) and 10 March 2009 (appendix 7).

In the event that there was an agreement in place for 256 berths per quarter it would appear the payments made by Raven Multihulls for the periods July 2009 to June 2011 did not take into consideration the increase in council fees to utilise the jetty.

The cost of continuing this action on an economic basis, based on the costs provided by the solicitors would appear prohibitive.

While it would appear that there may be sufficient evidence to continue the recovery action in court, the conflicting recollections, information provided and time that has lapsed since the alleged debt was incurred may not be to the Council's advantage.

A portion of the costs incurred may be awarded in the event the Council is successful in its action, however this may be a small portion of the final expenses to recover the debt.

It is unfortunate that the matter has progressed to this stage and the Council has now through its review of fees and charges put steps in place to avoid a similar scenario in the future.

The Council could continue to pursue the debt but should take into consideration if this would be the more prudent course of action in the best interests.

It may be in the Council's interest to consider a confidential negotiation with Raven Multihulls based upon the costs calculated utilising the additional information that has been provided. Whilst this may not be an overall palatable solution it may be considered the best use of Council funds.

Legal Implications

Local

Policy Implications

Nil

Financial Implications

The additional information put forward by Mr Raven indicates in his opinion that he is up to date with payments for usage of the Monkey Mia jetty.

Period	Amount paid	Berthing fee	Berths	Charge	Variance
Oct- Dec 2009	\$2,070	8.50	364	\$3,094	\$1,024
Jan- March 2010	\$2,070	8.50	360	\$3,060	\$990
April- June 2010	\$2,070	8.50	364	\$3,094	\$1,024
July-Sept 2010	\$2,070	8.75	368	\$3,220	\$1,150
Oct-Dec 2010	\$2,070	8.75	364	\$3,185	\$1,115
Jan-March 2011	\$2,070	8.75	360	\$3,150	\$1,080
April-June 2011	\$1710	8.75	364	\$3,185	\$1,475
01 July 2011	\$1,380				-\$1,380
Total					\$6,478

The council has previously reviewed these figures and discounted a penalty charge of 20% that was applied to the outstanding charges

Using the berthage figures of the agreement that Mr Raven assumed was in place of 256 berths per quarter and the charges the Council imposed for the relevant years it is estimated that there was a deficit of \$1,104 that appears would have been cleared 1 July 2011.

Period	Amount paid	Berthing fee	Berths	Charge	Variance
July-Sep 2009	\$2,070	8.50	256	\$2,176	\$106
Oct- Dec 2009	\$2,070	8.50	256	\$2,176	\$106
Jan- March 2010	\$2,070	8.50	256	\$2,176	\$106
April- June 2010	\$2,070	8.50	256	\$2,176	\$106
July-Sept 2010	\$2,070	8.75	256	\$2,240	\$170
Oct-Dec 2010	\$2,070	8.75	256	\$2,240	\$170
Jan-March 2011	\$2,070	8.75	256	\$2,240	\$170
April-June 2011	\$1710	8.75	256	\$2,240	\$170
					\$1,104

The solicitors who are undertaking the recovery of the funds have indicated that the cost to continue with the action is as follows:

For a Junior Lawyer from our office to:

- (a) *drive to Carnarvon and back plus attend at the Pre-trial Conference with you will likely cost between \$6,000 and \$7,000 plus GST in travel and legal costs;*
- (b) *fly to Carnarvon and back plus attend at the Pre-trial Conference with you will likely cost between \$1,500 and \$2,500 plus GST in travel and legal costs; and*
- (c) *attend by telephone will be between \$550 and \$900,*

depending on the length of the Pre-trial Conference. Our estimate includes 2-3 hours at the Pre-trial Conference plus half an hour of preparation time.

If you do not require us to drive to Carnarvon or attend the Pre-Trial Conference by telephone, you can attend at the Pre-Trial Conference yourself and telephone our office, as needed, by asking the Registrar at the Pre-Trial Conference for time within the Pre-Trial Conference to telephone us.

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

15 April 2014

APPENDIX 1

**Monkey Mia Jetty Fees – Shotover
SU110**

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Declaration of Interest: Cr Ridgley

Nature of Interest: Impartiality Interest as a user of the Monkey Mia Jetty

Moved Cr McLaughlin
Seconded Cr Capewell

Officer Recommendation

1. That Council reverse the outstanding jetty fees of \$7,536 from July 2009 for Monkey Mia Wildsights by reducing the estimated number of berths per quarter from 364 (4 berths per day by 91 days), to 256 berths.

Or

2. That Council reverse the outstanding jetty fees of \$6,279 from July 2009 for Monkey Mia Wildsights by reducing the estimated number of berths per quarter from 364 (4 berths per day by 91 days), to 273 (3 berths per day by 91 days).

Or

3. That Council continue to pursue the recovery of outstanding jetty fees of \$7,536 from July 2009 for Monkey Mia Wildsights based on 364 berths per quarter (4 berths per day by 91 days).

AMENDMENT

Reason: Council would like to give Mr Raven the opportunity to substantiate his claim of 256 berths per quarter.

Moved Cr McLaughlin
Seconded Cr Capewell

Council Resolution

That Council continue to pursue the recovery of outstanding jetty fees of \$7,536 from July 2009 for Monkey Mia Wildsights based on 364 berths per quarter (4 berths per day by 91 days) until Mr Raven can substantiate his reduced claim by producing documentary evidence of his vessels berthing activities relative to the outstanding fees and bring the report bought back to the September 2012 ordinary Council meeting.

6/0 CARRIED

Background

At the Ordinary Meeting of Council held on 29 February 2012, Council resolved the following:

Officer Recommendation

That Council reverse the outstanding jetty fees of \$9,026 from January 2010 for Monkey Mia Wildsights by

- 1. Reducing the estimated number of berths per quarter from 364 (4 berths per day by 91 days), to 256 berths, totalling an amount payable of \$6,478.***
and
- 2. Waiving the 20% surcharge that was imposed where no advice of usage was provided amounting to \$2,548.***

Amendment

Reason: Council considered that given the 20% surcharge has now been removed from Council's fees and charges it felt that in good faith and due to the lack of clarity in regard to agreements between all parties the additional charge applicable to this account should be waived.

Moved Cr Capewell
Seconded Cr Hanscombe

Council Resolution

That Council waive the 20% surcharge of \$2,548 that was imposed where no advice of usage was provided by the operator in accordance with Council's fees and charges in the 2010/11 adopted budget, and that all other outstanding fees totalling \$6,478 remain due and payable.

5/1 CARRIED

Monkey Mia Wildsights are disputing the outstanding charges based on the belief that there was an agreement in place between Mr Kelvin Matthews, then Chief Executive Officer of the Shire and Monkey Mia Wildsights that an average of 256 berthings per quarter was to be used to determine the charge for the use of the Monkey Mia Jetty.

After follow up from the debt collection agency, Monkey Mia Wildsights have forwarded a letter from Mr Kelvin Matthews that makes reference to 256 berths for the period or an average of three times per day. Further investigation has found that this letter is linked to a series of correspondence to Monkey Mia Wildsights in regards to obtaining an average number of times per day for berthing at Monkey Mia Jetty. All of the correspondence including a reply from Monkey Mia Wildsights is attached to this report. A summary of events is as follows.

In June 2008 the Shire of Shark Bay altered its method of charging for the use of the Monkey Mia jetty to a per berth rate effective from 31 March 2008. The Shire wrote to Monkey Mia Wildsights on 27 June 2008 requesting an estimate of the number of times they had berthed on the Monkey Mia jetty for the period 31 March 2008 to 30 June 2008 so that the applicable invoice could be raised. No response was received to this request

On 17 July 2008, the Shire wrote to Monkey Mia Wildsights advising them that as they have not provided the information requested in the previous correspondence, an

invoice (number 4974) for the period has been raised based on an estimate of 4 berths per day by 91 days (364).

On 10 September 2008 the Shire wrote to Monkey Mia Wildsights advising them that invoice 4974 still remains outstanding and also requests the number of berths on the Monkey Mia jetty for the next quarter to 30 September 2008.

On 12 September 2008 Monkey Mia Wildsights wrote to the Shire of Shark Bay requesting them to amend invoice 4974 to show the correct total of 256 berthings during the period (31 March 2008 to 30 June 2008).

On 2 October 2008 (the letter is incorrectly dated 2 October 2006) The Shire of Shark Bay wrote to Monkey Mia Wildsights (this is the letter that Monkey Mia Wildsights forwarded), advising that invoice 4974 has been amended to reflect usage of 256 berths, or an average of three berths per day for the period as well as the invoice for the next period, invoice 5217 also charged at 256 berths for the period.

On 10 March 2009 the Shire of Shark Bay wrote to Monkey Mia Wildsights advising them that as no advice of the number of berths for the period has been received, an estimate of 3 berths per day for 92 days (276) has been used as an average for invoice 5549 for the December 2008 quarter.

The March 2009 and June 2009 quarters were charged and paid at the same invoice amount of \$2,070 per quarter. In July 2009 the fee per berth changed from \$7.50 per berth to \$8.50 per berth. The September 2009 quarter invoice was raised and paid on the \$7.50 per berth rate (\$2,070). The December 2009 quarter invoice was also raised at the \$7.50 per berth rate. (\$2,070) In June 2010 adjustment invoices were raised for the extra \$1 per berth and the average number of berths was increased to 4 berths per day for the September 2009 and December 2009 quarter invoices. The March 2010 and June 2010 quarter invoices were also raised at 4 berths per day and \$8.50 per berth. Monkey Mia Wildsights continued to pay the amount of \$2,070 per quarter.

The invoices for the 2011 financial year were raised at 4 berths per day, \$8.75 per berth and the addition of the 20% surcharge for not providing advice of jetty usage. Monkey Mia Wildsights continued to pay the amount of \$2,070 per quarter until April 2011. In October 2011 Monkey Mia Wildsights paid an amount of \$1,710 and in February 2012 paid amounts outstanding of \$3,208 to bring payments in line with 256 berths per quarter at the applicable rate.

The account for Monkey Mia Wildsights in relation to jetty fees has been in dispute for some time. As no advice of usage has been provided by Monkey Mia Wildsights, invoices were raised based on an estimated average of 4 berths per day per quarter and a 20% surcharge was added for not providing advice. The surcharge was waived by Council at the February Council meeting. Monkey Mia Wildsights have made part payments on their accounts but invoices that are only part paid now date back to mid 2009. The payments made are in correlation with 256 berths per quarter and no surcharge being imposed.

Comment

There are arguments for all of the options of the recommendation, being.

256 berths per quarter is the average number of berths per quarter advised by Monkey Mia Wildsights for the first quarter of the new fee structure (31 March to 30 June 2008) and applied as the charge for the first two billing quarters.

Three berths per day is the average that has been used to determine the \$2,070 charge that has been applied and accepted from December 2008.

If Shotover were to undertake all of its advertised cruises and use the jetty in accordance with the Monkey Mia jetty Local laws, the vessel would berth at the jetty six times per day. Taking into account that the Shotover may not operate every cruise on every day, this may be where the 4 times per day charge has been averaged from.

The charge rate of 256 berths per quarter at last year's rate of \$8.75(inc GST) per berth equates to an annual amount of \$8,145(ex GST) for use of the jetty facility. This appears to be a fair and reasonable charge for the use of the facility taking into account the fees paid by other users of the facility and that Shotover is the highest user of the facility.

The changes to the fee structure introduced last year to bring the Monkey Mia Jetty fee structure in line with the Denham Marine Facilities fee structure has resulted in the vessels berthing fees being reduced to \$1,662 per year.

Legal Implications

If the outstanding jetty fees are not reversed, the outstanding amount will be followed up by the debt collection agency and legal proceedings commenced to resolve the dispute. It is unknown what the cost to Council will be if this option is pursued.

