

# Shire of Shark Bay

## Minutes of the Ordinary Council Meeting held on 28 October 2015



Denham Recreational Jetty – Officially opened by the Premier Hon C Barnet MLA and Minister for Regional Development, Hon T Redman MLA on Sunday 25 October 2015. Photo includes Hon A Jacob, Shire President Cr Cowell and Mr Vince Catania Member for North West Central





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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 28 October 2015 commencing at 3.01 pm

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**1. DECLARATION OF OPENING**

The President declared the Ordinary Council meeting open at 3.01 pm

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

**ATTENDANCES**

Cr C Cowell	Denham Ward - President
Cr K Capewell	Denham Ward - Deputy President
Cr L Bellottie	Denham Ward
Cr K Laundry	Denham Ward
Cr M Prior	Denham Ward
Cr G Ridgley	Useless Loop / Pastoral Ward
Mr P Anderson	Chief Executive Officer
Ms C Wood	Executive Manager Finance and Administration
Mr B Galvin	Works Manager
Mrs R Stanley	Community Development Officer
Mrs R Mettam	Executive Assistant

**APOLOGIES**

Cr B Wake	Useless Loop / Pastoral Ward Leave of Absence granted item 5.1
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**VISITORS**

2 visitors in the gallery.

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

There are no Public Questions on Notice

**4. PUBLIC QUESTION TIME**

The President opened Public Question Time at 3.02 pm and as there were no questions from the public the President closed Public Question Time at 3.02 pm.

**5. APPLICATIONS FOR LEAVE**

**5.2 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR WAKE**  
GV00007

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved            Cr Prior  
Seconded       Cr Laundry

**Council Resolution**

**Councillor Wake 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 October 2015.**

**3/0 CARRIED**

Background

Councillor Wake has applied for leave of absence from the ordinary meeting of Council scheduled for 28 October 2015. 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 Wake has advised the Chief Executive Officer due to personal reasons he will be unable to attend the Ordinary meeting of Council scheduled to be held on 28 October 2015 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 obligations have been met in accordance with the Local Government Act.

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

Legal Implications

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

- (1) A council may, by resolution grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the minister.
- (3) The granting of leave, or refusal to grant leave and reasons for that refusal, is to be recorded in the minutes for the meeting.
  
- (4) A member who is absent, **without first obtaining leave of the council**, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –
  - a) If no meeting of the council at which a quorum is present is actually held on that day; or
  - b) If the non attendance occurs while –
    - i) the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5)
    - ii) while proceedings in connection with the disqualification of the member have been commenced or are pending; or
    - iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

Policy Implications

There are no Policy implications associated with this report

Financial Implications

There are no financial implications associated with this report

Strategic Implications

There are no Strategic implications associated with this report

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Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer *P Anderson*

Date of Report 27 October 2015

**6. PETITIONS**

There were no petitions presented to Council.

**7. CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 SEPTEMBER 2015**

Moved Cr Ridgley

Seconded Cr Cowell

**Council Resolution**

**That the minutes of the ordinary council meeting held on 30 September 2015, as circulated to all councillors, be confirmed as a true and accurate record.**

**6/0 CARRIED**

**8. ANNOUNCEMENTS BY THE CHAIR**

Foreshore Revitalisation workshop and RAC meeting held before the Ordinary Council meeting.

**9. PRESIDENT'S REPORT**

Cr Cowell

GV00002

Committee Membership

In accordance with the Special Council meeting held on the 22 October 2015.

Meeting Attendance

30 September 2015	September Council Meeting
1 October	Met with Minister for Environment and Director General of Parks and Wildlife
5 October	Farewell function- Chief Executive Officer Gascoyne Development Commission
6 October	Rangelands Natural Resource Management workshop – Carnarvon
7 October	Rangelands Natural Resource Management workshop – Carnarvon
13 October	Gascoyne Workforce Alliance meeting – Coral Bay Gascoyne Development Commission Board meeting Meet and Greet the Board function



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14 October Gascoyne Development Commission Board meeting  
16 October Gascoyne Tourism Board teleconference  
19 October Local Emergency Management Cyclone presentation  
22 October Special Council Meeting

Signatures

Councillor *Councillor Cowell*  
Date of Report 19 October 2015

Moved Cr Ridgley  
Seconded Cr Prior

**Council Resolution**

**That the President's activity report for October 2015 be received.  
6/0 CARRIED**

**10. COUNCILLORS' REPORTS**

10.1 Cr Prior  
GV00006

Committee Membership

In accordance with the Special Council meeting held on the 22 October 2015.

Meeting Attendance

1 October 2015 Met with Minister for Environment and Director General of  
Parks and Wildlife  
6 October Shark Bay Commerce and Tourism Committee meeting  
22 October Special Council meeting  
Cocktail function with 2016 Implementation Committee  
25  
27 October Foreshore Revitalisation workshop  
27 October Annual Electors meeting  
28 October Foreshore Revitalisation Workshop  
Meeting with RAC representatives

Signatures

Councillor *Councillor Prior*  
Date of Report 2 April 2015

Moved Cr Ridgley  
Seconded Cr Bellottie

**Council Resolution**

**That Councillor Prior's October 2015 report on activities as Council  
representative be received.**

**6/0 CARRIED**

10.2 Cr Bellottie  
GV00010

Committee Membership

In accordance with the Special Council meeting held on the 22 October 2015.

Meeting Attendances

1 October 2015	Met with Minister for Environment and Director General of Parks and Wildlife
22 October	Special Council meeting
25 October	Attended the opening of the Denham Recreational Jetty and the Launch of Dirk Hartog Voyage of Discovery – Shark Bay 1616
27 October	Annual Electors meeting
28 October	Foreshore Revitalisation workshop
28 October	Meeting with RAC representatives

Signatures

Councillor	<i>Councillor Bellottie</i>
Date of Report	19 October 2015

Moved	Cr Capewell
Seconded	Cr Prior

Council Resolution

**That Councillor Bellottie's October 2015 report on activities as Council representative be received.**

**6/0 CARRIED**

10.3 Cr Capewell  
GV00005

Committee Membership

In accordance with the Special Council meeting held on the 22 October 2015.

Meeting Attendance

22 October	Councillor meeting with James Dexter WA Museum
22 Oct	Special Council meeting
25 Oct	Opening of the Denham Recreational Jetty and launch of the Dirk Hartog Voyage of Discovery – Shark Bay 1616 by the Premier Hon C Barnett and Minister for Regional Development, Hon T Redman
27 Oct	Annual Electors Meeting
28 Oct	Councillor's workshop for the Foreshore Revitalisation Plan
28 Oct	Councillor meeting with RAC representatives

Signatures

Councillor	<i>Councillor Capewell</i>
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Date of Report	19 October 2015
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Moved Cr Prior  
Seconded Cr Bellottie

**Council Resolution**

**That Councillor Capewell's October 2015 report on activities as Council representative be received.**

**6/0 CARRIED**

10.4 Cr Ridgley

GV00008

Committee Membership

In accordance with the Special Council meeting held on the 22 October 2015.

Meeting Attendance

1 October 2015	Met with Minister for Environment and Director General of Parks and Wildlife
14 October	Attended the Shark Bay Community Resource Centre Committee meeting
22 October	Special Council meeting
25 October	Opening of the Denham Recreational Jetty and Launch of the Dirk Hartog Voyage of Discovery – Shark Bay 1616
27 October	Annual Electors meeting

Signatures

Councillor	<i>Councillor Ridgley</i>
Date of Report	19 October 2015

Moved Cr Prior  
Seconded Cr Bellottie

**Council Resolution**

**That Councillor Ridgley's October 2015 report on activities as Council representative be received.**

**6/0 CARRIED**

10.5 Cr Laundry

GV00013

Committee Membership

In accordance with the Special Council meeting held on the 22 October 2015.

Meeting Attendance

1 October 2015	Met with Minister for Environment and Director General of Parks and Wildlife
22 October	Special Council meeting
Jetty opening	
27 Workshops annual electors	

Signatures

Councillor	<i>Councillor Laundry</i>
Date of Report	20 October 2015

Moved Cr Prior  
Seconded Cr Capewell

**Council Resolution**

**That Councillor Laundry's October 2015 report on activities as Council representative be received.**

**6/0 CARRIED**

10.6 Cr Wake  
GV00007

**Committee Membership**

In accordance with the Special Council meeting held on the 22 October 2015.

**Meeting Attendance**

22 October 2015	Presentation WA Museum Special Council Meeting
25 October	Opening of Denham Recreational Jetty & Launch of Dirk Hartog Voyage Of Discovery – Shark Bay 1616 – opened by the Premier Hon C Barnett and Minister for Regional Development Hon T Redman

**General Matters**

- Congratulations to Greg Ridgley elected unopposed as Council Representative for the new Useless Loop / Pastoral
- Rainfall has delivered a slightly above average rainfall year in the pastoral area with some major variation as a result of cyclone Olwyn. The vegetation response has been amazing but does leave the legacy of fire risk. Cyclone repairs and finalization of insurance claims are ongoing.
- Tourism numbers are going through their seasonal decline. The general feeling is that it has been a good year numbers wise and very healthy for business in the Shire.
- Pastoral activities are focusing on mustering, lamb marking, shearing and animal sales. Due to the above average feed on offer, animals are in very good condition. The abattoir in Geraldton will not open this year. This is a major setback for animal sales.
- Organizing community baiting.

**Signatures**

Councillor	<i>Councillor Wake</i>
Date of Report	20 October 2015

Moved Cr Prior  
Seconded Cr Laundry

**Council Resolution**

**That Councillor Wake's October 2015 report on activities as Council representative be received.**

**6/0 CARRIED**

**11. ADMINISTRATION REPORT**

**11.1 CHRISTMAS/NEW YEAR CLOSURE**

CM00016

Author

Executive Assistant

Disclosure of Any Interest

Nil

Officer Recommendation

That the:

1. Council's administration office and depot close for the Christmas/New Year period from Thursday 24 December 2015 to Friday 1 January 2016 inclusive;
2. Shark Bay World Heritage Discovery and Visitor Centre be closed on 25 December 2015; and
3. Denham Refuse Site be:
  - a. Closed on Wednesday 23 December 2015;
  - b. Closed on Thursday 24 December 2015;
  - c. Closed on Friday 25 December 2015;
  - d. Open on Saturday 26 December 2015;
  - e. Closed on Wednesday 30 December 2015;
  - f. Closed on Thursday 31 December 2015: and
  - g. Closed on Friday 1 January 2016.

**AMENDMENT TO OFFICER RECOMMENDATION**

Reason: Council felt that due to the busy Christmas season to open the refuse site for two hours on the Wednesday and Thursday with no opening fees appropriate.

Moved Cr Laundry  
Seconded Cr Capewell

**Council Resolution**

That the:

1. Council's administration office and depot close for the Christmas/New Year period from Thursday 24 December 2015 to Friday 1 January 2016 inclusive;
2. Shark Bay World Heritage Discovery and Visitor Centre be closed on 25 December 2015; and
3. Denham Refuse Site be:
  - a. Open on Wednesday 23 December 2015 from 10 – 12 no opening fee
  - b. Open on Thursday 24 December 2015 from 10 – 12 no opening fee
  - c. Closed on Friday 25 December 2015;
  - d. Open on Saturday 26 December 2015 from 8.00am – 12.00, 1.00 – 3.00pm
  - e. Open on Wednesday 30 December 2015 from 10- 12 no opening fee
  - f. Open on Thursday 31 December 2015 from 10 – 12 no opening fee;
  - and
  - g. Closed on Friday 1 January 2016.

**6/0 CARRIED**

Background

Council has previously closed the office and depot between Christmas and New Year. The public holidays for the Christmas period of 2015 are Friday 25 December 2015 and Monday 28 December 2015 and Friday 1 January 2016, which is New Year's Day.

Comment

**Administration Office and Depot**

It is recommended that the office and depot be closed from Thursday 24 December 2015 and reopen on Monday 4 January 2016 which results in closure for 6 day period.

Staff would be required to take leave as follows:

- Public Holidays; and
- Accrued RDO's or Annual Leave

Emergency staff would still be contactable and a skeleton crew would be working at the depot.

**Shark Bay World Heritage Discovery and Visitor Centre**

Shark Bay World Heritage Discovery and Visitor Centre would be open with the exception of Christmas Day when the Centre would be closed.

**Refuse Site**

The refuse site would be closed on Wednesday 23 and Thursday 24 December 2015. It is further proposed to close the refuse site on Friday 25 December 2015..

The refuse site is normally closed on Wednesdays and Thursdays and therefore there would be only one day, that being Friday 25 December, which would be extra closing.

To facilitate the disposal of rubbish it is proposed to open the refuse site on Saturday 26 December 2015 from 8 am to 12 noon, then from 1 pm to 3 pm as normal.

This is a relatively quiet time and it is not seen that the closure of these sites would impact on Council's service provision.

Legal Implications

There are not legal implications relating to this report

Policy Implications

There are no policy implications relating to this report.

Financial Implications

The closure of the office and depot would assist in the reduction of leave liability.

Strategic Implications

There are no strategic implications relating to this report.

Voting Requirements

Simple Majority Required

Signatures

Author  
Chief Executive Officer  
Date of Report

*C Wood*  
*P Anderson*  
19 October 2015

11.2 RESERVE 48908 - COMMON

Reserve 48908

AUTHOR

CHIEF EXECUTIVE OFFICER

DISCLOSURE OF ANY INTEREST

NIL

Officer Recommendation

That Council:

Note the administration's actions in regard to the Council Resolution of September 2015 concerning the application from Mrs Hargreaves in relation to a licence to occupy a portion of Reserve 49809.

Option 1

Instruct the administration to further assist Mrs Hargreaves in preparing an Application to occupy a section of Reserve 49809 including a valid Public Liability Policy to the value of \$10 million to be submitted to Council at the Ordinary meeting to be held on 25 November 2015 for consideration.

Or

Option 2

Instruct the administration to issue an infringement to Mrs Hargreaves under Section 3.13(i) (o) of the Shire of Shark Bay Local Government Property Local Law and commence subsequent action in accordance with Councils Local Laws section 10 enforcement.

Or

Option 3

Instruct the administration to further explore the option of seeking personal indemnification from Mrs Hargreaves that indemnifies the Council from any accident or injury arising due to the occupation of reserve 49809 under a licence issued by the Council in accordance with the Management Order.

Moved Cr Capewell

Seconded Cr Bellottie

Councillor Recommendation

That Council:

**Note the administration's actions in regard to the Council Resolution of September 2015 concerning the application from Mrs Hargreaves in relation to a licence to occupy a portion of Reserve 49809.**

**Instruct the administration to issue an infringement to Mrs Hargreaves under Section 3.13(i) (o) of the Shire of Shark Bay Local Government Property Local Law and commence subsequent action in accordance with Councils Local Laws section 10 enforcement.**

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Note: Council Laundry indicated that he would like to move a procedural motion that the matter now be put.

Moved           Cr Laundry  
Seconded       Cr Prior

**Council Resolution**

**That the motion be put.**

**6/0 CARRIED**

Moved           Cr Capewell  
Seconded       Cr Bellottie

**Councillor Recommendation**

**That Council:**

**Note the administration's actions in regard to the Council Resolution of September 2015 concerning the application from Mrs Hargreaves in relation to a licence to occupy a portion of Reserve 49809.**

**Instruct the administration to issue an infringement to Mrs Hargreaves under Section 3.13(i) (o) of the Shire of Shark Bay Local Government Property Local Law and commence subsequent action in accordance with Councils Local Laws section 10 enforcement.**

**3/3 TIED**

**The votes were equally divided and the President exercised a casting vote which resulted in the vote being**

**3 / 4 LOST**

Moved           Cr Prior  
Seconded       Cr Ridgley

**Council Resolution**

**That Council:**

- 1. Note the administration's actions in regard to the Council Resolution of September 2015 concerning the application from Mrs Hargreaves in relation to a licence to occupy a portion of Reserve 49809.**
- 2. Instruct the administration to further assist Mrs Hargreaves in preparing an Application to occupy a section of Reserve 49809 including a valid Public Liability Policy to the value of \$10 million to be submitted to Council at the Ordinary meeting to be held on 25 November 2015 for consideration.**

**3/3 TIED**

**The votes were equally divided and the President exercised a casting vote which resulted in the vote being**

**4/3 CARRIED**



BACKGROUND

The Shire council at the ordinary meeting held on 26 August 2015 resolved the following

**Instruct the administration to further assist Mrs Hargreaves in preparing an Application to occupy a section of Reserve 49809 to be submitted to Council at the Ordinary meeting to be held on 30 September 2015 for consideration.**

This instruction was undertaken which resulted in a report being presented to the 30 September 2015 meeting at which the Council resolved as follows:

***That a licence to occupy an area of 2.52 Hectares of the Reserve 49809 – Common as depicted on map attached and in line with the configuration submitted by Mrs M Hargreaves be further considered by Council at the October 2015 meeting of Council and subject to the submission of a valid Public Liability Policy to the value of \$10 million.***

Correspondence was sent to Mrs Hargreaves on the 5 October 2015 advising of the Council Resolution, at the time of writing this report the following response has been received:

Shire of Shark Bay

**Commonage issues – Mrs. M.A.Hargreaves**

Public liability - \$10,000.00

I refer to your recent communications & in particular the subject of my being expected to take out Public Liability Insurance to the value of \$10,000.00

1. My husband is currently pursuing the matter of possible corruption on the part of the Administrative staff of the Shire of Shark Bay which in turn – if proven - the Council will be held responsible for.
2. Until this matter is cleared up I will not be involved in any dialogue with the Shire where it comes to such questions of Public liability.
3. **On this subject I advise the Council members that with the removal of the gate first installed by the this Shire deterring public access to the Public the business of acquiring Public liability is extremely hard.**
4. Additional obstacles faced revolve around the age of the horse who is 36 years of age. An extract from the 6<sup>th</sup> lot of Insurance Brokers we have approached – without any chance of effecting cover – runs as follows:

*Further to my phone message I just left for you, it would seem that we will not be able to place the Liability insurance for your horse.*

*I had a look at some options and it would seem that you are unable to get the Liability insurance without first insuring the horse itself. Due to the age of your horse, this does indeed pose some problems.*

*One option would be if you have a farm insurance policy somewhere, it may be able to be extended to cover the liability for the horse...etc.*

You will be contacted by the appropriate Gov't Dept. in due course & in the meantime please conduct any such communications you have in mind with my husband.

Thank you.

Mrs M.A. Hargreaves

4.30 pm 19<sup>th</sup> Oct. 2015

COMMENT

A copy of the two previous reports that were presented to the August 2015 and September 2015 meeting of Council are attached at the end of this report.

The Council at the August 2015 meeting was presented with the following options and resolved to adopt option 1.

**Option 1**

**Instruct the administration to further assist Mrs Hargreaves in preparing an Application to occupy a section of Reserve 49809 to be submitted to Council at the Ordinary meeting to be held on 30 September 2015 for consideration.**

Or

**Option 2**

**Instruct the administration to issue an infringement to Mrs Hargreaves under Section 3.13(i) (o) of the Shire of Shark Bay Local Government Property Local Law and commence subsequent action in accordance with Councils Local Laws section 10 enforcement.**

The administration carried out the Council's Resolution which resulted in the presentation of the application from Mrs Hargreaves at the September meeting of Council and the subsequent resolution that required the application to have evidence of a valid Public Liability Policy to the value of \$10 million.

As indicated by Mrs Hargreaves correspondence she has not provided evidence of the required Public Liability Policy.

The Council if it considers that additional time may result in the submission of the required Public Liability Policy consider allowing allow further time to meet the conditions or consider the adoption of recommendation to which will be the commencement of legal action in accordance with Council Local Laws.

The Council could also consider waiving the requirement of external public liability insurance and seek private indemnification from the applicant that they will be responsible for any accident or injury that occurs to any other party due to their occupation of a portion of the reserve.

This may be an option to further explore however it may not fully protect the Council from any possible liability claims as joint negligence may be claimed as contributing to any accident or injury.

The Council would need to be confident that it had taken all reasonable steps to require the applicant to have an adequate insurance policy or the means to ensure any risk would be adequately addressed.

The Council may also consider the information that Mrs Hargreaves has included in her correspondence that the horse is 36 years old and perhaps consider a reduced tenure on the licence to occupy.

The minimum tenure is one (1) year with a maximum up to five (5) years.

LEGAL IMPLICATIONS

The Council has a Management Order for Reserve 49809 in accordance with the *Land Administration Act 1997*.

The conditions of the Management Order

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

The Management Order enables the Council to grant individual licences and impose conditions in regard to the licence, which are then reviewed and ratified or amended by the Minister or their delegated officer.

The Shire of Shark Bay Local Government Property Local Law in part states:

## **2.1 Determinations as to Use of Local Government Property**

- (1) The Local Government may make a determination in accordance with Clause 2.2 -
  - (a) setting aside specified Local Government property for the pursuit of all or any of the activities referred to in Clause 2.7,

The council has made the following determination

### **Animals on local government property**

- a. Unless authorised by a written law, or by a permit or a determination, a person must not tether any animal to a tree, shrub, tree guard, wall or fence or permit any animal to enter on or into any local government property.
- b. This clause does not apply to a guide dog used for the assistance of visually impaired persons.
- c. Pursuant to clause 3.13(1)(o) of the local law, subject to the person in charge of the animals concerned obtaining a permit beforehand and compliance with any conditions listed in the permit or this determination, the following areas of local government property may be used to depasture, take on to, or allow to enter or remain upon, any animal as permitted:
  - i. Reserve 49809, known as the Denham Town Common.

## **3.1 Application of Part**

This Part does not apply to a person who uses or occupies Local Government property under a written agreement with the Local Government to do so.

## **3.2 Application for Permit**

- (1) Where a person is required to obtain a permit under this Local Law, that person shall apply for the permit in accordance with subclause (2).

- (2) An application for a permit under this Local Law shall -
  - (a) be in the form determined by the Local Government,
  - (b) be signed by the applicant,
  - (c) provide the information required by the form, and
  - (d) be forwarded to the Chief Executive Officer together with any fee imposed and determined by the Local Government under and in accordance with Sections 6.16 to 6.19 of the Act.
- (3) The Local Government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The Local Government may require an applicant to give local public notice of the application for a permit.
- (5) The Local Government may refuse to consider an application for a permit which is not in accordance with subclause (2).

### **3.3 Decision on Application for Permit**

- (1) The Local Government may -
  - (a) approve an application for a permit unconditionally or subject to any conditions, or
  - (b) refuse to approve an application for a permit.
- (2) If the Local Government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the Local Government.
- (3) If the Local Government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

### **3.4 Conditions which may be Imposed on a Permit**

- (1) Without limiting the generality of Clause 3.3(1) (a), the Local Government may approve an application for a permit subject to conditions relating to -
  - (a) the payment of a fee,
  - (b) compliance with a standard or a Policy of the Local Government adopted by the Local Government,
  - (c) the duration and commencement of the permit,
  - (d) the commencement of the permit being contingent on the happening of an event,
  - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application,
  - (f) the approval of another application for a permit which may be required by the Local Government under any written law,
  - (g) the area of the district to which the permit applies,
  - (h) where a permit is issued for an activity which will or may cause damage to Local Government property, the payment of a deposit or bond against such damage, and
  - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the Local Government.

- (2) Without limiting Clause 3.3(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire Local Government property may be issued -
- (a) when fees and charges are to be paid,
  - (b) payment of a bond against possible damage or cleaning expenses or both,
  - (c) restrictions on the erection of material or external decorations,
  - (d) rules about the use of furniture, plant and effects,
  - (e) limitations on the number of persons who may attend any function in or on Local Government property,
  - (f) the duration of the hire,
  - (g) the right of the Local Government to cancel a booking during the course of an annual or seasonal booking, if the Local Government sees fit,
  - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Licensing Act 1988*,
  - (i) whether or not the hire is for the exclusive use of the Local Government property,
  - (j) the obtaining of a policy of insurance in the names of both the Local Government and the hirer, indemnifying the Local Government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the Local Government property by the hirer, and
  - (k) the provision of an indemnity from the hirer, indemnifying the Local Government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the Local Government property by the hirer.

### **3.13 Activities Needing a Permit**

- (1) A person shall not without a permit -
  - (m) make any excavation on or erect or remove any fence on Local Government property,
  - (o) depasture, take on to, or allow to enter or remain upon Local Government property, any horse, sheep, cattle, goat, camel, ass or mule, unless the Local Government has made a determination under Clause 2.1(1) of this Local Law, in which event the provisions of the determination shall prevail

The penalty for not complying with clause 3.13(i) (o) of the local law is currently \$100.00.

In the event that an individual does not comply with the local law and continues the offence part 10 enforcement section of the local law can be applied

### **10.1 Offence to Fail to Comply with Notice**

Whenever the Local Government gives a notice under this Local Law requiring a person to do anything, if a person fails to comply with the notice, that person commits an offence.

### **10.2 Local Government May Undertake Requirements of Notice**

Where a person fails to comply with a notice referred to in Clause 10.1, the Local Government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

### 10.3 Offences and General Penalty

- (1) Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this Local Law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

#### FINANCIAL IMPLICATIONS

The Council recently imposed a fee of \$100 per annum for an approved licence for a section of the Reserve 49809.

In relation to the occupation of Reserve 49809 without the necessary approvals the initial action would be to issue a \$100 infringement.

In the event that the infringement is not paid and complied with there would be costs associated with any ongoing court action.

It is difficult to estimate the cost of any court action or action required to remove any structures in place on Council reserve that do not have the required approvals.

The court costs may be in the vicinity of \$7,500 - \$10,000 and some of these costs may be recoverable.

The costs to remove any structures would be incorporated into the operation costs associated with the management of Council reserves and in accordance with the Local Laws would be recoverable from the person on whom the notice was given.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this report

#### RISK MANAGEMENT

There are a number of risk factors associated with the licencing of areas of reserve to individuals for the keeping of animals.

This includes the environmental degradation of the licenced area, however given that the confinement of any animal will cause degradation of the environment, the licenced area could be viewed as the sacrificial site.

The issue of free roaming stock is also a risk factor, however Council would be mitigated due to the requirements of the policy and conditions of licence. The responsibility for wandering stock outside of the designated licence is a breach of Council Local Laws and would be the responsibility of the owner of the stock.

#### VOTING REQUIREMENTS

Simple Majority Required

#### SIGNATURES

Chief Executive Officer

*P Anderson*

Date of Report

16 October 2015



28 OCTOBER 2015

R03 49809

RECEIVED

24 AUG 2015

**SHIRE OF SHARK BAY**

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

RES49809



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

I-CL-20158

**APPLICATION FOR USE OF PORTION OF  
RESERVE 49809 - COMMON**

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

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

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

SIGNATURE: M. Hargreaves DATE: 22<sup>nd</sup> August '15  
PLEASE PRINT FULL NAME: MARGARET HARGREAVES TELEPHONE NUMBER: 99481338  
ADDRESS: 14 DURLACHURST, DENHAM, W.A.

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

**CONTACT DETAILS**

FIRST NAME:	MARGARET HARGREAVES OR TIM HARGREAVES
LAST NAME:	HARGREAVES
BUINESS/ORGANISATION NAME:	_____
POSTAL ADDRESS:	P.O. BOX 56 DENHAM, 6537
HOME PHONE NUMBER:	99481338
WORK PHONE NUMBER:	_____

1  
Shire of Shark Bay  
Application for Use of portion of Reserve 49809 - Common

MINUTES ORDINARY COUNCIL MEETING

28 OCTOBER 2015

FAX NUMBER:

**Reserve 49809-Common, Use**

Please provide a short description of the activities that you wish to undertake at Reserve 49809 - Common. Eg: Stock tenure.

keeping & exercising 1 pony

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

S.B. 3  
S.B. 7777

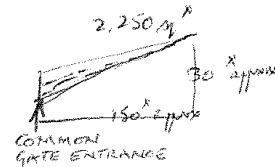
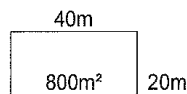
**What infrastructure or stock control devices will be utilised?**

Please tick appropriate box.

Shed  Caravan  Shade structure  Internal fences  Gates

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

Example:



Or None of the above

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

5 YEARS

2

Shire of Shark Bay

Application for Use of portion of Reserve 49809 - Common

28 OCTOBER 2015

**Stock Application**

I hereby apply for permission to occupy a portion of the Shire of Shark Bay Reserve 49809

Common for the following stock:-

- ( / ) horse/s
- ( ) cattle *1 YOUNG GOAT, AND POULTRY, HAVE DISAPPEARED SINCE GATE REMOVAL, BY SHIRE*
- ( ) sheep
- ( ) camels
- ( ) chickens
- 1 OLD GOAT (APPROX 20? YEARS)*

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

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

I have read and understood all parts of the application for use of porting of Reserve 49809 - Common and am fully aware of all that is required of me as a lessee. I agree to abide by the Licence to Occupy once approved by the Minister of Lands. I have attached a copy of my Public Liability Insurance certificate. *NO PUBLIC LIABILITY.*