Policy Implications

Nil

Financial Implications

All of the outstanding amounts are carried forward from the 2010 and 2011 financial years. Any reversal of these charges will be expensed to bad debts to avoid distorting the revenue figures for the Monkey Mia Jetty charges for the financial year.

The Fees and Charges for the use of the Monkey Mia Jetty have been changed for the 2011-2012 financial year by introducing an annual per metre vessel rate and eliminating the 20% surcharge to bring the charges in line with the Denham Marine Facilities.

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

24/07/2012

ORDINARY COUNCIL MINUTES

25 JULY 2012

Shotover Invoicing

Quarter	Days	Berths per day	Berths per Quarter	Rate	Fees	Payment Received	Date Received	Amount Outstanding	Current Account Balance	Write Off Adjustment
Jul-Dec	256	3	768	8.75	6714	17,950	17/09/2012	1,380	7536	7,432
Jan-Jun 11	256	3	768	8.75	6714	2,260	10/09/2011	530	7536	
Jan-Jun 10	256	3	768	8.75	6714	2,260	14/04/2011	170	7536	
Jul-Dec 09	256	3	768	8.75	6714	2,260	2/09/2010	170	7536	
Jan-Mar 10	85	3	255	8.5	2168	2,070	21/09/2010	106	7536	
Apr-Jun 10	85	3	255	8.5	2168	2,070	21/09/2010	106	7536	
Jul-Sep 09	85	3	255	8.5	2168	2,070	18/09/2010	106	7536	
Oct-Dec 09	85	3	255	8.5	2168	2,070	18/09/2010	106	7536	
Total					17,664	17,950		84	7536	7,432

Quarter	Days	Berths per day	Berths per Quarter	Rate	Fees	Payment Received	Date Received	Amount Outstanding	Current Account Balance	Write Off Adjustment
Jul-Dec	273	3	819	8.75	7166	17,980	17/09/2012	1,380	7536	6,279
Jan-Mar 11	273	3	819	8.75	7166	2,385	12/01/2011	576	7536	
Apr-Jun 11	273	3	819	8.75	7166	2,385	12/01/2011	576	7536	
Oct-Dec 10	273	3	819	8.75	7166	2,385	14/04/2011	348	7536	
Jan-Mar 10	273	3	819	8.75	7166	2,385	14/04/2011	348	7536	
Jul-Sep 10	273	3	819	8.75	7166	2,385	21/09/2010	251	7536	
Jan-Mar 10	273	3	819	8.5	2324	2,285	21/09/2010	225	7536	
Apr-Jun 10	273	3	819	8.5	2324	2,285	21/09/2010	225	7536	
Oct-Dec 09	273	3	819	8.5	2324	2,285	18/09/2010	225	7536	
Jan-Mar 09	273	3	819	8.5	2324	2,285	18/09/2010	225	7536	
Total					20,817	17,980		2,517	7536	6,279

Quarter	Days	Berths per day	Berths per Quarter	Rate	Fees	Payment Received	Date Received	Amount Outstanding	Current Account Balance	Write Off Adjustment
Jul-Dec	364	4	1456	8.75	12704	17,980	17/09/2012	1,380	7536	
Jan-Jun 11	364	4	1456	8.75	12704	3,185	10/10/2011	1,475	7536	
Jan-Mar 11	364	4	1456	8.75	12704	3,185	14/04/2011	1,090	7536	
Oct-Dec 10	364	4	1456	8.75	12704	3,185	14/04/2011	1,115	7536	
Jan-Mar 10	364	4	1456	8.75	12704	3,185	14/04/2011	1,150	7536	
Apr-Jun 10	364	4	1456	8.5	3088	2,070	21/09/2010	1,024	7536	
Jul-Sep 10	364	4	1456	8.5	3088	2,070	21/09/2010	830	7536	
Oct-Dec 09	364	4	1456	8.5	3088	2,070	18/09/2010	830	7536	
Jan-Mar 09	364	4	1456	8.5	3088	2,070	18/09/2010	830	7536	
Total					25,116	17,980		7,536	7536	-

Confirmed at the Ordinary Council meeting 29 August 2012 – Signed by the President Cr C Cowell

30 APRIL 2014

ORDINARY COUNCIL MINUTES

25 JULY 2012

MA 100

27 June 2008

Mr H Raven
Monkey Mia Wildlife
MONKEY MIA WA 6537

Dear Mr Raven

MONKEY MIA JETTY FEES

You will be aware that the Shire of Shark Bay recently altered its method of fees and charges for the use of the Monkey Mia Jetty effective for the last financial quarter of the 2007/08 year.

The methodology of applying fees and charges for the above said period has changed from the *per metre per vessel* dollar rate to that of a *berthing per vessel* dollar rate for each and every time your vessel is in use of the jetty. For the period in question 31 March 2008 to 30 June 2008 this amount is at \$5.10 p/berth.

You are therefore requested to provide the Shire of Shark Bay with an estimate amount of time(s) p/day you have berthed on the Monkey Mia Jetty for the stated period (31 March to 30 June 2008) in order that council can accurately raise the applicable invoice correctly. Failure to provide this estimate will result in council applying an average amount of times your vessel has berthed on the jetty p/day for the stated period.

Due the end of the financial being the 30 June 2008 this information is requested by 7 July 2008 in order that the correct invoice can be sent to you by council.

Should you have any queries regarding the matter please do not hesitate to contact the undersigned.

Yours sincerely,

K J Matthews
Chief Executive Officer

30 APRIL 2014

ORDINARY COUNCIL MINUTES

25 JULY 2012

MA 100

17 July 2008

Mr H Raven,
Monkey Mia Wildlife
MONKEY MIA WA 6537

Dear Mr Raven

MONKEY MIA JETTY FEES

I refer to my correspondence you dated 27 June 2008 regarding the above matter and that the Shire of Shark Bay recently altered its method of fees and charges for the use of the Monkey Mia Jetty effective for the last financial quarter of the 2007/08 year.

You will also be aware that in this correspondence I requested that you provide the Shire of Shark Bay with an estimate amount of time(s) p/day you have berthed on the Monkey Mia Jetty for the stated period (31 March to 30 June 2008) in order that Council can accurately raise the applicable invoice charge for this period.

You were requested to provide this estimate by 7 July 2008 in order that the correct Invoice can be sent to you by Council. I confirm that as of today's date you have not provided such information in writing and accordingly an Invoice for the period 1 April 2008 to 30 June 2008 is attached.

The Invoice attached for the stated period is calculated on an amount of three (3) berths at the Monkey Mia Jetty p/day as follows –

4 (berths) p/day @ \$6.10 p/berth x 91 days = \$1866.40

Payment of the above (as attached Invoice) is required in accordance with Council policy to avoid further action being taken. For your information the berthing fee for the Monkey Mia Jetty for the 2008/09 year is at \$7.50 and will be invoiced to you on a quarterly basis utilising the above calculation.

Should you have any queries regarding the matter please do not hesitate to contact me.

Yours sincerely,

K J Matthews
Chief Executive Officer

Confirmed at the Ordinary Council meeting 29 August 2012 – Signed by the President Cr C Cowell _____

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30 APRIL 2014

ORDINARY COUNCIL MINUTES

25 JULY 2012

MA 100
Kelvin Matthews

10 September 2008

Mr Harvey Raven
Proprietor
Monkey Mia Wildsights
93 Knight Terrace
DENHAM WA 6837

Dear Mr Raven

OUTSTANDING FEES MONKEY MIA JETTY

I refer to Council's Invoice (number 4974) dated 17 July 2008 regarding the above matter and confirm that payment for this amount remains outstanding.

You will be aware of previous correspondence sent to you regarding the matter that details the reason for the Invoice amount. Accordingly should payment for the above outstanding amount not be made within seven days the matter will be referred to Council's Debt Collection Agency. This action may incur further unnecessary cost so therefore it is recommended that you settle the outstanding amount in full within seven days.

I also draw your attention to the Shire of Shark Bay's Local Law Monkey Mia Jetty that details and outlines the terms and conditions associated with the use of the Council owned jetty. Furthermore and in accordance with previous correspondence, the first quarter (July, August, September) for the 2008/09 financial year also requires that you provide Council with the number of baths p/day on the Monkey Mia Jetty so the correct calculation can be applied regarding your use of the jetty. Should you not reply to this request (as previously) then an average figure of baths will be applied and you will be invoiced accordingly.

It is recommended that you attend to the above matter as a matter of urgency so as to avoid further action being taken by Council. Should you have any queries regarding the matter please do not hesitate to contact the undersigned.

Yours sincerely,

K J Matthews
Chief Executive Officer

Confirmed at the Ordinary Council meeting 29 August 2012 – Signed by the President Cr C Cowell _____

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30 APRIL 2014

ORDINARY COUNCIL MINUTES

25 JULY 2012

MA100
1-02-4904

RECEIVED
18 SEP 2008

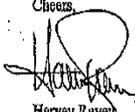
Shire of Shark Bay **MONKEY MIA WILDSIGHTS**
Cruises, Tours, Walks, Talks, Lunch & Stays

12th September 2008

Mr K Matthews
Shire of Shark Bay
Knight Terrace
Denham WA 6537

Mr Matthews,
Invoice 4973 Monkey Mia Jetty fees

Please amend your invoice to show the correct total of 256 berthings during the period.

Cheers,

Harvey Raven

Raven Multitude Pty Ltd
(ABN 62 010 801 002)
trading as Monkey Mia Wildsights

Mail Box P8 Box 22,
Denham, WA 6537 Australia

File (08) 98 481 401
Mobile (01 8) 98 481 401
Fax (08) 98 481 471
Intnl (61 8) 98 481 471

Bookings:
Freecall 1800 241 460
Freefax 1800 241 460
r.f@ravenmultitude.com.au

2000 British Airways
"Tourism for Tomorrow"
Awards (UK)
Highly Commended -
Australia Special Award

2001 Responsible
Tourism Showcase (WGA)
Resource for Australia
FACET Golden Guide Award
Finalist 2008

Western Australia
Tourism Awards -
Ecotourism
Silver Medalist 2006
Finalist 2001 Finalist 2000

Confirmed at the Ordinary Council meeting 29 August 2012 – Signed by the President Cr C Cowell

30 APRIL 2014

ORDINARY COUNCIL MINUTES

25 JULY 2012

12th September 2008

RECEIVED
10 SEP 2008
Shire of Shark Bay

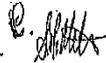
Mr K Matthews
Shire of Shark Bay
Knight Terrace
Denham WA 6537

Mr Matthews,

Invoice 4974 Monkey Mia Jetty fees

Please amend your invoice to show the correct total of 256 berthings during the period.

Cheers,



Harvey Raven

Confirmed at the Ordinary Council meeting 29 August 2012 – Signed by the President Cr C Cowell _____

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30 APRIL 2014

ORDINARY COUNCIL MINUTES

25 JULY 2012

SHIRE OF SHARK BAY
65 Knight Terrace
Denham WA 6537
PO Box 126 Denham WA 6537



Telephone (08) 9949 1218
Facsimile (08) 9948 1237
Email: admin@sharkbay.wa.gov.au
All correspondence to the
Chief Executive Officer

Your Ref
Our Ref
Enquires
MA 100.01
I-CR-4901
Kelvin Mathews

2 October 2008

Mr H Raven
Monkey Mia Wildlife Selling
131 Knight Terrace
DENHAM WA 6537

Mr Raven

MONKEY MIA JETTY FEES

I refer to your correspondence dated 12 September 2008 regarding the above matter and your request to have Invoice # 4974 amended according to the average berths at the Monkey Mia Jetty.

You will recall this is the information I sought from you in my correspondence in July this year so as to apply the correct amount of berths of your vessel at the Monkey Mia Jetty. For some reason you chose not to respond at that time until Invoice # 4974 was forwarded to you for payment dated 17 July 2008.

Notwithstanding the above you are advised that Invoice # 4974 has been amended to reflect usage of the Monkey Mia Jetty at 266 berths for the period, or an average of three times p/day. You are also advised that spot audits will be undertaken by the undersigned from time to time to verify the stated berths of three times p/day as advised in your correspondence dated 10 September 2008 is confirmed as accurate.

Accordingly I attach Invoice (amended) for the stated period 1 April to 30 June 2008 as well as for the period 1 July to 30 September 2008. I expect that payment for both periods will be forthcoming without any further delay.

Should you have any queries regarding the matter please do not hesitate to contact the undersigned.

Yours sincerely,


K J Mathews
Chief Executive Officer

Confirmed at the Ordinary Council meeting 29 August 2012 – Signed by the President Cr C Cowell

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ORDINARY COUNCIL MINUTES

25 JULY 2012

O-CR-2567 / MA100
Rhonda Mellam

10 March 2009

MR H RAVEN
111 KNIGHT TERRACE
DENHAM WA 6837

Dear Mr Raven

MONKEY MIA JETTY FEES OCTOBER 2008 TO DECEMBER 2008

Please find attached Invoice number 5555 for \$2,070.00. This is for the average berthage on the Monkey Mia Jetty between 1 October 2008 and 31 December 2008.

As no advice of berthage has been received, Council has applied the average for this period. You will be aware that Council requires advice from you every quarter of the amount of times you have berthed on the Jetty.

This invoice will not be reversed as you have not advised Council after 2 months so an average has been charged of 3 berths per day at \$7.50 per berth for 92 days.

This invoice needs your urgent attention as the next Invoice will be raised on the 30 April 2009 if the actual figures are not received before this date.

Yours Sincerely

K J Matthews
Chief Executive Officer

APPENDIX II

Monkey Mia Jetty Fees - Shotover
SU110

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Declaration of Interest: Cr Ridgley

Nature of Interest: Financial Interest as work at Monkey Mia and is a competitor

Cr Ridgley left the Council Chamber at 9.56 am

Moved Cr Capewell

Seconded Cr Prior

Council Motion

That Council reverse the outstanding jetty fees of \$6,141 from July 2009 for Monkey Mia Wildsights by reducing the number of berths per quarter from 364 berths to 275 berths per quarter based on the documentary evidence provided by Mr Raven, leaving an amount outstanding of \$1,395.

0/5 LOST

Note: Information supplied by Mr Raven is not relevant to the period requested by Council and Council will continue to pursue the debt as Mr Raven has had adequate time to substantiate his claim.

Moved Cr McLaughlin

Seconded Cr Capewell

Council Resolution

That Council instruct the administration to continue to recover the outstanding jetty fees of \$7,536 from July 2009 for Monkey Mia Wildsights based on 364 berths per quarter (4 berths per day by 91 days).

5/0 CARRIED

Cr Ridgley entered the Council Chamber at 10.18 am

Background

At the Ordinary Meeting of Council held on 26 September 2012, Council resolved the following:

AMENDMENT

Reason: The recommendation was amended to provide a time frame that the information has to be provided to the Council.

Moved Cr Prior

Seconded Cr McLaughlin

Council Resolution

That Council allow Mr Raven a final extension until 19 October 2012 to produce documentary evidence of his vessels berthing activities on the Monkey Mia Jetty as detailed in resolution from July 2012 Ordinary Council meeting for further consideration by the Council at the ordinary meeting to be held in October 2012

5/0 CARRIED

At the Ordinary Meeting of Council held on 25 July 2012, Council resolved the following:

AMENDMENT

Reason: Council would like to give Mr Raven the opportunity to substantiate his claim of 256 berths per quarter.

Moved Cr McLaughlin
Seconded Cr Capewell

Council Resolution

That Council continue to pursue the recovery of outstanding jetty fees of \$7,536 from July 2009 for Monkey Mia Wildsights based on 364 berths per quarter (4 berths per day by 91 days) until Mr Raven can substantiate his reduced claim by producing documentary evidence of his vessels berthing activities relative to the outstanding fees and bring the report bought back to the September 2012 Ordinary Council meeting.

6/0 CARRIED

At the Ordinary Meeting of Council held on 29 February 2012, Council resolved the following.

Officer Recommendation

That Council reverse the outstanding jetty fees of \$9,026 from January 2010 for Monkey Mia Wildsights by

- 1. Reducing the estimated number of berths per quarter from 364 (4 berths per day by 91 days), to 256 berths, totalling an amount payable of \$6,478. and***
- 2. Waiving the 20% surcharge that was imposed where no advice of usage was provided amounting to \$2,548.***

AMENDMENT

Reason: Council considered that given the 20% surcharge has now been removed from Council's fees and charges it felt that in good faith and due to the lack of clarity in regard to agreements between all parties the additional charge applicable to this account should be waived.

13. TOWN PLANNING REPORT**13.1 EXISTING SCHEME REQUIREMENTS: GENERAL BUILDING HEIGHTS AND VIEW PROTECTION, DENHAM**
LP00002Author

Liz Bushby, Gray and Lewis Land Use Planners

Disclosure of Any Interest

NIL

Moved Cr Cowell
Seconded Cr Ridgley

Council Resolution**That Council:**

- 1. Authorise the Chief Executive Officer to notify Gray & Lewis Landuse Planners that Council has considered the issue of building height and view protection and resolves to pursue Option 2 outlined in this report.**
- 2. Note that the Council resolution will be implemented as part of the Scheme review process.**

6/0 CARRIED

Précis

Council is to consider the issue of building height in Knight Terrace and protection of views from lots in Hughes Street, Denham. The objective is to give Council opportunity for early input into the Town Planning Scheme review.

Background

A Scheme review process is currently underway and Gray & Lewis Landuse Planners have prepared a skeleton Draft Shire of Shark Bay Local Planning No 4 (Draft Scheme 4).

The Draft Scheme 4 will be finalised once there is Council feedback on some important preliminary issues. It has also been held pending further progression of the Denham Town Centre Structure Plan being developed by GHD.

Gray & Lewis held a workshop with Councillors on issues relating to the Scheme Review on the 25 February 2014. At the workshop it was identified that there are two important issues that should be referred to Council for consideration including:

1. Building height in Knight Terrace and protection of views
2. Special Use zones and whether to allow flexibility for some limited development to proceed without an Outline Development Plan / Structure Plan.

A separate Item No 13.2 in this agenda discusses special use zones.

Comment

- Existing Scheme requirements

Under the current Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme') there is a strong emphasis on limiting building height for the protection of views of lots between Hughes Street and the foreshore.

An objective of the Town Centre zone under the Scheme is to 'limit the height of buildings so as to substantially protect the views of lots between Hughes Street and the foreshore'.

This is re-enforced by Clause 5.13.7 on 'Building Heights' which states:

'To maintain the amenity of any dwelling in the residential area, the local government shall have due regard to building heights for any lot between Knight Terrace and Hughes Street'.

- Pros and Cons

The full history and rationale for limiting building height as per the current Scheme is not known by Gray & Lewis, however it places constraints on new development in Knight Terrace.

Gray & Lewis has compiled a table outlining some of the issues relating to building height and view controls:

Advantage (Pro)	Disadvantage (Con)
High level of protection of residential amenity and protection of view corridors to the coast	Conflicts with flood mitigation requirements as new development in Knight Terrace has to be built up to meet minimum floor levels
Views from the residential area to the coast contribute towards the coastal town character of the area.	Places limitations on building height for new development in the Town Centre and along Knights Terrace.
Protects some houses along Hughes Street which may have been specifically designed and constructed to maximise views of the ocean	No recognition that any two storey development on the south west side of Hughes Street will likely block views of any dwelling built on the north east side of Hughes Street.
The existing Scheme provisions may have created a high expectation by existing landowners in Hughes Street that their views will continue to be protected. Maintaining	Does not allow flexibility and has potential to limit design options for lots in the Town Centre zone.

the 'status quo' will not cause any undue controversy.	
Provides certainty for landowners who design and construct a house in Durlacher Street which maximises orientation towards views	Does not actively encourage (vertical) mixed use development due to building height constraint (eg shops on ground floor and short stay or residential on upper stories)
	Does not allow lots on Knight Terrace which are located on prime coastland to maximise upper storey views of the ocean. Maximising views could be a high priority for any new tourist uses or tourist accommodation.
	Limits the Council's ability to approve good quality new development in the core Town Centre if the building height has potential to interfere with views.
	Does not allow opportunity for landmark multi storey buildings in the Town Centre.
	May limit opportunity for undercroft or underground carparking due to the need to minimise building height.
	Creates uncertainty for landowners and developers for new development along Knight Terrace

- Options available to Council

Option 1 – Maintain the status quo. The existing Scheme provisions can be included in the new Draft Scheme 4.

Option 2 – Maintain some reference in Draft Scheme 4 to views however soften the wording of the provisions and balance the issue with the need to achieve good quality development outcomes in the Town Centre.

Draft Scheme 4 can include more flexibility wording such as Council '*having some regard for views from Hughes Street balanced with the greater overarching need to achieve high quality new development in the Town Centre zone*'.

Option 2 allows Council to consider views however places a lesser emphasis on limiting building height to substantially protect views.

Option 3 – Delete any reference to views in Draft Scheme 4 so there are no building limitations and complete flexibility for any new development on Knight Terrace and in the Town Centre.

Option 4 – Place a specific building height limitation in the Scheme for new development on Knight Terrace (eg. 9 metres above the required minimum floor level of RL 3.2 AHD).

The building height can be set by Council.

Option 5 – Publish a public notice on the existing scheme provisions and solicit preliminary comments and submissions from the wider community on this specific issue.

Ultimately it is the Council's decision on the direction to be taken in regards to building height under Draft Scheme 4.

It is essential that Council debates the future direction that should be taken for dealing with building height, and whether it seeks to continue to substantially protect the views of lots between Hughes Street and the foreshore.

Legal Implications

Any decision on the issue of building heights and views will not have an immediate impact however Councils feedback will be incorporated into the new draft Scheme 4. The draft Scheme 4 has to undergo a lengthy statutory process and will not have any legal status until such time as it is approved by the Minister for Planning and gazetted.

Draft Scheme 4 requires adoption by Council, assessment and endorsement by the Western Australian Planning Commission, public advertising and Ministerial approval.

The matter can be further reviewed as a result of community feedback when the Draft Scheme is more advanced.

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Councillors views on this issue will be fed into the Scheme Review.

Voting Requirements

Simple Majority Required

Date of Report

15 April 2014

13.2 SCHEME REVIEW: PROVISIONS FOR SPECIAL USE ZONES
LP00002

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 Bellottie
Seconded Cr Prior

Council Motion

That Council:

1. Authorise the Chief Executive Officer to notify Gray & Lewis Landuse Planners that Council has considered matters relating to Special Use zones and resolves to pursue Option 3 outlined in this report.
2. Note that the Council resolution will be implemented as part of the Scheme review process.

1/5 LOST

Moved Cr Ridgley
Seconded Cr Cowell

Council Resolution

That Council:

1. **Authorise the Chief Executive Officer to notify Gray & Lewis Landuse Planners that Council has considered matters relating to Special Use zones and resolves to pursue Option 2 outlined in this report.**
2. **Note that the Council resolution will be implemented as part of the Scheme review process.**

6/0 CARRIED

Précis

Council is to consider whether increased flexibility should be built into the new Town Planning Scheme No 4 ('Draft Scheme 4') to allow minor development to proceed within Special Use zones without requiring an Outline Development Plan or Structure Plan.

Council feedback is sought for progression of the Town Planning Scheme review.

Background

A Scheme review process is currently underway and Gray & Lewis Landuse Planners have prepared a skeleton Draft Shire of Shark Bay Local Planning No 4 (Draft Scheme 4).