Signed By Lessee

Print full name: MARGARET HARGREAVES

Signed: M. Hargreaves - mhu address Date: 22nd / 08 / 15

**➤ How to lodge this application**

**BY POST;**

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

**Courier or personal Delivery:**

Shire Offices  
65 Knight Terrace  
Denham WA 6537

**Electronically:**

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

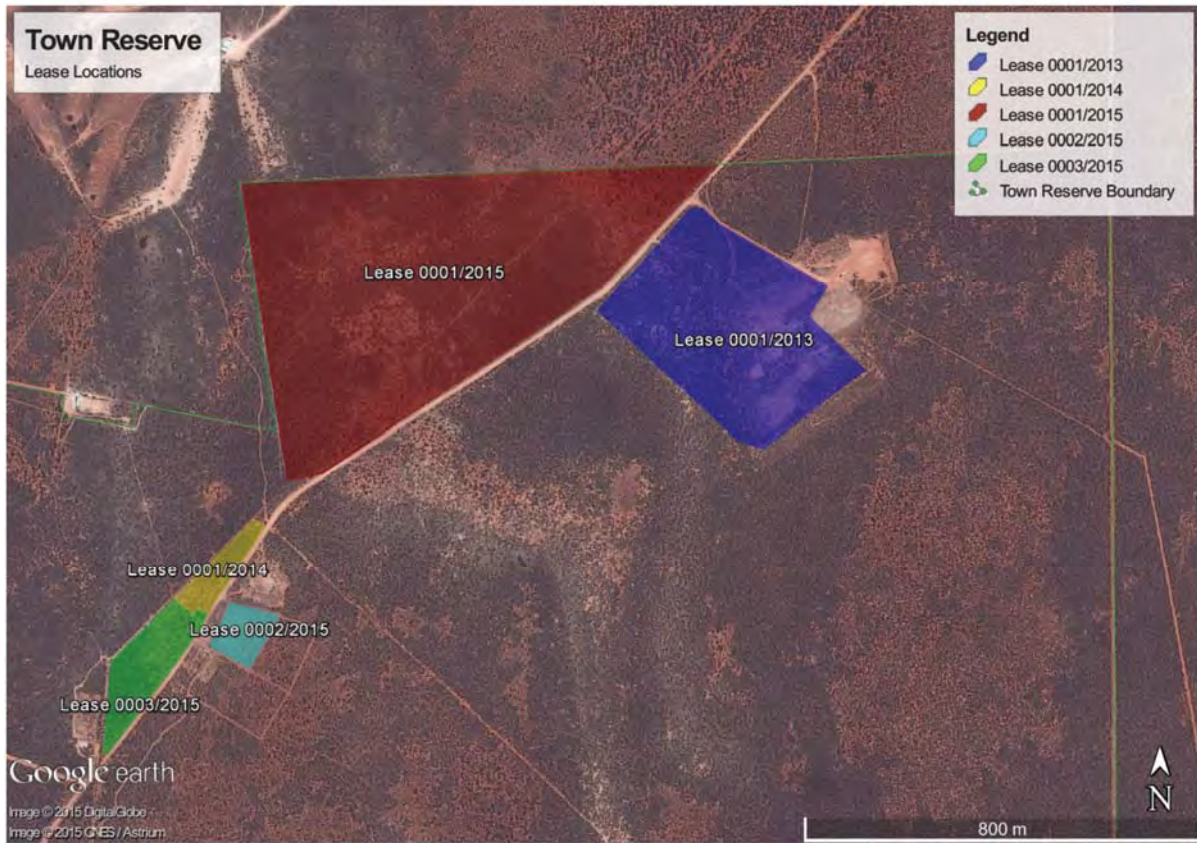
**Contact the Shire offices on:**

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

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

- *All occupiers of the Common will observe basic requirements for its occupation.*
- *All occupiers of the Common will ensure that all of their activities conform to any relevant legislation or other statutory requirement.*
- *Illegal activities of any nature are not to take place at the Common.*
- *The Shire of Shark Bay, its officials, employees and agents shall not be held responsible for personal injuries or damages sustained or property or stock lost or stolen on the Common.*
- *Activities are to be controlled and maintained to ensure long term environmental sustainability and ultimate re-instatement of its land use.*
- *Occupiers are to be responsible for any damages caused to the Common other than general deterioration of the site.*
- *The Common will be left clean and tidy; all rubbish etc is to be removed.*
- *Due respect is to be observed to other occupiers of the Common with regard to mutual required services and infrastructure.*
- *Occupiers are asked to contribute to a positive relationship with other Common users.*
- *The area utilized must have a stock control measure in place to secure their stock.*
- *Stock numbers must be maintained within the license approval. Any additional stock must be approved by Council.*
- *Activity infrastructure will be required to be set back a specified distance from the access road as determined by the Shire.*
- *Speed limits will be observed on the access and external road within the Common.*
- *Occupiers of the Common are required to address issues of concern directly to the Shire and not to other occupiers.*
- *Proof of current Public Liability Insurance to \$10,000,000.*

Failure to comply with these provisions may result in the cancellation of the licence to occupy.



ORDINARY COUNCIL MINUTES

26 AUGUST 2015

11.2 RESERVE 49809 - COMMON  
RES49809

AUTHOR  
CHIEF EXECUTIVE OFFICER

DISCLOSURE OF ANY INTEREST  
NIL

Officer Recommendation

That Council:

1. Note the administrations correspondence to Mrs Hargreaves in regard to ongoing occupation of Reserve 49809 and from Mr Hargreaves in relation to Reserve 49809.

Option 1

Instruct the administration to further assist Mrs Hargreaves in preparing an application to occupy a section of Reserve 49809 to be submitted to Council at the Ordinary meeting to be held on 30 September 2015 for consideration.

OR

Option 2

Instruct the administration to issue an infringement to Mrs Hargreaves under Section 3.13(i) (o) of the Shire of Shark Bay Local Government Property Local Law and commence subsequent action in accordance with Councils Local Laws section 10 enforcement.

Moved: Cr Ridgley  
Seconded: Cr Wake

Council Resolution

That Council:

**Note the administrations correspondence to Mrs Hargreaves in regard to ongoing occupation of Reserve 49809 and from Mr Hargreaves in relation to Reserve 49809.**

**Instruct the administration to further assist Mrs Hargreaves in preparing an application to occupy a section of Reserve 49809 to be submitted to Council at the Ordinary meeting to be held on 30 September 2015 for consideration.**

**6/0 CARRIED**

BACKGROUND

The Shire has a Management Order for Reserve 49809 with a current purpose classified as common. The area of the reserve is 1,139.223 hectares. The classification of current purpose as "common" appears to be based on a historical use.



ORDINARY COUNCIL MINUTES

26 AUGUST 2015

The definition of common in the Australian concise oxford dictionary is:  
*belonging to, open to or affecting the whole community or the public (common land).*

The Council in 2008 advised the Department of Lands that the use of the reserve referred to as the common would as follows;

*Predominately the common will be only be for de-pasturing of animals under "license to occupy" however a small portion of the common has been used for material extraction by the Shire for Local Government requirements*

Subsequently the Shire in July 2008 received a Management Order with the following conditions:

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

The Council in 2009 to ensure there was a consistent approach to the use and controls of the common considered a policy and advertised the policy for comment.

It is unclear if the policy was formally adopted, however the principles of the policy appeared to have been put into place and it is now referred to as a Management Statement.

The following conditions are contained within the licences that are granted by Council

*All occupiers of the town common will observe basic requirements for its occupation.  
All occupiers of the common will ensure that all of their activities conform to any relevant legislation or other statutory requirement.  
Illegal activities of any nature are not to take place at the town common.  
The Shire of Shark Bay, its officials, employees and agents shall not be held responsible for personal injuries or damages sustained or property or stock lost or stolen on the town common.  
Activities are to be controlled and maintained to ensure long term environmental sustainability and ultimate re-instatement of its land use.  
Occupiers are to be responsible for any damages caused to the Town Common other than general deterioration of the site.  
The common will be left clean and tidy; all rubbish etc. is to be removed.  
Due respect is to be observed to other occupiers of the town common with regard to mutual required services and infrastructure.  
Occupiers are asked to contribute to a positive relationship with other town common users.  
The area utilized must have a stock control measure in place to secure their stock.  
Stock numbers must be maintained within the license approval. Any additional stock must be approved by council.  
Activity infrastructure will be required to be set back a specified distance from the access road as determined by the shire.  
Speed limits will be observed on the access and external road within the town common.  
Occupiers of the town common are required to address issues of concern directly to the shire and not to other occupiers.*

ORDINARY COUNCIL MINUTES

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The following is the Management Statement that was reviewed by the Council.

Management Statement for the Occupation and use of the Common

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

The area and location of land being utilised along with the specific infrastructure thereon.

The number of stock being grazed.

Other activities that are being undertaken. E.g., sand extraction, trail bike riding etc.

Occupiers of the town common

All occupiers of the common will require a licence to be granted for the designated purpose of occupation of the common for a term not exceeding (5) years and be subject to the approval in writing from the Minister for Lands.

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

Reporting Requirements

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

General Management Statement for Occupiers

All occupiers of the common will observe basic requirements for its occupation.

Activities are to be controlled and maintained to ensure long term environmental sustainability and ultimate re-instatement of its land use.

Due respect is to be observed to other occupiers of the common with regard to mutual required services and infrastructure.

Activity infrastructure will be required to be set back a specified distance from the access road as determined by the shire.

An area stock control device will be required to access the common.

Speed limits will be specified on the access road within the common.

Occupiers of the common are required to address issues of concern directly to the shire and not to other occupiers.

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

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

The following licenses have been issued and approved by the Minister for use of an area of the common:

Mrs Alison McLean

Licence issued 1 June 2013 expires 31 May 2018

Area 4.2 Hectares

ORDINARY COUNCIL MINUTES

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Ms Tracey Weiss

Licence issued 01 September 2014 expires 31 August 2019

Area approx. 1.5 Hectares

Mr Gary Desmond and Mr Harold Hoult

Licence approved by council May 2015 expiring June 2019

Area 15 Hectares

These licences have been finalised and have the approval of the Minister.

Mr Henk Van Eek

Licence conditionally approved by council July 2010 expiring June 2015

Area 5 Hectares

This licence has been conditionally approved by Council at the July 2015 meeting and has been forwarded to the Minister for consideration.

There is only one other occupant of the common at present being:

Mrs Margaret Hargreaves

Licence conditional approved by council July 2010 expired June 2015

Area 1,500m<sup>2</sup>

The process that was applied to these licences has been reviewed due to some recent issues and the fact that these licences are approaching their end date of 30 June 2015.

Correspondence (attached) has been sent to Mrs Hargreaves on the following dates 18 August 2014, 16 January 2015, 2 June 2015, 3 July 2015 and 27 July 2015 advising that the licence to occupy a section of Reserve 49809 was expiring on 30 June 2015 and the process that was required to submit an application for consideration.

There has been one response from Mrs Hargreaves received on the 27 July 2015, however no application has been submitted from Mrs Hargreaves in response to the correspondence previously sent by the administration.

COMMENT

Mrs Hargreaves has been advised on 18 August 2014, 16 January 2015, 2 June 2015, 3 July 2015 and 27 July 2015 in regard to the expiry of the current licence to occupy a section of Reserve 49809 and the correct procedures to apply to the Council for consideration to occupy a section of Reserve 49809.

There has been a response from Mrs Hargreaves on the 27 July 2015 and an email from Mr Hargreaves (attached) on 14 April 2014, however there has been no application received in the correct format for Council to consider.

Council is aware that Mr Hargreaves has expressed an opinion on the Reserve and provided information regarding the history of the common and Reserve 49809. Mr Hargreaves has requested further information to prepare a submission which has not yet been received.

ORDINARY COUNCIL MINUTES

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Given the opinions and the stance that has previously been taken in regard to this matter the administration has deferred to Council before taking any action which may result in ongoing legal action.

The Council may consider the following options:

instruct the administration to further assist Mrs Hargreaves in preparing an application to occupy a section of Reserve 49809 which can then be submitted to Council at the Ordinary meeting to be held on 30 September 2015 for consideration.

Instruct the administration to issue an infringement to Mrs Hargreaves under section 3.13(i) (o) of the Shire of Shark Bay Local Government Property Local Law and commence subsequent action to in accordance with Councils Local Laws section 10 enforcement.

Option 1 would be in recognition of the ongoing occupation of an area of the Reserve 49809 and given the administration would be assisting it may be assumed by Mrs Hargreaves that Council would then approve the application.

This may create an incorrect expectation that assistance from the administration with the application would ensure approval from the Council.

The Council has the statutory ability to delegate authority for the issuing of permits and licences to the Chief Executive Officer, it has been the Chief Executive Officer's practise to refer matters of this nature to the Council for consideration.

The majority of the compliance issues previously experienced with the utilisation of Reserve 49809 by approved occupiers have been addressed with the removal of the gate, grid and fencing and erection of signage to access the reserve.

The gate, grid and fencing had previously been used by occupiers as a means to not comply with the Council's management regulation that required the licenced occupiers to maintain stock control measures in the area allocated that kept their stock contained within the area.

There is also a number of structures that have been erected on the area that is occupied by Mrs Hargreaves that were not noted on the original application.

Option 2 would be in acknowledgement that Mrs Hargreaves has refused to comply with numerous requests to apply for a licence to occupy a section of Reserve 49809 and taking into consideration Mr and Mrs Hargreaves previous stance that he has conveyed to Councillors via email on this matter.

This option may result in extensive ongoing action in accordance with Council's Local Laws section 10 enforcement or result in the submission in an application for a section of the common following the issuing of an infringement.

LEGAL IMPLICATIONS

The Council has a Management Order for Reserve 49809 in accordance with the *Land Administration Act 1997*.

The conditions of the Management Order

To be used for its designated purpose of "Common "only

ORDINARY COUNCIL MINUTES

26 AUGUST 2015

Power to license for the designated purpose is granted for the whole or any portion thereof for any term not exceeding five (5) years from the date of license subject to the approval in writing of the Minister of lands being first obtained to each and every licence pursuant also to the provisions of section 19 of the *Land administration Act 1997*.

The Management Order enables the Council to grant individual licences and impose conditions in regard to the licence, which are then reviewed and ratified or amended by the Minister or their delegated officer.

The Shire of Shark Bay Local Government Property Local Law in part states:

- 2.1 Determinations as to Use of Local Government Property  
(1) The Local Government may make a determination in accordance with Clause 2.2 - setting aside specified Local Government property for the pursuit of all or any of the activities referred to in Clause 2.7,

The council has made the following determination:

Animals on local government property

Unless authorised by a written law, or by a permit or a determination, a person must not tether any animal to a tree, shrub, tree guard, wall or fence or permit any animal to enter on or into any local government property.

This clause does not apply to a guide dog used for the assistance of visually impaired persons.

Pursuant to clause 3.13(1)(o) of the local law, subject to the person in charge of the animals concerned obtaining a permit beforehand and compliance with any conditions listed in the permit or this determination, the following areas of local government property may be used to de-pasture, take on to, or allow to enter or remain upon, any animal as permitted:

Reserve 49809, known as the Denham Common.

- 3.1 Application of Part  
This Part does not apply to a person who uses or occupies Local Government property under a written agreement with the Local Government to do so.
- 3.2 Application for Permit  
(1) Where a person is required to obtain a permit under this Local Law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this Local Law shall -
- (a) be in the form determined by the Local Government,
  - (b) be signed by the applicant,
  - (c) provide the information required by the form, and
  - (d) be forwarded to the Chief Executive Officer together with any fee imposed and determined by the Local Government under and in accordance with Sections 6.16 to 6.19 of the Act.

ORDINARY COUNCIL MINUTES

26 AUGUST 2015

- (3) The Local Government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
  - (4) The Local Government may require an applicant to give local public notice of the application for a permit.
  - (5) The Local Government may refuse to consider an application for a permit which is not in accordance with subclause (2).
- 3.3 Decision on Application for Permit
- (1) The Local Government may -
    - (a) approve an application for a permit unconditionally or subject to any conditions, or
    - (b) refuse to approve an application for a permit.
  - (2) If the Local Government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the Local Government.
  - (3) If the Local Government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- 3.4 Conditions which may be Imposed on a Permit
- (1) Without limiting the generality of Clause 3.3(1) (a), the Local Government may approve an application for a permit subject to conditions relating to -
    - (a) the payment of a fee,
    - (b) compliance with a standard or a Policy of the Local Government adopted by the Local Government,
    - (c) the duration and commencement of the permit,
    - (d) the commencement of the permit being contingent on the happening of an event,
    - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application,
    - (f) the approval of another application for a permit which may be required by the Local Government under any written law,
    - (g) the area of the district to which the permit applies,
    - (h) where a permit is issued for an activity which will or may cause damage to Local Government property, the payment of a deposit or bond against such damage, and
    - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the Local Government.
  - (2) Without limiting Clause 3.3(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire Local Government property may be issued -
    - (a) when fees and charges are to be paid,
    - (b) payment of a bond against possible damage or cleaning expenses or both,
    - (c) restrictions on the erection of material or external decorations,
    - (d) rules about the use of furniture, plant and effects,

ORDINARY COUNCIL MINUTES

26 AUGUST 2015

- (e) limitations on the number of persons who may attend any function in or on Local Government property,
- (f) the duration of the hire,
- (g) the right of the Local Government to cancel a booking during the course of an annual or seasonal booking, if the Local Government sees fit,
- (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Licensing Act 1988*,
- (i) whether or not the hire is for the exclusive use of the Local Government property,
- (j) the obtaining of a policy of insurance in the names of both the Local Government and the hirer, indemnifying the Local Government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the Local Government property by the hirer, and
- (k) the provision of an indemnity from the hirer, indemnifying the Local Government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the Local Government property by the hirer.