The Draft Scheme 4 will be finalised once there is Council feedback on some important preliminary issues. It has also been held pending progression of the Denham Town Centre Structure Plan being developed by GHD.

Gray & Lewis held a workshop with Councillors on issues relating to the Scheme Review on the 25 February 2014. At the workshop it was identified that there are two important issues that should be referred to Council for consideration including:

1. Building height in Knight Terrace and protection of views
2. Special Use zones and whether to allow flexibility for some limited development to proceed without an Outline Development Plan / Structure Plan.

A separate Item 13.1 in this agenda discusses building heights and views.

Comment

- Special Use zones

Under the current Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme') a number of sites are zoned 'Special Use' including and not limited to Monkey Mia and Nanga.

Special Use zones are typically applied to individual sites to accommodate specific forms of development, such as tourist accommodation. There is a schedule in the Scheme which lists the permissible uses within each Special Use zone, and places specific conditions on any development in the Special Use zone – Attachment at end of this report.

A condition imposed on some of the existing Special Use zones including Monkey Mia and Nanga is that '*Development of the site shall be in accordance with an approved Outline Development Plan that has been prepared in accordance with the requirements of Clause 5.9 and endorsed by the Western Australian Planning Commission.*'

This clause means that Council has no discretion to approve any development (at Monkey Mia and Nanga) as there is no Outline Development Plan for these sites endorsed by the Western Australian Planning Commission.

- Existing Problems

It is not uncommon for Outline Development Plans to be required to guide subdivision or development on sites with special attributes.

Many of the Special Use sites are located in environmentally sensitive areas, within World Heritage Property, are isolated, and located in prominent coastal locations.

The unusual situation in Shark Bay is not all of the Special Use sites are vacant greenfield lots as areas such as Nanga have been historically developed over time without an endorsed Outline Development Plan.

Council has absolutely no discretion to approve even minor development in some of these Special use zones where there is no endorsed Outline Development Plan.

This issue has arisen recently where the owner of Nanga wanted to build new toilets and amenities to service existing development, however did not have an Outline Development Plan endorsed by the Western Australian Planning Commission.

It places restrictions on existing development and does not allow operators to refurbish, renovate or upgrade existing development until such time as there is an endorsed Outline Development Plan.

Under the new Scheme the term 'Outline Development Plan' will be replaced with 'Structure Plan'. This terminology is more consistent with Western Australian Planning Commission Guidelines which outline the format for Structure Plans.

- Scheme Review

This report seeks Council feedback on whether to maintain the status quo or identify if Council would like increased flexibility under the new Scheme.

Gray & Lewis has drafted a new clause to apply to Special Use zones which will allow for development without an approved Structure Plan such as;

- A. Internal fitouts, maintenance and refurbishment of existing buildings.
- B. Limited extensions to existing non habitable buildings (eg restaurants).
- C. Construction of new ancillary development including toilets, shared amenities and 90m² storage building.

The Draft Clause is listed below for Council consideration:

'4.7.3 Notwithstanding any other provision of the Scheme, the local government shall have discretion to vary a condition set out in Schedule 4 by resolution of an Absolute Majority with respect to that land where:

- (a) The condition stipulates development of the site shall be in accordance with an approved Structure Plan and no Structure Plan has been approved by the Western Australian Planning Commission; and*
- (b) The development only involves internal alterations to an existing building; and/ or*
- (c) The development is for maintenance or refurbishment of an existing building or development with no major alterations to the building footprint; and/or*
- (d) The development is an alteration or addition to an existing non habitable building which does not increase the gross floor area by more than 30%; and*
- (e) The use of the building is not proposed to substantially change; or*

- (f) *The development is specifically for ablution, toilet, shared facilities or amenities ancillary to existing tourist development; and*
- (g) *The development will not compromise preparation of any future Structure Plan in the opinion of the local government; and*
- (h) *The development will not compromise World Heritage Values in the opinion of the local government; or*
- (i) *The condition relates to a matter specifically listed to be addressed by the Structure Plan for that Special Use zone and does not need to be addressed for an individual development; and/or*
- (j) *The local government and Western Australian Planning Commission agree in writing that the condition does not need to be imposed as it does not relate to the size, scale and type of development proposed.'*

- Options available to Council

Option 1 – Maintain the status quo.

Option 2 – Support the Draft Clause 4.7.3 (above) for inclusion in the new Scheme (with or without modification).

Option 3 – Allow broader flexibility to approve any development in a Special Use zone where a Detailed Area Plan is prepared and adopted by the local government, and where development does not warrant preparation of Structure Plan and/or will nor prejudice future preparation of a Structure Plan.

Detailed Area Plans are planning tools used to outline design control measures and the overall look of the development. They tend to be less detailed and onerous than Structure Plans.

Detailed Area Plans will often vary, reflecting the differences in areas and scenarios that may arise for different sites such as streetscape, solar orientation, passive surveillance, noise, access roads, mixed-use development, landscape, the pedestrian network, building height and topography.

- Officer Comment

Gray & Lewis favours Option 2 as it achieves a balance between the need for Structure Plans to be prepared for sites such as Monkey Mia, however provides some recognition that works may be required for ongoing maintenance and refurbishment of existing development.

Gray & Lewis has informally approached the Department of Planning about allowing flexibility for existing developments such as Monkey Mia. The Department of Planning has indicated that whilst this approach has never been applied before to Special Use zones, officers are willing to consider increasing flexibility especially for maintenance purposes.

Council feedback on this matter is essential as it has arisen for some new development proposals in the last few years.

Legal Implications

Any decision relating to Special Use zones will not have an immediate impact however Councils feedback will be incorporated into the new draft Scheme 4. The draft Scheme 4 has to undergo a lengthy statutory process and will not have any legal status until such time as it is approved by the Minister for Planning and gazetted.

Draft Scheme 4 requires adoption by Council, assessment and endorsement by the Western Australian Planning Commission, public advertising and Ministerial approval.

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Councillors views on this issue will be fed into the Scheme Review.

Voting Requirements

Simple Majority Required

Date of Report

9 April 2014

14. BUILDING REPORT

Nil

15. HEALTH REPORT

Nil

16. WORKS REPORT

Nil

17. TOURISM, RECREATION AND CULTURE REPORT**17.1 AUSTRALIA'S CORAL COAST BOARD MEETING 2 APRIL 2014**
CM00027Author

Executive Manager Tourism Community and Economic Development

Disclosure of Any Interest

Nil

Moved Cr Ridgley
Seconded Cr Prior

Council Resolution

That the report be noted and administration continue to work with regional tourism bodies to promote joint area promotion.

6/0 CARRIED

Background

The Executive Manager Tourism, Community and Economic Development is currently a Board member of Australia's Coral Coast, the regional tourism organisation which covers Jurien Bay to Exmouth. Board meetings are held quarterly plus an Annual General Meeting. The Marketing Report for April 2014 is attached.

Comment

The main topics of discussion were as follows:

- The Shire of Dandaragan has recently employed a marketing and tourism officer to work from their newly opened Civic Centre in Jurien Bay. This is the Shire's first appointment of a tourism officer to work with the local industry, a move that has been strongly welcomed by local operators and is seen as an indication of Council's commitment to the tourism industry.
- The current contracts for the five regional tourism organisations in Western Australia are due to expire in mid 2015. A review is currently underway to determine whether the current structure is working effectively before new contracts are developed. There have been discussions about possibly changing the current boundaries of the existing regions which may have an impact of Australia's Coral Coast with additional areas to be absorbed into the region.
- Exmouth will host a regional swimming championship in March 2015 which is expected to attract up to 1500 participants and spectators. In June 2015 they will also host an international caving conference with 150 parties already registered. Exmouth tourism operators are keen to work with other tourism operators in the region to extend the visitor experience beyond Exmouth into the rest of the region.
- The next Board meeting will be held at the West Australian Newspapers office and members will have the opportunity to discuss regional tourism with the paper's chief travel writers.
- It is proposed to hold the October Annual General Meeting in Shark Bay – the first time in eight years. Negotiations are currently underway with Aspens to provide accommodation and Skippers for transport. This visit will provide a

valuable opportunity for Councillors and tourism operators to discuss regional issues and campaigns.

Legal Implications

Nil

Policy Implications

Nil

Financial Implications

There may be some minor cost to Council if Board members are invited to a Shire run function when they visit in October for their Annual General Meeting. The only cost associated with meeting attendance is officer's time as all travel and accommodation costs are met by Australia's Coral Coast.

Strategic Implications

Strategic Outcome 2.1 Increasing the awareness of Shark Bay as an attractive place to live, work, visit and invest.

Voting Requirements

Simple Majority Required

Date of Report

8 April 2014

Cr Wake left Council Chambers at 4.42 pm.

17.2 DIRECTIONAL PLAQUE
CR0005

Author

Executive Manager Tourism Community and Economic Development

Disclosure of Any Interest

Nil

Officers Recommendation

1. That Council approves the current design for the directional plaque

Or

2. That Council approves the design of the directional plaque with the additions/deletions..... and the Chief Executive Officer be authorised to approve the final design pending changes.

Moved Cr Capewell
Seconded Cr Ridgley

Cr Wake returned to Council Chambers at 4.44pm

Council Resolution

That Council approves the design of the directional plaque with the additions as follows:

- **adding of Carnarvon,**
- **Kalbarri,**
- **Dirk Hartog Island,**
- **Shark Bay and**
- **Gutharraguda,**
- **changing Zuytdorp to Zuytdorp Cliffs,**
- **deleting the north from Cape Peron**

and the Chief Executive Officer be authorised to approve the final design pending changes.

6/0 CARRIED

Background

At the December 2013 Ordinary Council Meeting, Council resolved:

That Council Allocate \$6,000 from the Dirk Hartog Celebrations and \$6,000 from the Welcome Signage budgets to produce a Directional Plaque showing significant points of interest, their direction and distance to be installed outside the Shark Bay World Heritage Discovery and Visitor Centre.

Comment

Initial designs for a directional plaque were circulated to Councillors on 10 March 2014 for comment and input. Responses were received from Councillors Cowell, Hanscombe, Prior, Ridgeley and Capewell. Concerns regarding spelling errors were addressed and are included in the attached refined design.

Councillor Hanscombe also suggested including Dirk Hartog Island as not all visitors would realise the significance of Cape Inscription. Councillor Capewell suggested including distances to Carnarvon and Kalbarri.

Legal Implications

Nil

Policy Implications

Nil

Financial Implications

Council approved expenditure of \$12,000 at the council meeting of 18 December 2013.