3.13 Activities Needing a Permit

(1) A person shall not without a permit -

- (m) make any excavation on or erect or remove any fence on Local Government property,
- (o) de-pasture, take on to, or allow to enter or remain upon Local Government property, any horse, sheep, cattle, goat, camel, ass or mule, unless the Local Government has made a determination under Clause 2.1(1) of this Local Law, in which event the provisions of the determination shall prevail

The penalty for not complying with clause 3.13(i) (o) of the Local Law is currently \$100.00.

In the event that an individual does not comply with the local law and continues the offence part 10 enforcement section of the local law can be applied

10.1 Offence to Fail to Comply with Notice

Whenever the Local Government gives a notice under this Local Law requiring a person to do any-thing, if a person fails to comply with the notice, that person commits an offence.

10.2 Local Government May Undertake Requirements of Notice

Where a person fails to comply with a notice referred to in Clause 10.1, the Local Government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

10.3 Offences and General Penalty

(1) Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.



ORDINARY COUNCIL MINUTES

26 AUGUST 2015

- (2) Any person who commits an offence under this Local Law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

FINANCIAL IMPLICATIONS

The Council recently imposed a fee of \$100 per annum for an approved licence for a section of the Reserve 49809.

In relation to the occupation of Reserve 49809 without the necessary approvals the initial action would be to issue a \$100 infringement.

In the event that the infringement is not paid and complied with there would be costs associated with any ongoing court action.

It is difficult to estimate the cost of any court action or action required to remove any structures in place on Council reserve that do not have the required approvals.

The court costs may be in the vicinity of \$7,500 - \$10,000 and some of these costs may be recoverable.

The costs to remove any structures would be incorporated into the operation costs associated with the management of Council reserves and in accordance with the Local Laws would be recoverable from the person on whom the notice was given.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this report

RISK MANAGEMENT

There are a number of risk factors associated with the licencing of areas of reserve to individuals for the keeping of animals.

This includes the environmental degradation of the licenced area, however given that the confinement of any animal will cause degradation of the environment, the licenced area could be viewed as the sacrificial site.

The issue of free roaming stock is also a risk factor, however Council would be mitigated due to the requirements of the policy and conditions of licence. The responsibility for wandering stock outside of the designated licence is a breach of Council Local Laws and would be the responsibility of the owner of the stock.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer  
Date of Report

*P Anderson*  
10 August 2015

ORDINARY COUNCIL MINUTES

26 AUGUST 2015

RES49809 / O-CR-13748  
Paul Anderson  
18 August 2014

MARGARET HARGREAVES  
14 DURLACHER STREET  
DENHAM 6537

Dear Mrs Hargreaves

**TOWN COMMON LICENCE**

I refer to your conditional approval subject to conditions to occupy the Town Common resolved by Council on 28 July 2010.

Correspondence forwarded to you dated 30 July 2010 stated:

***That Council advise the proponent Mrs M.A. Hargreaves that it is prepared to grant conditional approval to occupy the Town Common subject to the following conditions;***

- A) *Compliance with the requirements and conditions for occupancy of the common which requires;***
- 1) *Removal of the existing Caravan within three (3) months of this notice and as previously required.***
  - 2) *Activity infrastructure is to be set-back 6.000 metres from the access road. In this regard the sea container will be permitted to remain, but when it is replaced it must be placed 6.000m from the road verge as per the policy.***
  - 3) *The approval of the Minister for Lands.***

While I appreciate you have been in occupation of the site prior to and following the date of the conditional approval was issued your license has not received final approval.

Given that your conditional approval has never been finalised and was based on the maximum five year approval condition only has 9 months to run, it would be prudent to submit a further application including evidence that you have complied with the conditions previously imposed.

These conditions included but were not limited to the following:

Fenced area to be consistent with application and not to be altered without approval.  
The area utilised must have a stock control measures in place to secure the stock.

Once this application has been received it can be progressed in the correct manner.

I have attached a copy of your initial application and the Shires Management Statement for the occupation and use of the Town Common.

I look forward to progressing this issue with you.

If you have any further queries in relation to the above matter, please contact Paul Anderson, Chief Executive Officer on 08 99481 218 or email [ceo@sharkbay.wa.gov.au](mailto:ceo@sharkbay.wa.gov.au) .

Yours sincerely  
Paul Anderson  
**CHIEF EXECUTIVE OFFICER**

ORDINARY COUNCIL MINUTES

26 AUGUST 2015

RES49809 / O-CR-14276  
Paul Anderson

16 January 2015

MARGARET HARGREAVES  
14 DURLACHER STREET  
DENHAM 6537

Dear Margaret

**TOWN COMMON LICENCE TO OCCUPY**

Please refer to Council's correspondence dated the 18 August 2014 requesting you to commence a new application for a licence to occupy the Town Common. A copy of the correspondence is attached for your information.

It would be appreciated if you would now complete the application form to occupy the Town Common.

A copy of your original application has been attached for your information. Also enclosed is a new application form for you to complete and return to the Shire office so that the licence may be progressed in terms with Council's Management Order on the Town Common.

The process, after Council approval has been given and all conditions complied with, is to then seek the Minister for Lands approval for the tenancy.

At present your tenancy on the Town Common is not compliant and you should rectify this with a new application as soon as possible.

Your urgent attention is now required to finalise this matter.

Yours sincerely

Paul Anderson  
**CHIEF EXECUTIVE OFFICER**

28 OCTOBER 2015

ORDINARY COUNCIL MINUTES

26 AUGUST 2015

From: Sharkbay Herald [<mailto:sharkbayherald@westnet.com.au>]  
Sent: Tuesday, 14 April 2015 5:53 AM  
To: Rhonda Mettam  
Cc: Cowell, Cheryl; Keith Capewell; Greg Ridgley; [deben8@bigpond.com](mailto:deben8@bigpond.com);  
[twintub1@bigpond.com](mailto:twintub1@bigpond.com); Hamelin Pool Station; Paul Anderson  
Subject: Commonage

Administration  
Shire of Shark Bay

Commonage

I have been asked to make a formal submission by the C.E.O. to the Shire Council on the subject of the Common.

To do a proper job I want to get certain facts clearly established from the Shire records.

Thus can you please advise me of the following dates & allied (condensed preferably) details

–  
Date the Common was first formally designated as such and  
the lines of demarcation and approx. area

The date the approx. one quarter of this designated Common was allocated to a member of the Hoult family and the accompanying details of boundary lines, acreage, datum post, copies of Public Notices advertising intent re-zoning of land etc.

Records of any fees levied for Administration costs or annual charges for the use of the livestock/grazing purposes.

Fees levied & (fees paid) by the current users of the Common proper

e.g. Mr. Garry Desmond,

Mrs. Allison McLean

Mr. Henk van Eek (Camel Safaris)

Mrs Margaret Hargreaves

The date & datum, size of area allocated & proposed fence lines for the one Commercial operation – the Shark Bay Camel Safaris.

In case of need I have previously submitted fairly lengthy submissions in reply to letters from the Shire & have addressed three Council meetings of recent years but have not received replies.

To facilitate matters I conclude this communication with one such letter dated the 27<sup>th</sup> August 2014

Thank you – Tim Hargreaves

Submission by Mr & Mrs Hargreaves on the subject of the keeping of horses at the Commonage.

Background

In the 1980's the then Shire Council invited my wife & I to apply for land for the purposes of horse grazing in the locality which runs from the back of the Industrial area to Stella Rowley Drive and including the land where this building now stands.

It would have comprised about 100 acres. With the assistance of the Shire and a few *busy bees* water was piped from the Oval & fencing undertaken where required. We were invited to make such application in large measure because the then Shire Clerk, Brett Pollock, had a wife who had two horses & it was evident that such a facility would be of Community benefit to would-be horse owners in the future. Stabling was minimal, essentially for storage of feed

## ORDINARY COUNCIL MINUTES

26 AUGUST 2015

& tackle, as, in keeping with normal Conservation policies of the day, a free range grazing policy ensured that no one area would be eaten out.

With the development of the town we were subsequently asked to shift to where the present tip is. There was several thousand acres adjoining that locality. Different horse owners came & went and it was essentially my wife & myself identified with the matter of horses here. Again we fenced where necessary and again it was free range grazing as by now we were part of the World heritage conservation policies. The water itself was free being part of a supply line that ran up to what I recall was referred to as No.1 Bore.

A number of years later when the decision to shift the tip to where it now is, we were again asked to re-locate to the present locality referred to as the Common. That was about 15 years ago.

The area is about 2,000 (?) acres to my knowledge. The immediate fencing put in place was required of by Monkey Mia who controlled the Airport, being necessary to prevent kangaroos, emus, goats etc. from wandering onto the Airstrip.

The then Shire Council & Administration (Mark Hook) was again very co-operative with enabling a grid and gate at the entrance to this 'Common' and we again fenced off at our own cost a small holding paddock and arranged with Speedway to share costs of maintaining the water line that runs out to the Airport. (Water was always free from the Oval bore but the costs of maintaining the line that runs as far as to the Airport has – from the Speedway Club onwards – been borne essentially by my wife & myself. Excluding a part ownership in the Oval pump, the last bill was \$800 for new pipe. The Shark Bay Camel Safaris, Pistol Club, Golf Club, Harold Houl, Garry Desmond and Airport declined to contribute & have undertaken to cart themselves.)

Over the years it has generally worked well with most horse owners being responsible types & proving co-operative.

The first major problems arose - and are ongoing – with the arrival of a commercial venture in the form of the Shark Bay Camel Safaris. I think most Councillors are aware of the problems associated with this business venture there.

Present situation.

With the advent of a Commercial operation on what was basically an informal horse-owners pursuit, the last Council & Administration were somewhat *forced* into establishing some sort of rules. It became something of a Pandora's Box of complex & questionable legalities: supposed ancient rights of Commonage, the carting of gravel, the opening or otherwise of gates, a supposed gazetted road, the hitherto safe free ranging of horses, delinquent quad bike riders etc. Coupled with this the then Building/Health Inspector (to use the old title) Mr. McKechnie came to certain 'arrangements' with various people, the details of which we were not advised of.

Of these 'arrangements' one involved the land at the far end of what had been designated as Commonage for the community. This was fenced off by a member of the Houl family and a gate placed across the supposedly gazetted road. As much by hearsay as anything, we understood the deal involved the Golf Club and vacant Crown Land but that's about all we have gleaned, there being no evidence in the Shire Minutes of the process nor public consultation with other users of the Common.

The other 'arrangements' made by Mr. McKechnie were with Mr. van Eek involving some imaginary line(s) running from where the Camels are housed back to the main gate but stretching to where, we have no idea.

No doubt there are some sort of compass bearings & fence lines on record somewhere but in my 40 odd years of varied work including the Main Roads, the building industry & station fencing, I have yet to hear of a 'fence' line where there are no markers or signs of where that fence line runs.

I don't know of the circumstances in which Mr. McKechnie & the Shire parted company somewhat abruptly but I do know as a Councillor I made some serious allegations to the

28 OCTOBER 2015

ORDINARY COUNCIL MINUTES

26 AUGUST 2015

current CEO (Mr. Anderson) & to the present Shire President (Cnr. Cowell) concerning improprieties involving selective application of the law.

Hoped-for outcome

For our part we want to be left alone without being subjected to new licencing arrangements, fees, ever changing set back rules, etc.

We agree with the other users of the Commonage that the gate should have a padlock but have no problem with the carting of gravel by the Shire or private enterprise or of friends of other horse owners having access to this locality.

A grid is a good idea but to be frank they readily fill in with either sand blown in or borne by water from down the track.

Councillors, my wife & I are in our mid-seventies. We were instrumental in this community amenity coming into being and find the original concepts & ground rules being changed latterly without our knowledge or consent & to our detriment.

If the other horse owners want large paddocks then we have no problem with that (as long as within reason) but as people having lived here for over 40 years we strongly advise against over grazing any one piece of land. With our low rainfall it takes too long for the land to recover. With the low rain fall and resultant fire hazard, free range cropping cuts down on that risk as has been proven at horrendous costs *afterwards* elsewhere in Australia.

We came into Shark Bay when it was a dirt road & have played our part in the establishment & continuity of all manner of organisations - particularly the Emergency Services.

Other groups can have their particular hobby or pleasure type 'clubs' with even Shire financial support. Is it too much to ask that we be afforded like treatment?

Thank you for hearing us out. It goes without saying we will be glad to answer any questions.

**Tim & Maggie Hargreaves**

In the Shire Chambers 27<sup>th</sup> August 2014

From: Paul Anderson

Sent: Thursday, 23 April 2015 4:59 PM

To: 'Sharkbay Herald'

Cc: Cowell, Cheryl; Keith Capewell; Greg Ridgley; [deben8@bigpond.com](mailto:deben8@bigpond.com); [twintub1@bigpond.com](mailto:twintub1@bigpond.com); Hamelin Pool Station; Bobby Hoult; Brian Galvin; Cheryl Wood; Margaret Prior

Subject: RE: Commonage

Dear Mr Hargreaves

I refer to your email received 14 April 2015 and can advise as follows

In regard to your queries I have endeavoured to provide the information that is readily available in council minutes and I trust that it will assist your understanding.

Date the Common was first formally designated as such and

Reserve 49809 with a current purpose of Common was vested with a management order to the Shire of Shark Bay on 01/08/2008

the lines of demarcation and approx. area

refer attached town planning map reserve 49809  
approx. area 1,139 hectares

ORDINARY COUNCIL MINUTES

26 AUGUST 2015

The date the approx. one quarter of this designated Common was allocated to a member of the Hoult family and the accompanying details of boundary lines, acreage, datum post, copies of Public Notices advertising intent re-zoning of land etc.

I am unaware of any date to support your assertion. One quarter of reserve 49809 would equate to approx. 284 hectares.  
See attached license application presented to council.  
It is unclear of what rezoning of what you refer to

Records of any fees levied for Administration costs or annual charges for the use of the livestock/grazing purposes.

No fees or charges have been levied for a license to occupy the reserve

Fees levied & (fees paid) by the current users of the Common proper  
e.g. Mr.Garry Desmond,  
Mrs.Allison McLean  
Mr.Henk van Eek (Camel Safaris)  
Mrs Margaret Hargreaves

No fees or charges have been levied for a licence to occupy the reserve.

The date & datum, size of area allocated & proposed fence lines for the one Commercial operation – the Shark Bay Camel Safaris.

License date issued July 2010  
Area 5 hectares

I have attached the applications received by Council in 2010 for the following occupiers for your information

Mr Garry Desmond  
Mr Henk Van Eek  
Mrs Margaret Hargreaves

The additional information you have requested was not provided by the applicants in 2010 which will be required for new applications and will be available in the council minutes.

I refer to my correspondence sent to Mrs Hargreaves dated 18 august 2014 as the occupier of Reserve 49809 (the common) and again advise that the council has the authority with the final approval of the Minister to issue licenses to occupy the common for a maximum five year period.

The license that Mrs Hargreaves applied for in July 2010 had an expiry date of 30 June 2015 and again I would again advise Mrs Hargreaves to submit a new application for a license to occupy a section of reserve 49809 that can then be considered by council.

I can advise that the datum's of the occupiers prior to 2011 are not at hand but will be required for any future applications.

The administration is proposing to council at the April 2015 meeting of council that a project to map and record all areas of the common be undertaken to ensure all occupation areas are



ORDINARY COUNCIL MINUTES

26 AUGUST 2015

in accordance with license and to ensure proper controls and future allocations are correctly allotted and recorded.

The report to council will also discuss other issues associated with the common, including the ongoing requirement for fencing and gates to access the reserve and to assist councillors in their deliberations I will attach your latest email correspondence.