Strategic Implications

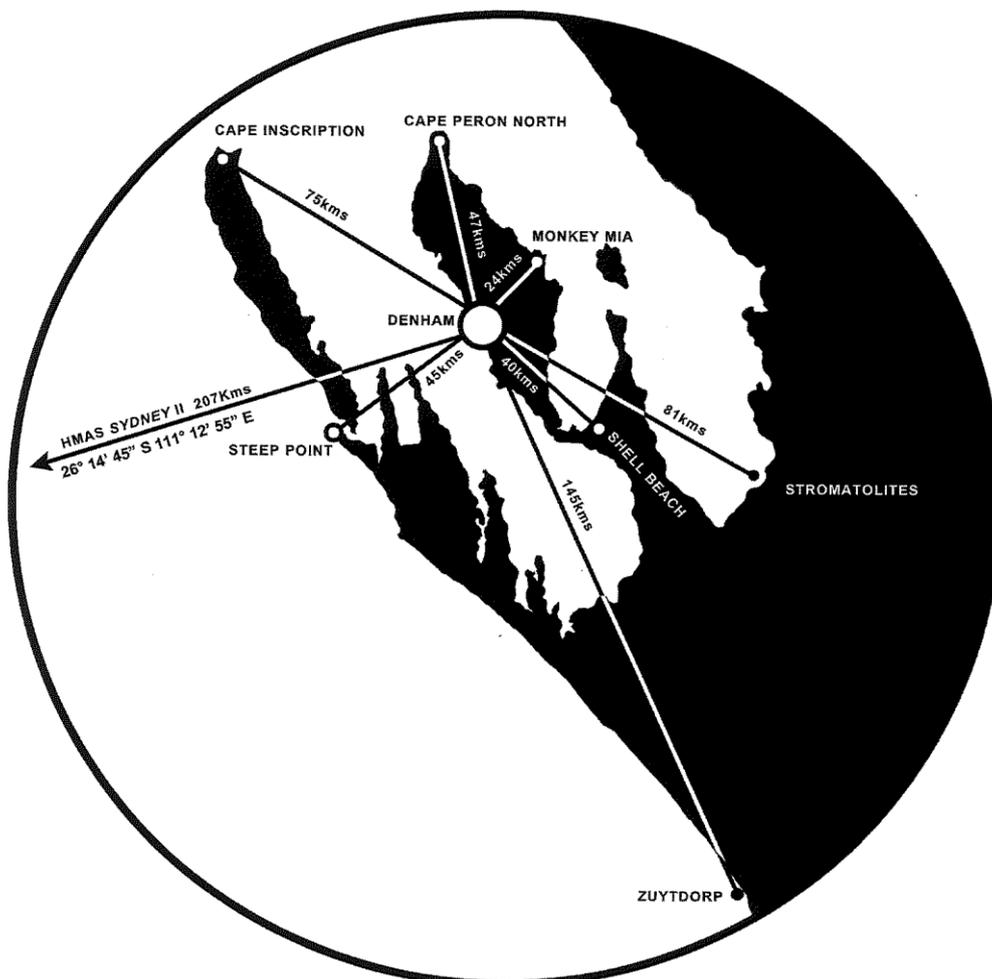
- 1.1 Develop infrastructure and investment that is sustainable and an ongoing legacy to the Shire.
- 2.2 To increase investment, improve attractiveness and the diversity of uses to add to the Town Centre vibrancy.

Voting Requirements

Simple Majority Required

Date of Report

17 April 2014



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 Cowell

Council Resolution

That Council accept the tabling of urgent business items as follows:

19.1 Extra-Ordinary Election – Denham Ward,

19.2 Election of Deputy President and Vacant Committee Positions

19.3 Land For Staff Housing

19.4 Leave of Absence for Cr Prior – May 2014 Ordinary meeting

20.3.Shark Bay World Heritage Discovery and Visitor Centre – Sale of Merchandise.

6/0 CARRIED

19.1 EXTRA-ORDINARY ELECTION DENHAM WARD

GV00001

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Note: councillor must nominate which option is being moved

Officer Recommendation

Option 1: That Council –

Receive the report presented by the Chief Executive Officer

Or

Option 2: Declare in accordance with section 4.20 (4) of the Local Government Act 1995 that the WA Electoral Commissioner to be responsible for the conduct of the extraordinary election for the Shire of Shark Bay Denham Town ward together with any other elections which may also be required,

Decide in accordance with section 4.61 (2) of the Local Government Act 1995 that the method of conducting the election will be as postal election and the date of the election to be 25 July 2014.

Option 3: That council apply to the Electoral Commissioner for approval to allow the vacancy in the Denham Ward to remain unfilled until the ordinary elections in October 2015

Note: Absolute Majority required for options two and three

Moved Cr Capewell
Seconded Cr Prior

Council Resolution

Declare in accordance with section 4.20 (4) of the Local Government Act 1995 that the Western Australian Electoral Commissioner to be responsible for the conduct of the extraordinary election for the Shire of Shark Bay Denham Town ward together with any other elections which may also be required,

Decide in accordance with section 4.61 (2) of the Local Government Act 1995 that the method of conducting the election will be as postal election and the date of the election to be 25 July 2014.

6/0 CARRIED BY ABSOLUTE MAJORITY

Background

Councillor Hanscombe has advised the Chief Executive Officer in correspondence dated 26 April 2014 that he is resigning from Council forthwith.

Ex-Councillor Hanscombe was elected to the Office of Councillor at the October 2013 elections for a term of 4 years.

In accordance with the legislation an extra-ordinary election needs to be held to seek nominations for the vacant position, unless with the approval of the Electoral Commissioner the Council resolves by Absolute Majority to allow the vacancy to remain unfilled until the next ordinary election day.

The next ordinary Election Day will be 17 October 2015.

Unless other arrangements are made the Chief Executive Officer is to be the Returning Officer of a Local Government however, if a Local Government wishes to have the Western Australian Electoral Commission conduct a postal voting election then the Local Government must make a declaration to this effect before the eightieth (80) day before an election according the section 4.20(4) of the **Local Government Act 1995** and is to decide that the election is to be held as a postal election in accordance with section 4.61 of the **Local Government Act 1995**.

Comment

The Council has since the 2011 elections engaged the Electoral Commission to conduct the elections by postal vote and experienced very encouraging voter participation were an election was held.

This has provided for a greater ability for electors to participate in the election process. While the voting in person is still relevant the ability for absent owners to participate in the election by postal voting ensures a greater representation of the community.

The conduct of the election by the Electoral Commission and by postal vote also provides for increased levels of separation from the process for the administration.

The Electoral Commissioner has been contacted and has indicated that they will be willing to undertake the extraordinary election for the Denham Town Ward Vacancy in the same manner the most recent extraordinary election was undertaken.

The date for the election if Council does not apply to the electoral commissioner to consider holding off on the election and there are more nominations than the vacancies would be set at 25 July 2014.

The Council could also resolve by absolute majority in accordance with section 4.17 of the *Local Government Act* to apply to the Electoral Commissioner for approval to leave the vacancy unfilled until the next ordinary election in October 2015

Legal Implications

Local Government (Elections) Regulations 1997.

Local Government Act 1995.

4.17. Cases in which vacant offices can remain unfilled

(3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

* *Absolute majority required.*

(4A) Subsection (3) applies —

(a) if —

- (i) the office is for a district that has no wards; and
- (ii) at least 80% of the number of offices of member of the council in the district are still filled;

or

(b) if —

- (i) the office is for a ward for which there are 5 or more offices of councillor; and
- (ii) at least 80% of the number of offices of councillor for the ward are still filled.

(4) If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.

4.9. Election day for extraordinary election

(1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —

- (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or

- (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).

(2) The Election Day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.

(3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —

- (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and
 (b) advise the CEO of the day fixed.

4.61. Choice of methods of conducting the election

(1) *The election can be conducted as a —*

postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

Voting in person election which is an election at which the principal method of casting votes is by voting in person on Election Day but at which votes can also be cast in person before Election Day, or posted or delivered, in accordance with regulations.

(2) *The local government may decide* to conduct the election as a postal election.*

** Absolute majority required.*

(3) *A decision under subsection (2) has no effect if it is made after the 80th day before Election Day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*

(4) *A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.*

(5) *A decision made under subsection (2) on or before the 80th day before Election Day cannot be rescinded after that 80th day.*

(6) *For the purposes of this Act, the poll for an election is to be regarded as having been held on Election Day even though the election is conducted as a postal election.*

(7) *Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.*

4.20. CEO to be returning officer unless other arrangements are made

(1) *Subject to this section the CEO is the returning officer of a local government for each election.*

(2) *A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —*

- (a) *an election; or*

(b) all elections held while the appointment of the person subsists.

** Absolute majority required.*

(3) An appointment under subsection (2) —

(a) is to specify the term of the person's appointment; and

(b) has no effect if it is made after the 80th day before an election day.

(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

(5) A declaration under subsection (4) has no effect if it is made after the 80th day before Election Day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.

(6) A declaration made under subsection (4) on or before the 80th day before Election Day cannot be rescinded after that 80th day.

Section 4.62 of the *Local Government Act 1995* prescribes the requirement for Polling Places (booths) in respect to voting as *In Person*. The Postal Voting does not require any Polling Place in each Ward where an election is required.

4.62. Polling places required

(1) For every election in a district or a ward the returning officer is to ensure that there will be at least one polling place in the district that is open between 8 a.m. and 6 p.m. on Election Day.

(2) For a voting in person election in a district that is divided into wards, the returning officer is to ensure that there will be at least one polling place in each ward that is open between 8 a.m. and 6 p.m. on election day unless the returning officer determines that, in respect of a particular ward, it is not necessary or not practicable —

(a) to open a polling place in that ward on election day; or

(b) for there to be a polling place in that ward that is open all the time between 8 a.m. and 6 p.m. on Election Day.

(3) For a voting in person election in a ward the returning officer is to ensure that there will be at least one polling place in the ward that is open between 8 a.m. and 6 p.m. on Election Day unless the returning officer determines that it is not necessary or not practicable —

(a) to open a polling place in that ward on Election Day; or

(b) for there to be a polling place in that ward that is open all the time between 8 a.m. and 6 p.m. on Election Day.

Policy Implications

Nil

Financial Implications

The Electoral Commission quoted an amount of \$4,500 including GST to conduct the extraordinary election undertaken in December 2013 for the Shire of Shark Bay.

The actual cost for the election including the \$3,620, given the election was contested this amount was very reasonable.

The quoted amount is based on an election being conducted, it is anticipated the cost would be approximately \$2,750 if the vacant position was elected unopposed.

It is difficult to estimate the amount of cost to Council of conducting in person elections given that there is limited capacity available to conduct the elections in house and costs would be dependent upon the voter turnout if the elections were held in person.

Strategic Implications

Nil

Voting Requirements

Absolute Majority required for options two and three.

Date of Report

23 April 2014

19.2 ELECTION OF DEPUTY PRESIDENT AND VACANT COMMITTEE POSITIONS

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved Cr Prior
Second Cr Ridgley

ELECTION OF DEPUTY PRESIDENT

In accordance with the *Local Government Act 1995* the President invited nominations in writing for the position of Deputy President.

Nominations were received from:

Cr Wake
Cr Ridgley

The President asked nominees if they were prepared to accept the nomination and both accepted.

Note: if more than one nomination is received and confirmed an election for the position of Deputy President will be conducted by the Chief Executive Officer.

The Chief Executive Officer conducted a secret ballot resulting in a tied vote.

The President adjourned the meeting at 5.06 pm.

The President reconvened the meeting at 5.26 pm.

In accordance with the *Local Government Act 1995* the President invited nominations in writing for the position of Deputy President.

Nominations were received from:

Cr Ridgley
Cr Capewell

The President asked nominees if they were prepared to accept the nomination and all accepted.

Note: if more than one nomination is received and confirmed an election for the position of Deputy President will be conducted by the Chief Executive Officer.

The Chief Executive Officer conducted a secret ballot.

The Chief Executive Officer declared Cr Capewell the Deputy President of the Shire of Shark Bay.

The Deputy President made and signed the Declaration of Office of Deputy President before the authorised Person.

Election to the Works Committee

That Councillor Bellottie be appointed to the Works Committee

Shark Bay Health Advisory Board

That Councillor Ridgley be appointed as Councils representative to the Shark Bay Health Advisory Board.

St John Ambulance Shark Bay Sub centre

That Councillor Bellottie be appointed as Councils representative to the St John Ambulance Shark Bay Sub Centre.

6/0 CARRIED

Background

Councillor Hanscombe has advised the Chief Executive Officer in correspondence dated 26 April 2014 that he is resigning from Council forthwith.

Ex-Councillor Hanscombe was elected to the Office of Councillor at the October 2013 elections for a term of 4 years and subsequently elected to the position of Deputy President and Council's representative on committees and boards.

Comment

The President in accordance with the Local Government Act can now invite nominations in writing for the position of Deputy President to fill the position until the election of offices following the next ordinary election in October 2015.

Ex- Councillor Hanscombe was also a member of the following committees

Works committee

The Works Committee consists of 4 Council members and 2 Council staff members

Currently Membership

Councillor Capewell
Councillor Ridgley
Councillor Wake
Chief Executive Officer
Works Manager

Deputy Members

Councillor Cowell
Council Prior

The Council can either appoint the first deputy delegate (Cr Cowell) to the vacant position or call for nominations to fill the vacant position until the next election.

Audit Committee (note all council members are on the Audit Committee)

Following the election of a Council member to fill the vacant position an appointment will be made to the Audit Committee.

Ex-Councillor Hanscombe was also Council delegate to the following boards

Gascoyne Development Commission Board

The appointment to the Gascoyne Development Commission board is a Local Government position and by Ministerial appointment. The Commission will advertise the position and invite applications from members from Local Government in the Gascoyne area.

Shark Bay Health Advisory Board
St John Ambulance Shark Bay Sub Centre

These positions have no deputy delegate and Council will have to appoint a representative to fill the vacant positions.

The Council can also if it desires appoint representatives to these boards who are not Council members either staff members or members of the public who are willing to serve on the board and report back to the Council in regard to the functions of the board.

Legal Implications

Local Government (Elections) Regulations 1997.
Local Government Act 1995.

2.17.Members of council

(2)If the method of filling the office of mayor or president is election by the council, the council is to consist of not less than 6 nor more than 15 councillors of whom —

- (a) one is to hold the office of mayor or president as well as the office of councillor; and
- (b) another is to hold the office of deputy mayor or deputy president as well as the office of councillor.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

28 April 2014

19.3 LAND FOR STAFF HOUSING
Part Res 40381 Lot 300 Sunter Place

Author

Chief Executive Officer

Disclosure of Any Interest

Disclosure of Interest: Cr Cowell

Nature of Interest: Proximity Interest as owns private residence adjacent to Lot 300 Sunter Place, Denham

Cr Cowell left the Council Chamber at 5.44 pm.
The Deputy President Cr Capewell assumed the chair

Moved Cr Prior
Seconded Cr Ridgley

Council Resolution

The Council resolved to purchase, from the Department of Lands, a portion of Reserve 40381 Lot 300 Sunter Place Denham and agree to the following conditions :

- 1. Payment to the Department of Lands 5% of the market value being \$4,750.00 plus additional fees of \$267.**
- 2. The establishment of a trust fund account for expenditure restricted to capital works on recreation reserves in the town (not maintenance costs or general expenses) and pays \$90,250.00 which is 95% of the market value, into that trust fund account.**
- 3. Provision to the Department of Lands, evidence of Council's resolution by confirming that \$90,250 has been placed into the trust.**

5/0 CARRIED

Cr Cowell returned to Council Chambers and resumed the chair at 5.50 pm.

Background

The Council at the Ordinary meeting held in March 2014 received a report in regard to identified suitable land for staff housing.

A portion of Reserve 40381 Lot 300 fronting Sunter Place had been identified as being suitable for the establishment of two houses. (See attached plan.)

The portion of the reserve identified is a section of the larger reserve area that is predominately fronting Spaven Way and Fletcher Court.

The area identified has an area of 1,049m² and has a sewer connection available, the minimum land area required for a property with a sewer connection is 300m². This will enable two houses to be built with the area of land allocated to each unit being 524m² each.

Preliminary enquiries have indicated that the headwork's costs due to only two properties being proposed and the land is in an established residential area with the sewer and power established would not be significant.

Subsequently at the Ordinary Council meeting held in March 2013 the Council resolved the following:

That the administration be instructed to undertake negotiations and the necessary actions with the Department of Regional Development and Lands to purchase the portion (1,049m²) of Reserve 40381 with frontage onto Sunter Place Denham for the purposes of Staff housing.

The Department of Regional Development (now Department of Lands) have (28 April 2014) provided a response to the approached by Council advising of the assessed market value of the land.

Comment

The Department of Lands have responded and advised the the assessed market value of the land is \$95,000 (GST inclusive) and advised that in order to progress with the purchase of the land the shire must undertake the following:

1. The Shire pays the Department of Lands 5% of the market value being \$4,750.00 plus additional fees of \$267.
2. The Shire establishes a trust fund account for expenditure restricted to capital works on recreation reserves in the town (not maintenance costs or general expenses) and pays \$90,250.00 which is 95% of the market value, into that trust fund account.
3. The Shire has to provide evidence of council's resolution by confirming that \$90,250 has been placed into the trust.

The conditions are reasonable for the acquisition of the land on a fee simple basis and also enable the Council to utilise the funds allocated to the trust account for capital replacement of recreational equipment.

The only further impost on council in regard to the trust fund monies is that it is audited and correctly acquitted when the funds are expended.

Legal Implications

Planning and Development Act 2005

Local Government can obtain land in a cost effective manner is to identify areas of land that have been designated as reserves but are now assessed as surplus to the requirements of the State and the Council. State Government policy 4.1.5 issued in November 2012 (attached) outlines the manner in which this process can be undertaken.

Policy Implications

Nil

Financial Implications

Funding for this project will be from the Country Local Government Fund of which the Council has two years allocations of \$375,341 each totalling \$756,682. Council also allocated funding of \$50,000 towards the project making a total of \$806,682.

Council has accepted a tender from Nordic homes for the construction of two 3 x 2 premises for the cost of \$559,430 (GST inclusive), which included earthworks,

landscaping, fencing and all external headwork's. The Council has undertaken the retaining works required.

The payment of the market value amount of \$95,000 fits within the budgetary constraints for this project.

This strategy gives the Council an opportunity to maximise the external funding by acquiring land at the market value and having these funds available through a trust for spending on capital recreation facilities in the future.

Strategic Implications

Addresses Council's strategic objective of developing infrastructure and investment that is sustainable and an ongoing legacy to the shire.

This is achieved by the acquisition of land for staff housing and the providing for future recreation facilities.

Voting Requirements

Simple Majority Required

Date of Report

18 March 2013



Government of Western Australia
Department of Regional Development and Lands

GOVERNMENT LAND POLICY MANUAL

POLICY STATEMENT

POLICY TITLE:	SECTION 152 PUBLIC RECREATION RESERVES
POLICY NUMBER:	4.1.5
DATE OF ISSUE:	NOVEMBER 2012

OBJECTIVE

- To ensure a very high order of protection for reserves created under s152 of the *Planning and Development Act 2005* (PDA) or in the past under s20A of the *Town Planning and Development Act 1928* (TPDA), having regard for the special trust nature attendant on these reserves.
 - To provide guidelines for dealing with s152 “public recreation” reserves.
- (ii) Although deriving from the operations of the PDA, such reserves are created under and owe their existence to the *Land Administration Act 1997* (LAA); and may legally be dealt with in whatever way sanctioned by the LAA.
 - (iii) State Land Services Division (SLS) of RDL will however give effect to the clear intentions of the PDA and associated planning approvals by reserving the land for its vested purpose.

POLICY STATEMENT

PRINCIPLES

- (i) There are strong moral arguments for retaining for its vested purpose land set aside under s152 of the PDA. In particular:
 - (a) The subdivider of the land would be justified in expectations that the reserve would be used for the purpose for which it was taken.
 - (b) Purchasers or users of subdivided blocks are frequently influenced in their decisions to acquire land and build by the existence of such reserve and an expectation that these reserves will remain.
- (iv) Nevertheless, once the land has been removed from the operations of the *Transfer of Land Act 1893*, it can from a strictly legal perspective be reserved for purposes deemed appropriate, and possibly reserved and used for other purposes in whole or in part at a later time if considered expedient (and in accordance with sound planning principles); or even disposed of.
- (v) Section 152 reserves should be retained in Crown ownership for their reserved purpose to the greatest degree practicable. Any variations in the Crown’s interest in s152 land (eg., cancellation and/or sale of fee simple) should be strictly in accordance with the Cabinet-approved guidelines.

- (vi) Greatest protection should be afforded to s152 “public recreation” reserves, and private interests should not be granted in such reserves.

POLICY PROCEDURES

“Public Recreation”

1. Land vesting the Crown under s152 of the PDA for recreation should be reserved for “public recreation”. This purpose should only be applied to s.152 recreation land.

Management

2. Every effort should be made to locate an appropriate management body, with the ideal being to secure agreement with local governments for management orders to issue to them automatically over s152 land, as soon as the land has been re-vested and reserved.

Leasing and Licensing

3. The general principle to be followed is that leasing powers should not be included in management orders over s152 “public recreation” reserves, to avoid private interests being given over such land.
4. Leasing powers may however be included in a local government’s management order over a s152 “public recreation” reserve in limited circumstances, to enable outsourcing of Council recreational facilities.
5. S152 “public recreation” reserves may however be used for organised sporting events, as such arrangements in fact promote the public’s recreational enjoyment of the land. Organised recreational use inevitably means that the public’s use of such land must be regulated, in the interests of facilitating the organised event, and public safety.

6. Licensing is an appropriate means for achieving a level of control and regulation of use of a s152 reserve, with an associated deed specifying the responsibilities and powers of parties and limitations on public exclusion.
7. While having regard for points 5 and 6, the public should not be unreasonably excluded from access to such land for recreational use.
8. Licensing powers may be included in a local government’s management order, to allow licensing.
9. Section 18(2)(a) of the LAA requires the Minister’s prior approval to all licences by local governments over managed reserves.

Sporting Clubs

10. As a matter of principle, SLS/RDL will not permit leasing of s152 recreation reserves to clubs. A case can however be argued for the use of small areas of large reserves for club premises while the playing fields remain open for public use when not being actively utilised by clubs for games and perhaps training. In certain localities s152 reserves might comprise the only public land available, and where the area of reserve is great, it may be reasonable to insist it remain open in its entirety to the general public.

Excisions for Club Premises

11. Small portions of “public recreation” reserves may therefore be excised and separately reserved (eg., for “club and club premises”) with management order issuing to local governments with power to lease. Use by clubs of the playing fields on the remainder of the original reserves may be licensed. This course has, for instance, been adopted in relation to certain tennis clubs.

Licensing

12. Licences should not be permitted where:

- (i) while being stated to be licences, they are in fact leases (advice should be sought from RDL's Legal Services Branch in this connection);
- (ii) they interfere with the general public's continuous access to and use of the whole of the reserve affected (ie., exclusive possession is conveyed, and the licensees have authority to interfere with others using the reserve);
- (iii) buildings or developments are constructed consequent to such agreements, for the use of the licensees (buildings on recreation reserves cannot legally have any other character than premises in or relation to which the public is entitled to enjoy recreation upon the reserve; ie., exclusive use could not be given to a club).

Use of s152 reserves by schools

13. Organised sport promotes the objectives of public recreation, and requires a degree of control and exclusion of the public's right of access at particular times.

14. There is not an essential conflict with the policy's objectives, if a licensing arrangement between the relevant local government and the Department of Education (DoE) enables an adjacent school to use a s152 reserve exclusively for particular periods of specified days, for the school's recreational purposes. It is reasonable for schools to be given licences to use s152 land during school hours, for organised, supervised sporting events.

15. Such an arrangement would also be consistent with paragraphs 3.3.3 and 3.3.4 of the WA Planning Commission's (WAPC) Policy No DC.2.4.

16. The WAPC would have concerns if this arrangement were to result in an effective diminution of public open space, reasonably available for public use. Those concerns would be less, where WAPC is given the opportunity to consider and approve such a proposal as part of a new subdivision. There would be far greater concern where the arrangement is being used to facilitate subdivision and disposal of existing school lands.

17. The tests would be one of reasonableness, and level of local acceptance of the arrangement. If local residents are significantly and reasonably unhappy as a consequence of the arrangement, then it would be likely to be seen as self-evident that the licence is interfering unreasonably with the local public's rights of access. A useful safeguard would lie in local consultation, prior to putting the licence into place.