As I have indicated to Mrs Hargreaves in correspondence dated 18 august 2014 and subsequent correspondence these applications did not receive final approval from the Minister, however the accepted expiry date is 30 June 2015 and a new application is required to be submitted. The correspondence of 18 august 2014 also advised that there were conditions that were required to be complied with, for your assistance I can advise that the condition was as follows

*Fenced area to be consistent with application and not to be altered without approval. The area utilised must have a stock control measures in place to secure the stock.*

I look forward to a new application to occupy an area of Reserve 49809 or your advice that the area currently occupied is no longer required after the 30 June 2015 .

Regards

Paul Anderson  
Chief Executive Officer  
Shire of Shark Bay



a: PO Box 126, Denham WA 6537  
ph: 08 9948 1218 | fax: 08 9948 1237 | mob: 0427 948 925  
w: <http://www.sharkbay.wa.gov.au/>



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ORDINARY COUNCIL MINUTES

26 AUGUST 2015

RES49809 / O-CR-14878

Paul Anderson

2 June 2015

MARGARET HARGREAVES  
14 DURLACHER STREET  
DENHAM 6537

Dear Margaret

LICENCE TO OCCUPY RESERVE 49809 - COMMON

Please refer to Council's correspondence dated the 16 January 2015 and 18 August 2014, requesting you to commence a new application for a licence to occupy part of Reserve 49809 – Common.

Please find attached a new application form which will require evidence of Public Liability Insurance. An annual fee will also be applied to this licence as of 1 July 2015.

As previously advised your current licence will end on the 30 June 2015. In the event that you do not have a valid licence to occupy in accordance with Council's Management Order you may be required to vacate Reserve 49809.

If you have any further queries in relation to the above matter, please contact Paul Anderson, Chief Executive Officer on 08 99481 218 or email [ceo@sharkbay.wa.gov.au](mailto:ceo@sharkbay.wa.gov.au).

Yours sincerely

Paul Anderson  
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MINUTES

26 AUGUST 2015

RES49809 / O-CR-14991  
Paul Anderson

3 July 2015

MARGARET HARGREAVES  
14 DURLACHER STREET  
DENHAM 6537

Dear Mrs Hargreaves

EXPIRED LICENCE TO OCCUPY RESERVE 49809 - COMMON

I refer to Council's correspondence dated the 2 June 2015, 16 January 2015 and 18 August 2014, regarding a licence to occupy part of Reserve 49809 – Common.

I now advise that your licence issued by Council to occupy a portion of Reserve 49809 has now expired.

Can you advise in writing on the application forms that have been previously sent if you wish to apply for a licence to occupy, or advise in writing if you do not intend to apply to renew your licence to occupy.

I would also advise that a response in writing must be received by the 31 July 2015, either applying for a licence to occupy or that you do not intend to apply.

If you have any further queries in relation to the above matter, please contact Paul Anderson, Chief Executive Officer on 08 99481 218 or email [ceo@sharkbay.wa.gov.au](mailto:ceo@sharkbay.wa.gov.au).

Yours sincerely

Paul Anderson  
CHIEF EXECUTIVE OFFICER

MINUTES ORDINARY COUNCIL MEETING

28 OCTOBER 2015

ORDINARY COUNCIL MINUTES

26 AUGUST 2015

To - The Shire of Shark Bay  
Denham,  
W.A. 6537

RECEIVED

Your ref. RES 4809/O - CR 14261 & 14991  
Of 13 Jan 2015 & 3 July 2015

27 JUL 2015

SHIRE OF SHARK BAY

**Town Common - Application for a Licence**

Please note I have been out of the country for the past two months & have only just got round to dealing with all my mail.

This confirms - under duress - I have paid in the appropriate fee for the continued stabling of my horse out at the Common which with my husband I established some 10 years ago.

I notice the cattle grid & gate installed at the entry point to the Common by the Shire of that day for reasons of safety of the Public and of the horses have been removed by orders of the present CEO/ Council.

I also notice there is only one other horse owner occupying land out there - Mrs. McLean.

Miss Weiss has abandoned her paddock, Mr. Desmond having shifted his horse(s) into the fenced off & padlocked gated area allocated - without Public notice - to a member of the Hault family. This area comprises approx. 1/3<sup>rd</sup> of the some 2,000 acres originally allocated for Town Common purposes to which public access is now denied.

Yours sincerely  
Mrs. Hargreaves  
27<sup>th</sup> July 2015

*M. Hargreaves*

ORDINARY COUNCIL MINUTES

26 AUGUST 2015

R49809 / O-CR-15038  
Paul Anderson

27 July 2015

MARGARET HARGREAVES  
14 DURLACHER STREET  
DENHAM 6537

Dear Mrs Hargreaves

APPLICATION FOR A LICENCE TO OCCUPY PART RESERVE 49809 - COMMON

Thank you for your letter dated 27 July 2015 advising of payment for the annual fee for Reserve 49809 – Common.

I have attached correspondence that was sent relative to this matter and have attached copies for your reference.

3 July 2015 – O-CR-14991  
2 June 2015 – O-CR-14878  
16 January 2015 – O-CR-14276  
18 August 2014 – O-CR-13748

Please be advised that the application form still needs to be filled out and for Council to consider the application, if Council resolves to support the application it is then forwarded to the Minister for Lands for his authorisation as per the Management Order of the Reserve.

Please find attached a copy of the Application to Occupy Part of Reserve 49809 – Common and ask that it be filled out and returned to the administration office so that the Council can consider your application.

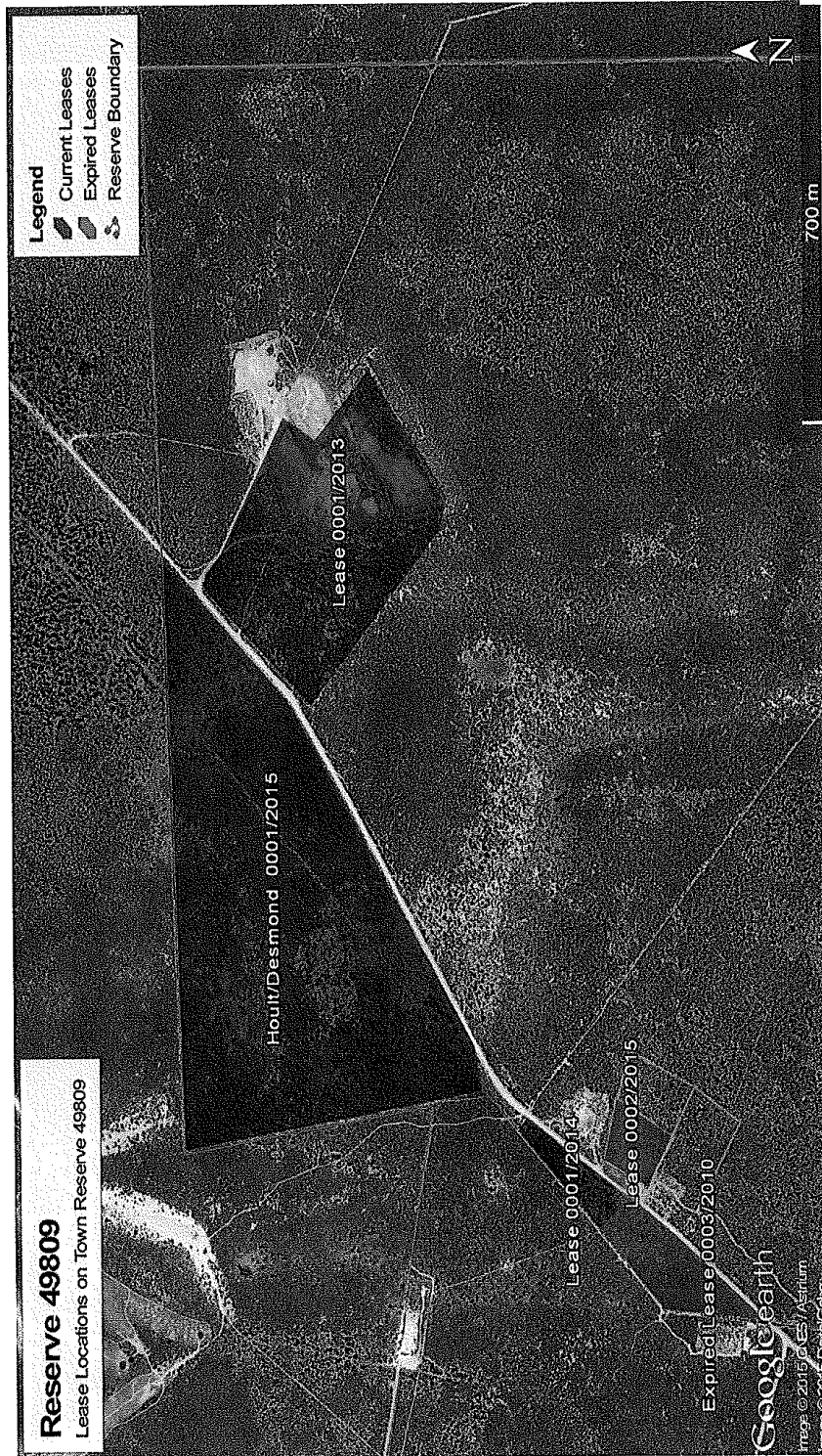
I can advise that without the licence to occupy the Council Reserve, you will be in breach of council's Local Government Property Law section 3.13 (1)(O).

If you have any further queries in relation to the above matter, please contact Paul Anderson, Chief Executive Officer on 08 99481 218 or email [ceo@sharkbay.wa.gov.au](mailto:ceo@sharkbay.wa.gov.au).

Yours sincerely

Paul Anderson  
CHIEF EXECUTIVE OFFICE

ORDINARY COUNCIL MINUTES  
26 AUGUST 2015





28 OCTOBER 2015

ORDINARY COUNCIL MINUTES

26 AUGUST 2015

**SHIRE OF SHARK BAY**

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

RES11667



Res 11667  
1-AP-6089  
RECEIVED  
17 JUL 2015  
Shire of Shark Bay

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

**APPLICATION FOR USE OF TOWN COMMON**

*As a condition of the license approval for the use of Town Common, the Applicant acknowledges and agrees that:*

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

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

**SIGNATURE:**  
**PLEASE PRINT FULL NAME:**  
**ADDRESS:**

**DATE:**  
**TELEPHONE NUMBER:**

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

**CONTACT DETAILS**

FIRST NAME:	MARGARET
LAST NAME:	HARGREAVES
BUINESS/ORGANISATION NAME:	NOSE BAY PONY CLUB
POSTAL ADDRESS:	Box 50, SHARK BAY P.O.
HOME PHONE NUMBER:	08. 99. 481. 338
WORK PHONE NUMBER:	PER 0429. 481. 338
FAX NUMBER:	08. 99. 481. 338

1  
Shire of Shark Bay  
Application for Use of Town Common

Confirmed at the Ordinary Council meeting held on the 30 September 2015 – Signed by the President Cr Cowell \_\_\_\_\_

Confirmed at the Ordinary Council meeting held on the 25 November 2015 – Signed by the President Cr Cowell \_\_\_\_\_



MINUTES ORDINARY COUNCIL MEETING

28 OCTOBER 2015

ORDINARY COUNCIL MINUTES

26 AUGUST 2015

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

AS HAS BEEN IN PRACTICE FOR THE LAST 15 (?) YEARS I.E. THE STABLING OF EITHER ONE OR TWO HORSES WITH A HOLDING Paddock (DIMENSIONS BELOW) + RIDING OF SAID HORSE(S) OVER THE COMMONAGE.

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

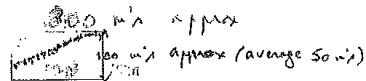
EITHER MY UTILITY OR MY HUSBANDS UTILITY

What infrastructure or stock control devices will be utilised?  
Please tick appropriate box.

Shed  Caravan  Shade structure  Internal fences  Gates

Location and Area in m<sup>2</sup> <sup>approx</sup> fenced

Example:



Or None of the above

1,500 sq. m approx

Length of time you wish to utilize the Common ~~at this period of time?~~ ON GOING

ORDINARY COUNCIL MINUTES

26 AUGUST 2015

**Stock Application**

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

- (  ) horse/s
- ( ) cattle
- (  ) sheep (OCCASIONAL SHEEP - ONE OF
- ( ) camels
- (  ) chickens (OCCASIONAL ROOSTER)

Other considerations that may be applicable? Eg: Special Circumstances. OCCASIONALLY WE HAVE A CREATURE SUCH AS A GOAT OR SHEEP BROUGHT TO US FOR SAFE-KEEPING/RECOVERY.

On receipt of your application it will be placed in the Agenda for the upcoming council meeting for approval of your licence. Once approved by the Shire of Shark Bay Council the licence will then be referred to the Minister of Land pursuant to the provisions of Section 20 of the Land Administration Act 1997.

I have read and understood all parts of the application for use of the common and am fully aware of all that is required of me as a lessee. I agree to abide by the Licence to Occupy once approved by the Minister of Lands. (NEED TO SEE THE CONDITIONS OF OCCUPANCY FIRST)

Signed By Lessee

Print full name: MARGARET ANNE HAYGRENES (CURRENTLY 81 SEAS)

Signed: [Signature] Date: 17 JULY 09

**➤ How to lodge this application**

- BY POST;**  
 Address the application to: The Chief Executive Officer  
 Shire of Shark Bay  
 PO Box 164  
 Denham WA 6537
- Courier or personal Delivery:** Shire Offices  
 65 Knight Terrace  
 Denham WA 6537
- Electronically:** [admin@sharkbay.wa.gov.au](mailto:admin@sharkbay.wa.gov.au)
- Contact the Shire offices on:**  
 Phone: 08) 9948 1218  
 Fax: 08) 9948 1237  
 E-mail: [admin@sharkbay.wa.gov.au](mailto:admin@sharkbay.wa.gov.au)  
 Web: [www.sharkbay.wa.gov.au](http://www.sharkbay.wa.gov.au)

3  
 Shire of Shark Bay  
 Application for Use of Town Common

Confirmed at the Ordinary Council meeting held on the 30 September 2015 – Signed by the President Cr Cowell \_\_\_\_\_

Confirmed at the Ordinary Council meeting held on the 25 November 2015 – Signed by the President Cr Cowell \_\_\_\_\_

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

30 SEPTEMBER 2015

11. ADMINISTRATION REPORT

11.1 APPLICATION FOR USE OF PORTION OF RESERVE 49809 - COMMON RES49809

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Officers Recommendation

Option 1

That a licence to occupy an area of 2.52 Hectares of the Reserve 49809 - Common as depicted on map attached and in line with the configuration submitted by Mrs M Hargreaves be further considered by Council at the October 2015 meeting of Council and subject to the submission of a valid Public Liability Policy to the value of \$10 million.

Or

Option 2

Note: Council to indicate the period of approval i.e. up to 5 years maximum.

That a licence to occupy an area of 2.52 Hectares of the Reserve 49809 - Common as depicted on map attached and in line with the configuration submitted by Mrs M Hargreaves be consented to and submitted to the Minister of Lands for final approval for a period of (1-5 years) expiring on 31 July 2020 and ongoing occupation be conditional on the following:

1. Ongoing compliance with the guidelines of the Shire's Management Statement for Reserve 49809 - Common.
2. The allocated area being suitably fenced and maintained to ensure stock is contained within the approved area.
3. The submission of valid public liability insurance policy to the value of \$10 million on annual basis.

Moved Cr Capewell

Seconded Cr Laundry

Councillor Recommendation

That a licence to occupy an area of 2.52 Hectares of the Reserve 49809 - Common as depicted on map attached and in line with the configuration submitted by Mrs M Hargreaves be consented to and submitted to the Minister of Lands for final approval

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

30 SEPTEMBER 2015

for a period of 5 years expiring on 31 July 2020 and ongoing occupation be conditional on the following:

4. Ongoing compliance with the guidelines of the Shire's Management Statement for Reserve 49809 - Common.
5. The allocated area being suitably fenced and maintained to ensure stock is contained within the approved area.
6. The submission of valid public liability insurance policy to the value of \$10 million on annual basis.