18. Public consultation is not required in relation to a proposal to license a school's use of s152 land, where the subdivision is new and there has been no sale of adjoining or nearby lots. Developers and their agents should however notify intending purchasers of lots in that subdivision, of the intended use, so that they are aware of the arrangement before they buy.

19. Where lots within the particular subdivision creating the s152 land have not been sold yet, consultation is not required. However, if the subdivision is part of a series of staged subdivisions being undertaken by the one developer, and nearby land-owners within an earlier stage may have had a reasonable expectation that proposed s152 land shown on concept plans for future stages would be available for their use, consultation may be necessary.

20. Where an existing reserve, or s152 land not yet reserved under the LAA, and in

- a subdivision where lots have been sold, is proposed to be licensed to a school, consultation will be required..
21. Consultation will not be required where a school's use of a reserve has already been in effect for at least two years, without problems.
22. A reasonable catchment should be used, in determining the extent of households or property-owners to be consulted. Consultation should not be limited to owners of lots in the subdivision creating the s152 reserve, but should take in households within a radius of at least 200 metres of the reserve. In certain circumstances this catchment may need to be larger – eg. the school is large and use of the reserve will be more intensive.
23. Standards of consultation are generally to be determined by the relevant local government, but SLS/RDL may specify additional requirements on a case by case basis. Basic standards would consist of the local government or other proponent signposting the affected reserve to indicate the intended change, advertising in the local newspaper and canvassing nearby landholders by mail, in order to demonstrate to the Minister the level of ratepayer support.
24. The relevant local government will be responsible for undertaking consultation, at the request of and in close liaison with DoE. Efforts should be made to accommodate reasonable requests by parties responding to the process.
25. Results of the consultation process should be submitted to SLS, for review by SLS.
26. Most larger reserves can be used for a number of purposes and by different parties simultaneously. A s152 reserve should be licensed for a school's use only to the extent required for active, organised, supervised use. Residual areas of such a reserve should remain available for the general public's use.
27. In circumstances where adequate space exists within a school's grounds, it would not be reasonable to allow s152 reserves to be used as incidental 'spill-over' playgrounds for schools, for continual, exclusive school use during (and before and after) school hours. Schools should continue to provide sufficient space within their own grounds for such purposes. However, schools on smaller sites (typically 3.5 ha, the minimum allowed by WAPC Policy DC 2.4) and experiencing peak usage in their life cycle may have inadequate space for school playgrounds. In such cases, schools may be given 'priority' use - not exclusive, but having priority over other competing uses.
28. Schools would not be permitted to fence s152 land, and there would be limited permanent structures permitted (eg., recreational facilities, or for storage of recreational equipment).
29. To ensure consistency of practice and policy, it would be advisable for DOE to execute such licence agreements in head office, rather than delegating powers in this connection to school principals. A model licence document, endorsed by SLS/RDL, is preferred all such arrangements, with variations where necessary for different local governments.
30. DoE should indemnify the relevant local government and DPI against any claims for damages, consequent to the school's use of the reserve.
31. The maximum term of a licence should be 21 years, and there should be no consideration payable to the local government. The local government's reasonable costs (eg., additional maintenance arising from the school's use of the reserve) should, however, be recoverable.

32. There should be provision in the licence deed for variation or termination, whether by agreement between parties, or by the Minister for Lands, if it is in the public interest for the Minister to intervene.

33. Where a local government wishes to enter into a licensing arrangement with the DOE over a s152 reserve which it manages, it should ask SLS/RDL to include a power to license in its management order under s.46(3) of the LAA. Licences then granted by the local government would be subject to the approval of the Minister for Lands, under s.18 of the LAA. Such approval would in any case be required in relation to any licence granted over a managed reserve, under the *Local Government Act 1995* – s.18(2)(a) of the LAA refers.

Protection of s152 Reserves

34. Section 152 land – particularly s152 “public recreation” land – should be retained for its reserved purpose.

35. Necessity or desirability of a high order is to be established before a proposal adversely affecting a s152 “public recreation” reserve may be approved.

36. Nevertheless, subject to the following requirements, s152 “public recreation” reserves may be exchanged, disposed of, or have land excised from them.

Advertising Proposals

37. Where the “public recreation” reserve is to be cancelled or substantially reduced, a Council or other proponent must signpost the affected reserve to indicate the intended change, advertise in the local newspaper and, in appropriate cases, canvass nearby landholders by mail in order to demonstrate to the Minister the level of ratepayer support. This action may be

satisfied by town planning procedures where formal rezonings are required.

Submissions by the Local Government

38. A request from a local government for approval to dispose of a s152 reserve must be supported by the following:

- (i) reasons for requesting the disposal of the reserve(s).
- (ii) in the event that the proposal is to purchase replacement land, the submission should –
 - (a) identify the land involved and detail what negotiations for purchase have been undertaken, and
 - (b) meet the requirements of point 19 below.
- (iii) Details of the level of public consultation undertaken together with the results of that consultation.

Purchase of Replacement Land

39. Where the reserve is to be sold to fund the purchase of other replacement land to effect the consolidation of another recreational reserve nearby, a Council must provide details of the proposed new site and budget forecasts, and give an undertaking to supply a statement of income and expenditure in relation to the transaction, with surplus proceeds either being committed to a Trust fund established by Council for capital improvements to recreational land or being passed to the Crown (s.152 reserves should not be a source of general revenue).

40. Such relocation is to be on the basis of equal area and suitability, and support by the Department of Planning is necessary.

Town Planning Schemes

41. Town Planning Schemes may be employed to comprehensively rationalise reserves created under s152

of the PDA, subject to the agreement of the Minister to the content of each Scheme and to such variation of the Guidelines as may be agreed by the Minister is necessary to give effect to the intent of the Scheme and to ensure Crown land administration issues are also accounted for.

Disposals by Local Governments

- 42. Where relocation of unwanted s152 land does not offer the best solution to the local community's needs, with the prior approval of the Minister, a local government may dispose of identified reserves and apply the proceeds to capital improvements to other recreation reserves in the general locality.
- 43. A condition of a reserve's transfer to a local government for disposal will require that a Trust fund be established for this purpose and that a separate audit and Audit Certificates be provided annually to show how the proceeds have been applied. Should certification be inadequate or indicate a breach of conditions, the Minister for Local Government will be asked to issue directions under the Local Government Act to address the situation.
- 44. To facilitate disposal in accordance with this policy, SLS/RDL will transfer the fee simple of the land to the relevant local government.
- 45. Disposal of s152 reserve to a local government shall be on the basis of payment to SLS/RDL of \$500 or 5% of unimproved market value (as advised by the Valuer General), whichever is the greater. Statutory fees are also payable by the local government.

Trust Funds and Audits

- 46. A local government may establish one s152 Trust fund for proceeds from sale of all surplus s152 land, subject to:
 - (i) community consultation, including reference to where funds are likely to be expended;
 - (ii) the community being given an opportunity to comment on where funds from a particular disposal should be expended;
 - (iii) establishment of a separate Trust fund for a particular purpose, where the community attitude is that disposal funds should be allocated to a specific project.
- 47. SLS Regional Teams are to maintain a Register (initially manual but preferably PC-based) recording details of reserves approved for disposal, VG valuation, land to be acquired by Council (if appropriate), record of follow-up of Trust Fund and payments out of the Trust Fund (as audited).
- 48. SLS Regional Teams are to follow up outstanding audits in January of each year, peruse the audits, and take any appropriate action.
- 49. Separate files are to be maintained for each local government to deal with disposal of s152 Reserves. Files are to contain copies of recommendations etc from the relevant reserve(s) file(s) and follow up of Trust audits will be undertaken in the general file. (This file will also be used to consider overall rationalisation programs covering s152 reserves).

Disposals by SLS/RDL

- 50. Where SLS/RDL has exhausted all other avenues for passing management responsibility to local governments, s152 reserves identified as being no longer required for community purposes may be sold by SLS/RDL, with revenue offsetting funds needed to undertake essential maintenance on unvested reserves remaining under SLS's control.

51. Where s152 reserves are to be disposed of by SLS/RDL –

- Regional Teams need to undertake public consultation;
- VG valuation and Department of Planning approval need to be obtained;
- The approval of the Minister for Lands needs to be sought;
- Disposal is to be by competitive process, except where s87 amalgamation with an adjoining property is the only feasible option;
- Payment to be within a short term (30 to 90 days);
- Funds are to be paid into Consolidated Fund following which a submission is to be made to Treasury seeking additional funds for ongoing program of removal of hazards from Crown reserves etc;
- If additional funds are granted, expenditure is to be identified by a separate Chart Number (to be established by the Finance and Budget Officer);
- Expenditure is to be approved by the Regional Manager;
- Regional Teams are to maintain a Register detailing reserves to be disposed of, local government area, VG valuation, release date, disposal price, fund sought from Treasury, funds received and expenditure (how much, on what).

Telecommunications

52. Sites may be excised from s152 “public recreation” reserves for telecommunications facilities. Such sites will then be reserved for that purpose, and a management order issued to the local government with power to lease, subject to the lease revenue being used for either –

- (a) improvements to the “parent” s152 reserve from which the telecommunications site is excised, or
- (b) betterment of other “public recreation” reserves in the general

locality, if the lease revenue cannot reasonably be applied to the “parent reserve” (see policy 22.30.1).

Public Purpose Excisions

53. Excisions of minor areas for public utilities such as Western Power padmounts or Water Corp pumping stations may be permissible where an easement is not a reasonable alternative.

54. Land may also be excised for other public purposes such as a road widening, where there are sound planning reasons or little alternative for doing so.

Conservation

55. When s152 reserves created to protect areas with conservation values are involved, there shall be consultation with the relevant Government agencies during formulation of the Town Planning Scheme.

56. The change of purpose of s152 reserves affected by EPA System recommendations (or similar) are not to be constrained by the Guidelines, provided that specific clearance is given by the Minister for Lands in each case, following consultation with the Department of Environment and Conservation.

57. Where appropriate, s152 reserves may be added to adjoining Conservation reserves.

Sundry Issues

58. There is no obligation to return s152 land to a former owner for nominal consideration.

59. These policy guidelines apply to land set aside in Crown subdivisions for the purposes specified in s152 of the PDA.

60. Landscaped drainage ponds can form part of the landscaping of a “public recreation” reserve, and drainage can therefore co-exist with recreation in such cases.

61. Leasing or licensing of a s152 foreshore reserves can occur in certain cases – see policy 4.4.4.

62. Section 152 land in rural subdivisions intended for recreation may be set aside for purposes such as “paddock and recreation” or “bridle path”, depending on the circumstances; and leasing powers may be appropriately included in a local government’s management order.

Submissions to the Minister

63. The general principle is that amendments to s152 “public recreation” reserves should be approved by the Minister, to ensure a high level of scrutiny and protection of such reserves. However, provided the guidelines set down in this policy document are complied with, Regional Managers can determine –

- (i) excisions for public purposes, where the area excised does not exceed 5% of the reserve’s area (paras 29 and 30);
- (ii) excisions for telecommunications tower sites (para 28).

64. These policy guidelines can only be changed by specific approval of the Minister for Lands.

RESPONSIBLE AREA

- 1. State Land Services.

LEGISLATIVE MANDATE

Section 152 of the *Planning and Development Act 2005* (formerly s.20A of the *Town Planning and Development Act 1928*).

Sections 18(2) and 46 of the LAA.