**0/5 LOST**

Moved           Cr Capewell  
Seconded       Cr Laundry

**Council Resolution**

**That a licence to occupy an area of 2.52 Hectares of the Reserve 49809 - Common as depicted on map attached and in line with the configuration submitted by Mrs M Hargreaves be further considered by Council at the October 2015 meeting of Council and subject to the submission of a valid Public Liability Policy to the value of \$10 million.**

**5/0 CARRIED**

**Background**

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

The management order authorises Council to issue licenses for designated area for a maximum period of 5 years with the approval of the Minister. The Council also has a management statement for the occupation of the common that applies to the license holders. The licence allows for an applicant to apply for a term of up to five (5) years.

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

Mrs Alison McLean  
Licence number: 1/2013  
Licence issued 1 June 2013 and expires 31 May 2018  
Area 4.2 Hectares  
Stock – 4 horses

Ms T Weiss  
Licence number 1/2014  
Licence issued 1 September 2014 and expires 31 August 2019  
Area 609 m<sup>2</sup>  
Stock – three horses, one goat

Mr H Houlst & Mr G Desmond  
Licence number: 1/2015  
Licence issued 4 June 2015 and expires 30 April 2020

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

30 SEPTEMBER 2015

Area 34.113 ha  
Stock – 8 horses

Mr H Van Eek  
Licence Number 2/2015  
Licence issued 1 July 2015 and expires 30 June 2020

Comment

A request for an area of the Reserve 49809 - Common has been submitted by Mrs M Hargreaves (attached at end of this report) for a five year period.

The application is for the maximum five year period and council has no obligation to grant a license of this duration and can consider any period from one to five years.

Mrs Hargreaves was originally approved by Council in July 2010, subject to conditions, to occupy an area of the common, this application also required the approval of the Minister which due to an administration error was not sought.

As council is aware there has been some concern expressed by Mr T Hargreaves and resistance by Mrs Hargreaves regarding the requirement to apply for license approval.

This matter was addressed in a report to council at the ordinary meeting in August 2015

The area originally applied for and considered by Council in May 2010 was for 2,250 square metres. The conditions of licence required the approved area to be suitably fenced to contain the applicants stock.

The Works Manager has verified the licenses issued by council and has indicated that the fenced area occupied by Mrs Hargreaves is currently 2.52 hectares.

The council resolved in April 2015 to instigate a progressive program to remove any fences, grids and gates on reserve 49809 not associated with areas that are subject to valid licenses issued in accordance with council management order.

This action has required all occupiers of the reserve to ensure their fences are in a condition that prevents their stock wandering in areas not approved by license or wandering beyond the boundaries of the reserve.

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

The requirement of a public liability policy for approval also provides a degree protection for the shire in the unfortunate incidence that there is an accident due to the negligence of the occupier in maintaining the area allocated in accordance with the approval.

Mrs Hargreaves has been contacted regarding the requirement to have a public liability policy as a condition of approval. At the time of writing this report no evidence of a public liability insurance policy has been submitted to council.

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

30 SEPTEMBER 2015

This area occupied has been verified by the administration and is adequately fenced and maintained to contain the large stock in accordance with Council's Management Statement.

The fencing however would not appear adequate to contain the old goat or poultry as indicated on the application.

The location of the area allocated on Reserve 49809 is indicated in Green on the attached map titled – Map occupied areas and is Lease # 003/2015.

There is also some other facilities on the section of reserve being applied for (sea container and old caravan) that are being utilised for equipment and food storage.

These could be considered as being ancillary to the application, but are required to facilitate the wellbeing of the animal, while the facilities are kept in good condition and the area in a tidy condition, in the opinion of the shire, there would appear to be no immediate concern to them remaining in place.

Legal Implications

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

The council has also recently introduced the requirement for applicants to provide details of a public liability insurance to the value of \$10 million dollars.

Policy Implications

There are no policy implications applicable to this report.

Financial Implications

In accordance with Council resolution an annual fee of \$100 will be applied in the first year.

Strategic Implications

There are no Strategic Implications associated with this item.

Risk Management

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

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

*P Anderson*

Date of Report

9 September 2015

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

30 SEPTEMBER 2015

Management Statement for the Occupation and use of Reserve 49809 Common

- a) The shire is to maintain a register of all occupiers of the common along with the following base data;
1. The area and location of land being utilised along with the specific infrastructure thereon.
  2. The number of stock being grazed.
  3. Other activities that are being undertaken. E.g., sand extraction, trail bike riding etc.
- b) Occupiers of Reserve 49809 Common
1. All occupiers of the common will require a license to be granted for the designated purpose of occupation of the town common for a term not exceeding (5) years and be subject to the approval in writing from the minister for lands.  
  
The approved licence will specify all current activities undertaken pursuant to the licence and detail any conditions of approval relative to that occupation.
- c) Reporting Requirements
1. A report will be provided to council on an annual basis detailing current occupiers of the Common that includes their infrastructure, stock details, cubic metres of sand removed and other details of change that may have occurred.
- d) General Management Statement for Occupiers
- 1) All occupiers of the town common will observe basic requirements for its occupation.
  - 2) Activities are to be controlled and maintained to ensure long term environmental sustainability and ultimate re-instatement of its land use.
  - 3) Due respect is to be observed to other occupiers of the town common with regard to mutual required services and infrastructure.
  - 4) Activity infrastructure will be required to be set back a specified distance from the access road as determined by the shire.
  - 5) An area stock control device will be required to access the town common.
  - 6) Speed limits will be specified on the access road within the town common.
  - 7) Occupiers of the town common are required to address issues of concern directly to the shire and not to other occupiers.
- B) That "General Management Statement for occupiers" includes licensed occupiers of the common are to ensure that all activities conform to any relevant legislation/statutory requirements.



UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

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RECEIVED

RES 49809

24 AUG 2015

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

SHIRE OF SHARK BAY



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

RES49809

I-CL-20138

APPLICATION FOR USE OF PORTION OF  
RESERVE 49809 - COMMON

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

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

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

SIGNATURE: M. HARCREEVES DATE: 22nd August '15  
PLEASE PRINT FULL NAME: MARGARET HARCREEVES TELEPHONE NUMBER: 99481338

ADDRESS: 14 DURLACHURST, DENHAM, W.A.

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

CONTACT DETAILS

FIRST NAME: MARGARET HARCREEVES OR TIM HARCREEVES
LAST NAME: HARCREEVES
BUINESS/ORGANISATION NAME: _____
POSTAL ADDRESS: P.O. BOX 56 DENHAM, 6537
HOME PHONE NUMBER: 99481338
WORK PHONE NUMBER: _____

MINUTES ORDINARY COUNCIL MEETING

28 OCTOBER 2015

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

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FAX NUMBER:

Reserve 49809-Common, Use  
Please provide a short description of the activities that you wish to undertake at Reserve 49809 - Common. Eg: Stock tenure.

keeping & exercising 1 pony

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

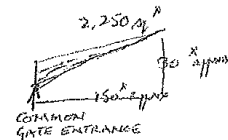
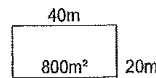
S.B 3  
S.B. 777

What infrastructure or stock control devices will be utilised?  
Please tick appropriate box.

Shed  Caravan  Shade structure  Internal fences  Gates

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

Example:



Or None of the above

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

5 years

2  
Shire of Shark Bay  
Application for Use of portion of Reserve 49809 - Common

MINUTES ORDINARY COUNCIL MEETING

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UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

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**Stock Application**

I hereby apply for permission to occupy a portion of the Shire of Shark Bay Reserve 49809 Common for the following stock:-

- ( / ) horse/s
- ( ) cattle / YOUNG GOAT AND POULTRY, HAVE DISAPPEARED SINCE CLATE REMOVAL BY SHIRE
- ( ) sheep
- ( ) camels
- ( ) chickens
- ( / ) OLD GOAT ( APPROX 20? YEARS)

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

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

I have read and understood all parts of the application for use of porting of Reserve 49809 - Common and am fully aware of all that is required of me as a lessee. I agree to abide by the Licence to Occupy once approved by the Minister of Lands. I have attached a copy of my Public Liability Insurance certificate. **NO PUBLIC LIABILITY.**

Signed By Lessee

Print full name: MARGARET HARGRAVES  
Signed: M. Hargraves Date: 22nd / 08 / 15

➤ **How to lodge this application**

**BY POST;**

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

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

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

**Contact the Shire offices on:**

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

3  
Shire of Shark Bay  
Application for Use of portion of Reserve 49809 - Common

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

30 SEPTEMBER 2015

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

- *All occupiers of the Common will observe basic requirements for its occupation.*
- *All occupiers of the Common will ensure that all of their activities conform to any relevant legislation or other statutory requirement.*
- *Illegal activities of any nature are not to take place at the Common.*
- *The Shire of Shark Bay, its officials, employees and agents shall not be held responsible for personal injuries or damages sustained or property or stock lost or stolen on the Common.*
- *Activities are to be controlled and maintained to ensure long term environmental sustainability and ultimate re-instatement of its land use.*
- *Occupiers are to be responsible for any damages caused to the Common other than general deterioration of the site.*
- *The Common will be left clean and tidy; all rubbish etc is to be removed.*
- *Due respect is to be observed to other occupiers of the Common with regard to mutual required services and infrastructure.*
- *Occupiers are asked to contribute to a positive relationship with other Common users.*
- *The area utilized must have a stock control measure in place to secure their stock.*
- *Stock numbers must be maintained within the license approval. Any additional stock must be approved by Council.*
- *Activity infrastructure will be required to be set back a specified distance from the access road as determined by the Shire.*
- *Speed limits will be observed on the access and external road within the Common.*
- *Occupiers of the Common are required to address issues of concern directly to the Shire and not to other occupiers.*
- *Proof of current Public Liability Insurance to \$10,000,000.*

Failure to comply with these provisions may result in the cancellation of the licence to occupy.

UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

30 SEPTEMBER 2015



**12. FINANCE REPORT**

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

CM00017

Author

Finance Officer / Accounts Payable

Disclosure of any interest

Nil

Moved Cr Ridgley

Seconded Cr Prior

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$800,830.04 be accepted.**

**6/0 CARRIED**

Comment

The schedules of accounts for payment covering - Municipal fund account cheque numbers 26780 to 26786 totalling \$8,891.16

Municipal fund account electronic payment numbers MUNI EFT 18210 to 18365 totalling \$577,198.70

Municipal fund account for September 2015 payroll totalling \$107,295.00

Direct Debits to Council account for September 2015 totalling \$24,034.93

Trust fund account cheque number 1062 totalling \$240.00

Trust fund account electronic payment numbers 18259 to 18341 totalling \$56,579.45 and

Trust fund Police Licensing for September 2015 cheque # 151603 totalling \$26,590.80.

The schedule of accounts submitted to each member of Council on 23 October 2015 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

Signature

Author

*C Wood*

Chief Executive Officer

*P Anderson*

Date of Report

15 October 2015



28 OCTOBER 2015

## SHIRE OF SHARK BAY - MUNI CHEQUES SEPTEMBER 2015 CHEQUE # 26780 TO 26786

CHQ	DATE	NAME	DESCRIPTON	AMOUNT
26780	02/09/2015	HORIZON POWER – ST LIGHTING	STREET LIGHTS JULY 2015	3377.47
26781	04/09/2015	ELGAS LIMITED	GAS FOR 51 DURLACHER ST	161.00
26782	07/09/2015	HORIZON POWER – ST LIGHTING	STREET LIGHTS AUGUST 2015	3377.47
26783	07/09/2015	HORIZON POWER – MAIN USAGE	ELECTRICITY	1390.62
26784	07/09/2015	WATER CORPORATION	RESERVE AT KNIGHT TCE	54.71
26785	30/09/2015	HORIZON POWER – MAIN USAGE	ELECTRICITY SES/SJA 8/07/ - 10/09/15	503.49
26786	30/09/2015	SHIRE OF SHARK BAY	VEHICLE REGISTRATION	26.40
			<b>TOTAL</b>	<b>\$8,891.16</b>

## SHIRE OF SHARK BAY - MUNI EFT SEPTEMBER 2015 EFT 18210 - 18365

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT18210	01/09/2015	J & K HOPKINS	2 X STAR ANNUAL PLANNERS	278.00
EFT18211	01/09/2015	GLENN BANGAY	MEAL EXPENSES REIMBURSED	248.76
EFT18212	01/09/2015	ALLELECTRIX PTY LTD	NEW POWER FEED TO MORTUARY	645.70
EFT18213	01/09/2015	BOOKEASY AUSTRALIA PTY LTD	BOOKEASY FEE	198.00
EFT18214	01/09/2015	BRIGHTHOUSE	PREPARE AND LODGE SUBMISSION FOR NSRF FUNDING OF DENHAM FORESHORE REDEVELOPMENT	6104.34
EFT18215	01/09/2015	FIRE & EMERGENCY SERVICES WA	2015/16 ESL DFES OF WA	49201.44
EFT18216	01/09/2015	GASCOYNE OFFICE EQUIPMENT	STATIONARY	510.00
EFT18217	01/09/2015	GERALDTON INDEPENDENT BUILDING	TIMBER FOR GAZEBO	2117.31
EFT18218	01/09/2015	GREAT NORTHERN FENCING	REPAIRS TO FENCE @ 80 DURLACHER	8547.00



MINUTES ORDINARY COUNCIL MEETING

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EFT18219	01/09/2015	JR & A HERSEY PTY LTD	SAFETY EQUIPMENT	501.60
EFT18220	01/09/2015	TOLL IPEC PTY LTD	FREIGHT AUGUST	262.35
EFT18221	01/09/2015	JUMP N BUMP	DELIVERY AND HIRE OF BOUNCY CASTLE	1547.00
EFT18222	01/09/2015	LGIS RISK MANAGEMENT	OSH CONTRACT 2015	4455.00
EFT18223	01/09/2015	MCLEODS BARRISTERS AND SOLICITORS	GENERAL PROFESSIONAL FEES	2325.03
EFT18224	01/09/2015	OUTBACK COAST AUTOMOTIVES RADIATORS	40,000KM SERVICE CEO VEHICLE	579.00
EFT18225	01/09/2015	SKIPPERS AVIATION	FLIGHTS FORESHORE REVITALISATION	3140.00
EFT18226	01/09/2015	SHARK BAY COMMUNITY RESOURCE CENTRE	INSCRIPTION POST	34.00
EFT18227	01/09/2015	SHARK BAY SPEEDWAY CLUB (INC)	2015/16 ROUND 1 DONATION	6000.00
EFT18228	01/09/2015	SHARK BAY AIR CHARTER	FLIGHT TO USELESS LOOP COUNCIL MEETING	325.00
EFT18229	01/09/2015	SAFE MASTER SAFETY PRODUCTS	RECERTIFICATION OF EXISTING HEIGHT SAFETY SYSTEM (ANCHOR POINTS)	2158.20
EFT18230	01/09/2015	TELSTRA CORPORATION LIMITED	MOBILES - AUGUST ACCOUNT	416.00
EFT18231	01/09/2015	TRUCKLINE PARTS CENTRE	SIDE MARKER LAMPS	190.61
EFT18232	01/09/2015	VISIMAX SAFETY PRODUCTS	CAT TRAPS AND NOTICE BOOKS	373.95
EFT18233	01/09/2015	WESTERN AUSTRALIAN LOCAL GOVERNMENT	2015 WA LOCAL GOVERNMENT CONVENTION FOR CR LAUNDRY AND CR BELLOTTIE	3919.80
EFT18234	01/09/2015	WA HINO	RHF INDICATOR	180.84
EFT18235	04/09/2015	AUSCOINSWEST	20 COIN WALLETS	193.60
EFT18236	04/09/2015	CUMMINS ENGINE COMPANY PTY LTD	FILTERS	227.16
EFT18237	04/09/2015	CDH ELECTRICAL	CHECK SOLAR PANNELS 80 DURLACHER	148.50
EFT18238	04/09/2015	EARTHCARE	DENHAM F/SHORE REVITALISATION	34925.00
EFT18239	04/09/2015	DENHAM IGA X-PRESS	OFFICE SUPPLIES	108.98
EFT18240	04/09/2015	SHARK BAY SUPERMARKET	OFFICE SUPPLIES	49.41
EFT18241	04/09/2015	HITS RADIO PTY LTD	RADIO ADVERTISING MAR TO AUG 2015	544.50
EFT18242	04/09/2015	TOLL IPEC PTY LTD	FREIGHT	157.00
EFT18243	04/09/2015	JOHNNY G ENTERPRISES	ASBESTOS CLEANUP	267.00

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EFT18244	04/09/2015	MCLEODS BARRISTERS AND SOLICITORS	LEGAL COSTS	1128.60
EFT18245	04/09/2015	MIDWEST FIRE PROTECTION SERVICE	QUARTERLY SERVICE	1809.28
EFT18246	04/09/2015	OCLC (UK) LTD	ANNUAL MAINTENANCE 1/9/15-31/8/16	1808.81
EFT18247	04/09/2015	AMBER PHILLIPPS	POLICE CLEARANCE REIMBURSEMENT	61.80
EFT18248	04/09/2015	PROFESSIONAL PC SUPPORT	COMPUTER EQUIPMENT	3117.00
EFT18249	04/09/2015	DEPARTMENT OF PARKS AND WILDLIFE	FAMILY DAY PASSES	3825.00
EFT18250	04/09/2015	RICHARD CLAUDE MORONEY	CLEAN UP RUBBISH AROUND SBIC	32.00
EFT18251	04/09/2015	SHARK BAY CLEANING SERVICE	MONTHLY CLEANING CONTRACT AUG	18153.41
EFT18252	04/09/2015	MCKELL FAMILY TRUST	MONTHLY RUBBISH/STREETSWEEPING AUG	10338.90
EFT18253	04/09/2015	SHARK BAY CAR HIRE	CAR HIRE TO TRANSPORT DOCTOR AUG 15	495.00
EFT18254	04/09/2015	SALTWATER CAFE	CITIZENSHIP CEREMONY	110.00
EFT18255	04/09/2015	TELSTRA CORPORATION LIMITED	PHONE ACCOUNT 1300	2136.73
EFT18256	04/09/2015	TALIS	VALUATION REPORT FOR INFRASTRUCTURE ASSETS	10978.59
EFT18257	04/09/2015	TELEMALL AUDIO COMMUNICATIONS	MESSAGE ON HOLD QTLY FEE SEPT TO NOV	345.40
EFT18258	04/09/2015	BRIAN WAKE	COUNCILLOR TRAVEL EXPENSE	249.90
EFT18259 TO	18284	TRUST		
EFT18285	09/09/2015	SHARK BAY FUEL & SERVICE CENTRE	AUGUST ACCOUNT	89.56
EFT18286	09/09/2015	TOLL IPEC PTY LTD	FREIGHT	118.26
EFT18287	09/09/2015	JASON SIGNMAKERS	HUGHES ST PARKING SIGNAGE	1943.70
EFT18288	09/09/2015	MCLEODS BARRISTERS AND SOLICITORS	LEGAL COSTS - MONKEY MIA LEASE	3604.85
EFT18289	09/09/2015	MITRE 10 SHARK BAY MARINE & HARDWARE	MONTHLY ACCOUNT AUGUST	1669.79
EFT18290	09/09/2015	NORTHERN GUARDIAN	PLANNING ADVERTISING	158.40
EFT18291	09/09/2015	OAKLEY EARTHWORKS PTY LTD	CONCRETE TOWN HALL PATHWAYS	4931.96
EFT18292	09/09/2015	QUASH	SOUNDPROOFING - RECREATION CENTRE	23244.00
EFT18293	09/09/2015	ROBBRO WA PTY LTD	HIRE OF PRIME MOVER/SIDE TIPPER	12100.00

MINUTES ORDINARY COUNCIL MEETING

28 OCTOBER 2015

EFT18294	09/09/2015	SHARK BAY FREIGHTLINES	FREIGHT	278.19
EFT18295	09/09/2015	SHARK BAY SKIPS	MAIN ROADS PICK UP SKIP BINS	4724.50
EFT18296	09/09/2015	STATEWIDE STEEL	CHARLIE SAPPIE PARK SHADE SHELTER	1853.18
EFT18297	09/09/2015	TELSTRA CORPORATION LIMITED	1300 PHONE SBDC	30.00
EFT18298	09/09/2015	WEST AUSTRALIAN NEWSPAPERS	WILDFLOWER ADVERT	440.00
EFT18299 TO	EFT18301	TRUST		
EFT18302	11/09/2015	M & B SALES	TIMBER SUPPLIES FOR TOWN OVAL BORE	4085.66
EFT18303	11/09/2015	ALLELECTRIX PTY LTD	ELECTRICAL REPAIRS 51 DURLACHER STREET	469.15
EFT18304	11/09/2015	AUTO ONE	WORKS MANAGERS UTE (VENT COVER)	66.75
EFT18305	11/09/2015	AUSTRALIA POST	LOCAL POST AUGUST	184.43
EFT18306	11/09/2015	BOOKEASY AUSTRALIA PTY LTD	BOOKEASY AUGUST	1073.38
EFT18307	11/09/2015	BOC LIMITED	CONTAINER RENTAL	56.53
EFT18308	11/09/2015	BURTON TILING MAINTENANCE RENOVATIONS	PENSIONER UNIT 8	1150.60
EFT18309	11/09/2015	CONWAY HIGHBURY	PROPERTY LOCAL LAW-MONKEY MIA JETTY	3881.25
EFT18310	11/09/2015	DUN & BRADSTREET	COMMISSION ON DEBT RECOVERY	91.76
EFT18311	11/09/2015	DENHAM PAPER / CHEMICAL SUPPLIES	SHARK BAY RECREATION CENTRE MTCE	283.67
EFT18312	11/09/2015	EARTHCARE	DENHAM FORESHORE REVITALISATION	7084.00
EFT18313	11/09/2015	GEARING BUTCHER'S	SUPPLIES FOR OUTSIDE CREW	113.08
EFT18314	11/09/2015	GASCOYNE OFFICE EQUIPMENT	REPAIR TO PHOTOCOPIER	1904.33
EFT18315	11/09/2015	GERALDTON FUEL COMPANY	FUEL BULK	8183.79
EFT18316	11/09/2015	THINK WATER GERALDTON	FLOAT VALVE	52.23
EFT18317	11/09/2015	HAMES SHARLEY PLANNING AND URBAN DESIGN	PROJECT MANAGEMENT FOR FORESHORE RE-DEVELOPMENT,	4070.00
EFT18318	11/09/2015	MOORE STEPHENS	AUDIT CERTIFICATION	7590.00
EFT18319	11/09/2015	PROFESSIONAL PC SUPPORT	REMOTE SERVER MTCE	210.00
EFT18320	11/09/2015	PAPER PLUS OFFICE NATIONAL	BINDING MACHINE	1157.79
EFT18321	11/09/2015	PLAYRIGHT	BABY SWING FOR PLAYGROUND	297.99
EFT18322	11/09/2015	RAY WHITE REAL ESTATE SHARK BAY	RENT ON 34 HUGHES ST OCT 15	1127.00

MINUTES ORDINARY COUNCIL MEETING

28 OCTOBER 2015

EFT18323	11/09/2015	SHARK BAY TAXI SERVICE	SHIRE/OVERLANDER RUN AUG 15	1463.00
EFT18324	11/09/2015	SHARK BAY COMMUNITY RESOURCE CENTRE	SPORTS AND REC CENTRE MANAGEMENT AUG15	5069.70
EFT18325	11/09/2015	SHARK BAY ARTS COUNCIL INC	PRIZE MONEY FOR 2015 ART AWARDS	7000.00
EFT18326	11/09/2015	SHARK BAY RESOURCES PTY LTD	COUNCIL MEETING AT USELESS LOOP	340.00
EFT18327	11/09/2015	TALIS	SEALED ROAD ASSESSMENTS AND ROMAN UPDATE FOR 14/15	8654.25
EFT18328	11/09/2015	WEST COAST SHADE	REPLACEMENT OF SHADE SAIL	2145.00
EFT18329	15/09/2015	GRAY & LEWIS LAND USE PLANNERS	PLANNING ADVICE - GENERAL	3542.00
EFT18330	15/09/2015	MCKELL FAMILY TRUST	PAINTING DISCOVERY CENTRE	4565.50
EFT18331	15/09/2015	STRUT & FRET PRODUCTION HOUSE PTY LTD	EVENT MANAGEMENT 1616 FESTIVAL	89375.00
EFT18332	16/09/2015	BRIGHTHOUSE	EXTENSION TO RETIREMENT ACCOM BUSINESS CASE	13915.00
EFT18333	16/09/2015	HAYLEY FONE	LOST LIBRARY BOOK FOUND	31.95
EFT18334	16/09/2015	HERITAGE RESORT SHARK BAY	ACCOMMODATION	510.00
EFT18335	16/09/2015	PAUL GREGORY ANDERSON	HEALTH FUND ALLOWANCE MAR - SEPT 15	2136.20
EFT18336	16/09/2015	MCKELL FAMILY TRUST	PAINTING UNIT 8	858.00
EFT18337	16/09/2015	SANTALEUCA SANDLEWOOD	MERCHANDISE	447.16
EFT18338	18/09/2015	LGIS PROPERTY	INSURANCE	616.03
EFT18339	22/09/2015	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	230.58
EFT18340	22/09/2015	PAUL GREGORY ANDERSON	TRAVEL COSTS	1033.64
EFT18341		TRUST		
EFT18342	29/09/2015	CHUBB FIRE & SECURITY LTD	SECURITY MONITORING OCT TO DEC	139.67
EFT18343	29/09/2015	HITACHI CONSTRUCTION MACHINERY (AUST)	SKID STEER PLUS ACCESSORIES	99000.00
EFT18344	30/09/2015	ALLELECTRIX PTY LTD	RECORDS ROOM REPAIRS (CYCLONE OLWYN)	587.51
EFT18345	30/09/2015	BAILEYS FERTILISERS	BULK FERTILISER	1353.00
EFT18346	30/09/2015	BRIAN JOHN GALVIN	HORIZON POWER 8/7/15-10/9/15	334.46
EFT18347	30/09/2015	DEPARTMENT OF PARKS AND WILDLIFE	ADULT DAY PASSES	4428.00
EFT18348	30/09/2015	CDH ELECTRICAL	REPAIR GPO AND LAN CABLING	392.38

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EFT18349	30/09/2015	DENHAM PAPER AND CHEMICAL SUPPLIES	PAPER SUPPLIES	53.53
EFT18350	30/09/2015	GRAY & LEWIS LAND USE PLANNERS	REVIEW OF SHIRE OF SHARK BAY TOWN PLANNING SCHEME	1210.00
EFT18351	30/09/2015	TOLL IPEC PTY LTD	FREIGHT	228.10
EFT18352	30/09/2015	KOMATSU AUSTRALIA	CUTTING EDGES	798.67
EFT18353	30/09/2015	THE LINEN PRESS	MERCHANDISE	725.69
EFT18354	30/09/2015	MARKET CREATIONS	EMAIL CHIMP INTEGRATION SOFTWARE – FOR VOLUNTEERS & DONORS	572.00
EFT18355	30/09/2015	MOORE STEPHENS	AUDIT 300615	12558.00
EFT18356	30/09/2015	NERREN-NERREN PASTORAL CO	GRADING NERREN-NERREN ROAD	1760.00
EFT18357	30/09/2015	PAINT N QUIP	LINE MARKING OVAL F/BALL GAME	580.80
EFT18358	30/09/2015	ROBBRO WA PTY LTD	DRY HIRE OF LOADER - P MOVER - TRAILER	20680.00
EFT18359	30/09/2015	REPLAS	HAND RAILS	1317.51
EFT18360	30/09/2015	SHARK BAY NEWSAGENCY	REFLEX PAPER	846.81
EFT18361	30/09/2015	SHARK BAY FREIGHTLINES	FREIGHT	377.56
EFT18362	30/09/2015	COMM. SYSTEMS GERALDTON	TELEPHONE PROGRAMMING	66.00
EFT18363	30/09/2015	NORTHERN GLASS	REPAIR FRONT OFFICE WINDOW AND DOOR	1184.22
EFT18364	30/09/2015	STATROLLS (SCRIBAL GROUP P/L)	THERMAL ROLLS EFT MACHINES	368.00
EFT18365	30/09/2015	COMFORT INN WENTWORTH PLAZA HOTEL	ACCOMMODATION AND MEALS D.O.T. TRAINING	1913.50
			<b>TOTAL</b>	<b>\$577,198.70</b>

## SHIRE OF SHARK BAY – DIRECT DEBITS SEPTEMBER 2015

DD12461.1	03/09/2015	BANKWEST	CORPORATE	MASTERCARD AUGUST 2015	6392.19
		MASTERCARD			
DD12471.1	06/09/2015	WA LOCAL GOV SUPERANNUATION PLAN		PAYROLL DEDUCTIONS	4413.04
DD12471.2	06/09/2015	PRIME SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	230.62
DD12471.3	06/09/2015	AMP SUPERANNUATION		PAYROLL DEDUCTIONS	378.34
DD12471.4	06/09/2015	CBUS SUPER		SUPERANNUATION CONTRIBUTIONS	183.09
DD12471.5	06/09/2015	SUN SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	183.09
DD12471.6	06/09/2015	AUSTRALIAN SUPER		SUPERANNUATION CONTRIBUTIONS	404.69
DD12471.7	06/09/2015	ONE STEP SUPER		SUPERANNUATION CONTRIBUTIONS	198.90
DD12471.8	06/09/2015	JOHN AND GAYNA SUPERANNUATION FUND		SUPERANNUATION CONTRIBUTIONS	529.88
DD12471.9	06/09/2015	REST		SUPERANNUATION CONTRIBUTIONS	607.97
DD12493.1	20/09/2015	WA LOCAL GOV SUPERANNUATION PLAN		PAYROLL DEDUCTIONS	4465.49
DD12493.2	20/09/2015	PRIME SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	208.54
DD12493.3	20/09/2015	AMP SUPERANNUATION		PAYROLL DEDUCTIONS	378.34
DD12493.4	20/09/2015	CBUS SUPER		SUPERANNUATION CONTRIBUTIONS	183.09
DD12493.5	20/09/2015	SUN SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	183.09
DD12493.6	20/09/2015	AUSTRALIAN SUPER		SUPERANNUATION CONTRIBUTIONS	421.03
DD12493.7	20/09/2015	ONE STEP SUPER		SUPERANNUATION CONTRIBUTIONS	198.90
DD12493.8	20/09/2015	JOHN AND GAYNA SUPERANNUATION FUND		SUPERANNUATION CONTRIBUTIONS	529.88
DD12493.9	20/09/2015	REST		SUPERANNUATION CONTRIBUTIONS	664.42
DD12471.10	06/09/2015	HOSTPLUS PTY LTD		SUPERANNUATION CONTRIBUTIONS	526.46
DD12471.11	06/09/2015	MLC NOMINEES PTY LTD		SUPERANNUATION CONTRIBUTIONS	164.92
DD12471.12	06/09/2015	AMP SUPERLEADER		SUPERANNUATION CONTRIBUTIONS	196.83
DD12471.13	06/09/2015	WESTPAC	SECURITIES	SUPERANNUATION CONTRIBUTIONS	193.21
		ADMINISTRATION LTD			
DD12471.14	06/09/2015	MACQUARIE SUPER ACCUMULATOR		SUPERANNUATION CONTRIBUTIONS	199.71
DD12471.15	06/09/2015	MTAA SUPER FUND		SUPERANNUATION CONTRIBUTIONS	206.96
DD12493.10	20/09/2015	HOSTPLUS PTY LTD		SUPERANNUATION CONTRIBUTIONS	794.23