RELATED POLICIES

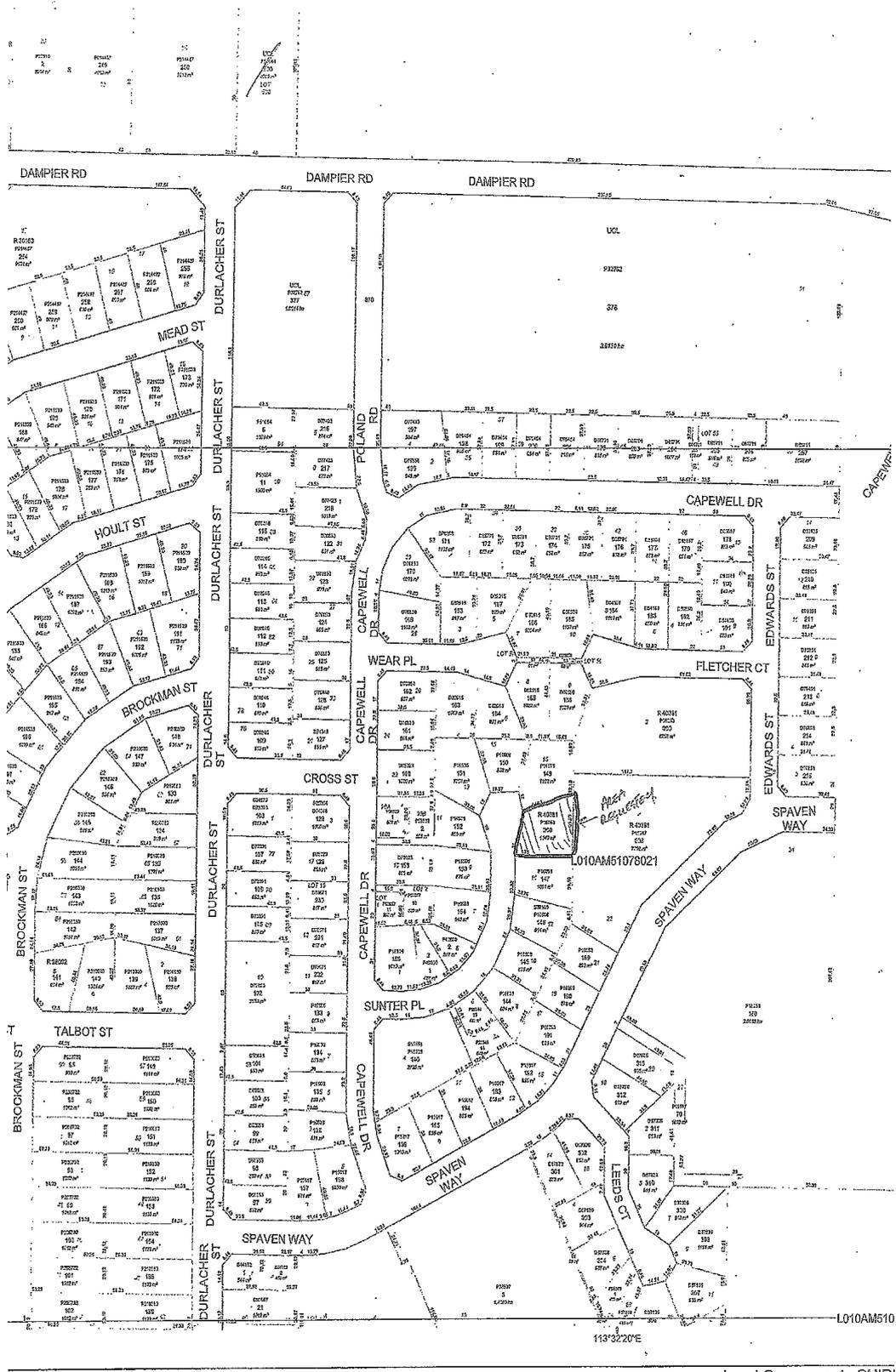
- 4.1.4 Permitted Use of Reserved Land
- 4.4.1 Management Orders
- 4.4.2 Leasing Under Management Orders.
- 4.4.4 Foreshore Reserves

RELEVANT CORRESPONDENCE FILES

- 1966/967 – Policy on s152 Reserves
- 1800/991 - Sale of s152 Reserves.
- 433/963 – Amendment of TP&DA to introduce s20A.
- 809/983 – s20A vestings

MINUTES OF THE ORDINARY COUNCIL MEETING

30 APRIL 2014



Local Government: SHIR

400 500 Metres

SURVEY INFORMATION
 Survey Diagram 005819
 Strata Plan S10091

INDEX TO ADJOINING SHEETS

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Stank
 A view of the S
 (SCDB) of

19.4 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR PRIOR
GV00006

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr Capewell
Seconded Cr Ridgley

Council Resolution

Councillor Prior is granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary meeting of Council scheduled to be held on 28 May 2014.

6/0 CARRIED

Background

Councillor Prior has applied for leave of absence from the ordinary meeting of Council scheduled for 28 May 2014. The Council in accordance with Section 2.25 of the *Local Government Act 1995* as amended may by resolution grant leave of absence to a member.

Comment

Councillor Prior has advised the Chief Executive Officer due to work commitments will be unable to attend the Ordinary meeting of Council scheduled to be held on 28 May 2014 and has requested leave of absence be granted by Council for this meeting.

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

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

Legal Implications

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

- (1) A council may, by resolution grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the minister.
- (3) The granting of leave, or refusal to grant leave and reasons for that refusal, is to be recorded in the minutes for the meeting.
- (4) A member who is absent, without first obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –
 - a) If no meeting of the council at which a quorum is present is actually held on that day; or
 - b) If the non attendance occurs while –

- a. the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5)
- b. while proceedings in connection with the disqualification of the member have been commenced or are pending; or
- c. while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

29 April 2014

20. MATTERS BEHIND CLOSED DOORS

Moved Cr Wake
Seconded Cr Prior

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.

6/0 CARRIED

20.1 LEASE OF COMMERCIAL PREMISES

Author

Chief Executive Officer

Disclosure of Any Interest

Disclosure of Interest: Cr Ridgley

Nature of Interest: Proximity Interest as rents a shop in proximity.

Cr Ridgley asked to be allowed to return to the Council Chamber to be able to discuss the item. Cr Ridgley left the Council Chamber at 5.54 pm.

Moved Cr Prior
Seconded Cr Cowell

Council Resolution

That Council allow Cr Ridgley to return to the Council Chamber to discuss the item.

5/0 CARRIED

Cr Ridgley returned to Council Chamber at 5.35 pm.

Cr Ridgley left Council Chamber at 6.00 pm.

Moved Cr Capewell
Seconded Cr Wake

Council Resolution

That a commercial lease be entered into with Mrs Alison Beales for shop 3 65/67 Knight Terrace at the agreed rental for the purposes of a hair dressing salon for a period of five years commencing from 2 February 2014 with a further five year option reviewed annually at an agreed annual valuation assessed by an independent body.

5/0 CARRIED

The President adjourned the Ordinary Council meeting at 6.05 pm.

The President reconvened the Ordinary Council meeting at 6.38 pm.

20.2 APPLICATION FOR MINING LEASE (SHELL GRIT) – RESERVE 41076
RES 41076

Author

Liz Bushby, Gray and Lewis Land Use 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 Executive Officer of the Shark Bay World
Heritage Advisory Committee

Moved Cr Prior
Seconded Cr Cowell

Council Resolution

That Council:

- A. **Recommend that the Minister for Mines and Petroleum approve the proposed mining lease (M09/151) in Reserve 41076 subject to the following conditions:**
1. **The application to be formally referred to the Environmental Protection Authority for environmental assessment consistent with the ‘Shark Bay World Heritage Property Strategic Plan 2008-2020’, and the applicant to comply with any conditions set by the Environmental Protection Authority as the lease is located within the Shark Bay World Heritage Property area.**
 2. **The Applicant to enter into an agreement with the Shire of Shark Bay which stipulates payments to be made to the Shire by way of compensation under Section 123(2) of the Mining Act 1978.**
 3. **The Applicant to enter into a Deed with the Shire whereby the Applicant undertakes to:**
 - (i) **Preserve and maintain the environment of the Reserve;**
 - (ii) **Monitor and maintain a maximum quota of shell grit excavation to 5,000 tonnes per year and a maximum area of 0.5 to 1 hectares;**
 - (iii) **Prepare and implement a rehabilitation and management plan for the Reserve outlining timeframes for rehabilitation;**
 - (iv) **Provide adequate insurance that indemnifies the Shire against any claim for loss, damage or injury relating to the mining operation.**
 4. **The Shire to be further consulted by the Department of Mines and Petroleum once the application is referred to the Environmental Protection Authority and be advised of any recommendations and/ or conditions imposed by the Environmental Protection Authority.**
 5. **The Shire to be formally advised by Department of Mines and Petroleum of any approval granted by the Minister for the mining lease as the Shire intends to issue rates notices to the applicant.**
 6. **The Applicant to pay all rate notices issued by the Shire of Shark Bay.**

- B. Authorise the Chief Executive Officer to refer the correspondence from the Department of Mines and Petroleum to the Department of Environment to seek advice on the applicants obligations under the *Environment Protection and Biodiversity Conservation Act 1999*, as the proposal is for a new mining lease within World Heritage Property.**

C. Advise the Department of Mines and Petroleum that:

- (i) Council has received legal advice that Section 123(1) of the Mining Act 1978 provides for the Shire to be compensated for any loss or damage or likely loss or damage arising from the mining activity, including loss of possession or use of the land or damage to the land. The Shire would like to be kept informed about the application so at an appropriate time the Shires solicitors can draft an agreement outlining compensation payments.**
- (ii) The Shire requests that the Department of Minerals and Mines advise the Applicant that the Reserve is rateable land pursuant to Section 6.26 of the Local Government Act 1995 and as such the Shire intends to charge the Applicant rates for any approved lease area.**
- (iii) The Shark Bay World Heritage Advisory Committee has advised that the proposal has to be referred to the Commonwealth under the *Environment Protection and Biodiversity Conservation Act 1999*. The Shire is seeking advice on this matter from the Department of Environment.**
- (iv) The Department of Parks and Wildlife has advised that Page 68 of the Shark Bay World Heritage Property Strategic Plan 2008-2020 under the heading 'Shell Deposits' states that: '*Environmental conditions imposed by the Environmental Protection Authority provide guidelines to ensure shall extraction is sustainable in the long term and any new proposals would require environmental assessment in accordance with State and Commonwealth legislation*'. The Department has also identified that shell extraction and processing infrastructure are visible from the popular Shell Beach and has potential to adversely impact on the aesthetic value of the area and these impacts may need to be managed.**

6/0 CARRIED

**20.3 SHARK BAY WORLD HERITAGE DISCOVERY AND VISITOR CENTRE – SALE OF MERCHANDISE
FM00012**

Author

Executive Manager Tourism Community and Economic Development

Disclosure of Any Interest

Nil

Officers Recommendation

That the report from the Executive Manager Tourism, Community and Economic Development regarding the sale of merchandise at the Shark Bay World Heritage Discovery and Visitor Centre be noted.

AMMENDMENT TO OFFICERS RECOMMENDATION

Reason: The Council felt that it should endeavour to continue to stock a range of merchandise to reduce the operating losses while not significantly impacting upon local businesses.

Moved Cr Ridgley
Seconded Cr Prior

Council Resolution

That the report from the Executive Manager Tourism, Community and Economic Development regarding the sale of merchandise at the Shark Bay World Heritage Discovery and Visitor Centre be noted.

The Administration be instructed to progressively stock a range of high quality merchandise relating to unique aspects of the Shark Bay region with a preference for exclusivity for sale at the Discovery Centre. To be reviewed in six (6) months.

6/0 CARRIED

Moved Cr Ridgley
Seconded Cr Prior

Council Resolution

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

6/0 CARRIED

21. DATE AND TIME OF NEXT MEETING

The next Ordinary meeting of Council will be held on the 28 May 2014 in Council Chambers commencing at 3.00 pm.

22. CLOSURE OF MEETING

As there was no further business the President closed the Ordinary Council meeting at 7.48pm.