MINUTES ORDINARY COUNCIL MEETING

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DD12493.11	20/09/2015	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	164.07
DD12493.12	20/09/2015	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	195.40
DD12493.13	20/09/2015	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	193.21
DD12493.14	20/09/2015	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	190.88
DD12493.15	20/09/2015	MTAA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	254.46
<b>TOTAL</b>				<b>\$24,034.93</b>

SHIRE OF SHARK BAY - TRUST CHEQUE SEPTEMBER 2015  
TRUST CHEQUE # 1062 & 151603

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
1062	07/09/2015	PATRICIA ANDREW	BOOEASY AUG 15	240.00
151603	30/09/2015	COMMISSIONER OF POLICE	POLICE LICENSING	26,590.80
<b>TOTAL</b>				<b>\$26,830.80</b>



28 OCTOBER 2015

## SHIRE OF SHARK BAY - TRUST EFT SEPTEMBER 2015 EFT # 18259 to 18341

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT18259	07/09/2015	JAMES SNR POLAND	BOOKEASY AUG 15	112.00
EFT18260	07/09/2015	BUSH HERITAGE HAMELIN STATION STAY	BOOKEASY AUG 15	22.10
EFT18261	07/09/2015	BAY LODGE MIDWEST OASIS	BOOKEASY AUG 15	436.00
EFT18262	07/09/2015	BLUE LAGOON PEARLS	BOOKEASY AUG 15	1116.00
EFT18263	07/09/2015	CARNARVON CENTRAL APARTMENTS	BOOKEASY AUG 15	255.00
EFT18264	07/09/2015	SHARK BAY COASTAL TOURS	BOOKEASY AUG 15	3689.85
EFT18265	07/09/2015	EMILY ELIZABETH WARD	BOOKEASY AUG 15	33.56
EFT18266	07/09/2015	HARTOG COTTAGES	BOOKEASY AUG 15	2807.20
EFT18267	07/09/2015	HARTOG HAVEN HOLIDAY HOUSE	BOOKEASY AUG 15	399.50
EFT18268	07/09/2015	HERITAGE RESORT SHARK BAY	BOOKEASY AUG 15	176.00
EFT18269	07/09/2015	INTEGRITY COACH LINES (AUST) PTY LTD	BOOKEASY AUG 15	276.00
EFT18270	07/09/2015	KALBARRI PALM RESORT	BOOKEASY AUG 15	107.10
EFT18271	07/09/2015	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	BOOKEASY AUG 15	7832.88
EFT18272	07/09/2015	ASPEN MONKEY MIA PTY LTD	BOOKEASY AUG 15	1065.68
EFT18273	07/09/2015	MONKEYMIA WILDSIGHTS	BOOKEASY AUG 15	14659.44
EFT18274	07/09/2015	ON THE DECK @ SHARK BAY	BOOKEASY AUG 15	598.40
EFT18275	07/09/2015	WA OCEAN PARK PTY LTD	BOOKEASY AUG 15	1224.00
EFT18276	07/09/2015	SHARK BAY HOTEL MOTEL	BOOKEASY AUG 15	637.50
EFT18277	07/09/2015	SHARK BAY HOLIDAY COTTAGES	BOOKEASY AUG 15	2312.00
EFT18278	07/09/2015	SHARK BAY AIR CHARTER	BOOKEASY AUG 15	1973.40
EFT18279	07/09/2015	SHARKBAY CARAVAN PARK	BOOKEASY AUG 15	195.50
EFT18280	07/09/2015	PRAGUE HOLDINGS PTY LTD	BOOKEASY AUG 15	5821.25
EFT18281	07/09/2015	SHIRE OF SHARK BAY	BOOKEASY AUG 15	6959.89
EFT18282	07/09/2015	TRADEWINDS SEAFRONT APARTMENTS	BOOKEASY AUG15	805.20
EFT18283	07/09/2015	UNREAL FISHING CHARTERS	BOOKEASY AUG 15	425.00

MINUTES ORDINARY COUNCIL MEETING

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<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT18284	07/09/2015	WULA GUDA NYINDA (CAPES)	BOOKEASY AUG 15	1989.00
EFT18299	11/09/2015	SHANNON MCMONAGLE	GYM CARD REFUND	20.00
EFT18300	11/09/2015	PAUL GREGORY ANDERSON	GYM CARD REFUND	20.00
EFT18301	11/09/2015	J & P WITTMER	LIBRARY REFUND	50.00
EFT18341	23/09/2015	SHIRE OF SHARK BAY	GYM CARD DEPOSITS	560.00
			<b>TOTAL</b>	<b>\$56,579.45</b>

12.2 FINANCIAL REPORTS TO 30 SEPTEMBER 2015

CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Capewell

Seconded Cr Laundry

**Council Resolution**

**That the monthly financial report to 30 September 2015 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 30 September 2015 are attached.

Voting Requirements

Simple Majority Required

Signature

Author *C Wood*

Chief Executive Officer *P Anderson*

Date of Report 15 October 2015

<b>SHIRE OF SHARK BAY</b>			
<b>MONTHLY FINANCIAL REPORT</b>			
<b>For the Period Ended 30 September 2015</b>			
<b>LOCAL GOVERNMENT ACT 1995</b>			
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MINUTES ORDINARY COUNCIL MEETING

28 OCTOBER 2015

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 30 September 2015							
	Note	Original Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
<b>Operating Revenues</b>		\$	\$	\$	\$	%	
Governance		12,605	0	3,765	3,765	0.00%	▲
General Purpose Funding - Rates	9	1,214,780	1,243,700	1,181,855	(61,845)	(5.0%)	▼
General Purpose Funding - Other		1,961,795	479,125	260,202	(218,923)	(45.7%)	▼
Law, Order and Public Safety		93,350	56,425	5,087	(51,338)	(91%)	▼
Health		750	750	751	1	0.13%	▲
Housing		88,660	21,204	25,180	3,976	18.7%	▲
Community Amenities		272,000	210,251	224,856	14,605	6.95%	▲
Recreation and Culture		307,900	54,374	90,147	35,773	65.8%	▲
Transport		454,556	120,154	232,863	112,709	93.8%	▲
Economic Services		730,107	165,047	214,086	49,039	29.7%	▲
Other Property and Services		25,000	6,250	9,018	2,768	44.3%	▲
<b>Total Operating Revenue</b>		<b>5,161,503</b>	<b>2,357,280</b>	<b>2,247,809</b>	<b>(109,471)</b>	<b>(4.64%)</b>	
<b>Operating Expense</b>							
Governance		(285,318)	(75,784)	(133,668)	(57,884)	76.4%	▼
General Purpose Funding		(122,096)	(32,648)	(30,717)	1,931	(5.9%)	▲
Law, Order and Public Safety		(334,324)	(125,722)	(86,021)	39,701	(31.6%)	▲
Health		(55,358)	(3,679)	(11,809)	(8,130)	221.0%	▼
Housing		(174,917)	(46,206)	(57,426)	(11,220)	24.3%	▼
Community Amenities		(639,881)	(174,132)	(127,822)	46,310	(26.6%)	▲
Recreation and Culture		(1,945,392)	(517,268)	(431,311)	85,957	(16.6%)	▲
Transport		(2,028,899)	(506,010)	(298,817)	207,193	(40.9%)	▲
Economic Services		(1,216,609)	(302,075)	(363,802)	(61,727)	20.4%	▼
Other Property and Services		(25,000)	(11,489)	(4,121)	7,368	(64.1%)	▲
<b>Total Operating Expenditure</b>		<b>(6,827,793)</b>	<b>(1,795,013)</b>	<b>(1,545,513)</b>	<b>249,500</b>	<b>(13.9%)</b>	
<b>Funding Balance Adjustments</b>							
Add back Depreciation		2,355,680	588,909	301,236	(287,673)		
Adjust (Profit)/Loss on Asset Disposal	8	(543)	(19,006)	3,114	22,120		
Adjust Provisions and Accruals		0	0	(116,250)			
<b>Net Cash from Operations</b>		<b>688,846</b>	<b>1,132,170</b>	<b>890,396</b>	<b>(125,524)</b>	<b>(21.35%)</b>	
<b>Capital Revenues</b>							
Grants, Subsidies and Contributions	11	7,582,260	0	80,942	80,942	0.0%	▲
Proceeds from Disposal of Assets	8	206,000	12,000	12,000	0	0.0%	
<b>Total Capital Revenues</b>		<b>7,788,260</b>	<b>12,000</b>	<b>92,942</b>	<b>80,942</b>	<b>674.5%</b>	
<b>Capital Expenses</b>							
Land Held for Resale							
Land and Buildings	13	(102,675)	0	(48,322)	(48,322)	0.00%	▼
Infrastructure - Roads	13	(1,106,349)	(69,753)	(6,739)	63,014	90.3%	▲
Infrastructure - Public Facilities	13	(7,615,580)	(95,601)	(215,338)	(119,737)	(125.2%)	▼
Infrastructure - Streetscapes	13	(50,000)	0	0	0	0.0%	
Infrastructure - Footpaths	13	(50,000)	0	(2,161)	(2,161)	0.0%	▼
Infrastructure - Drainage	13	(40,000)	0	(16,280)	(16,280)	0.0%	▼
Heritage Assets	13	(10,000)	0	(6,558)	(6,558)	0.0%	▼
Plant and Equipment	13	(869,000)	0	(102,000)	(102,000)	0.0%	▼
Furniture and Equipment	13	(22,000)	0	(3,665)	(3,665)	0.0%	▼
<b>Total Capital Expenditure</b>		<b>(9,865,604)</b>	<b>(165,354)</b>	<b>(401,063)</b>	<b>(235,709)</b>	<b>(142.5%)</b>	
<b>Net Cash from Capital Activities</b>		<b>(2,077,344)</b>	<b>(153,354)</b>	<b>(308,121)</b>	<b>(154,767)</b>	<b>(100.92%)</b>	
<b>Financing</b>							
Proceeds from New Debentures		0	0	0	0		
Transfer from Reserves	7	1,361,289	0	0	0	0.00%	
Repayment of Debentures	10	(111,745)	(48,391)	(47,672)	719	1.5%	▼
Transfer to Reserves	7	(519,027)	0	(19,165)	(19,165)	0.0%	
<b>Net Cash from Financing Activities</b>		<b>730,517</b>	<b>(48,391)</b>	<b>(66,837)</b>	<b>(18,446)</b>	<b>(38.12%)</b>	
<b>Net Operations, Capital and Financing</b>		<b>(657,981)</b>	<b>930,425</b>	<b>515,438</b>	<b>(298,737)</b>	<b>44.60%</b>	▼
<b>Opening Funding Surplus(Deficit)</b>	3	<b>657,981</b>	<b>657,981</b>	<b>2,432,569</b>	<b>1,774,588</b>		
<b>Closing Funding Surplus(Deficit)</b>	3	<b>0</b>	<b>1,588,406</b>	<b>2,948,007</b>	<b>1,475,851</b>	<b>(85.60%)</b>	▲

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

MINUTES ORDINARY COUNCIL MEETING

28 OCTOBER 2015

<b>SHIRE OF SHARK BAY</b>				
<b>STATEMENT OF FINANCIAL ACTIVITY</b>				
<b>(By Nature or Type)</b>				
<b>For the Period Ended 30 September 2015</b>				
	Note	Original Budget	YTD Budget (a)	YTD Actual (b)
<b>Operating Revenues</b>				
Rates	9	\$ 1,206,380	\$ 1,241,452	\$ 1,175,951
Operating Grants, Subsidies and Contributions	11	2,382,428	583,752	476,158
Fees and Charges		1,231,425	437,305	527,064
Interest Earnings		75,694	8,499	29,260
Other Revenue		237,175	67,266	42,491
Profit on Disposal of Assets	8	28,401	19,006	(3,114)
<b>Total Operating Revenue</b>		<b>5,161,503</b>	<b>2,357,280</b>	<b>2,247,809</b>
<b>Operating Expense</b>				
Employee Costs		(1,938,330)	(469,488)	(448,096)
Materials and Contracts		(2,026,612)	(559,691)	(608,956)
Utility Charges		(158,750)	(39,726)	(28,018)
Depreciation on Non-Current Assets		(2,355,680)	(588,912)	(301,236)
Interest Expenses		(20,432)	0	(1,591)
Insurance Expenses		(129,668)	(64,835)	(90,869)
Other Expenditure		(170,462)	(72,364)	(66,748)
Loss on Disposal of Assets	8	(27,858)	0	0
<b>Total Operating Expenditure</b>		<b>(6,827,793)</b>	<b>(1,795,016)</b>	<b>(1,545,513)</b>
<b>Funding Balance Adjustments</b>				
Add back Depreciation		2,355,680	588,912	301,236
Adjust (Profit)/Loss on Asset Disposal	8	(543)	(19,006)	3,114
Adjust Provisions and Accruals		0	0	(116,250)
<b>Net Cash from Operations</b>		<b>688,846</b>	<b>1,132,170</b>	<b>890,395</b>
<b>Capital Revenues</b>				
Grants, Subsidies and Contributions	11	7,582,260	0	80,942
Proceeds from Disposal of Assets	8	206,000	12,000	12,000
<b>Total Capital Revenues</b>		<b>7,788,260</b>	<b>12,000</b>	<b>92,942</b>
<b>Capital Expenses</b>				
Land Held for Resale		0	0	0
Land and Buildings	13	(102,675)	0	(48,322)
Infrastructure - Roads	13	(1,106,349)	(69,753)	(6,739)
Infrastructure - Public Facilities	13	(7,615,580)	(95,601)	(215,338)
Infrastructure - Streetscapes	13	(50,000)	0	0
Infrastructure - Footpaths	13	(50,000)	0	(2,161)
Infrastructure - Drainage	13	(40,000)	0	(16,280)
Heritage Assets	13	(10,000)	0	(6,558)
Plant and Equipment	13	(869,000)	0	(102,000)
Furniture and Equipment	13	(22,000)	0	(3,665)
<b>Total Capital Expenditure</b>		<b>(9,865,604)</b>	<b>(165,354)</b>	<b>(401,063)</b>
<b>Net Cash from Capital Activities</b>		<b>(2,077,344)</b>	<b>(153,354)</b>	<b>(308,121)</b>
<b>Financing</b>				
Proceeds from New Debentures		0	0	0
Transfer from Reserves	7	1,361,289	0	0
Repayment of Debentures	10	(111,745)	(48,391)	(47,672)
Transfer to Reserves	7	(519,027)	0	(19,165)
<b>Net Cash from Financing Activities</b>		<b>730,517</b>	<b>(48,391)</b>	<b>(66,837)</b>
<b>Net Operations, Capital and Financing</b>		<b>(657,981)</b>	<b>930,425</b>	<b>515,438</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>657,981</b>	<b>657,981</b>	<b>2,432,569</b>
<b>Closing Funding Surplus(Deficit)</b>	3	<b>0</b>	<b>1,588,406</b>	<b>2,948,007</b>

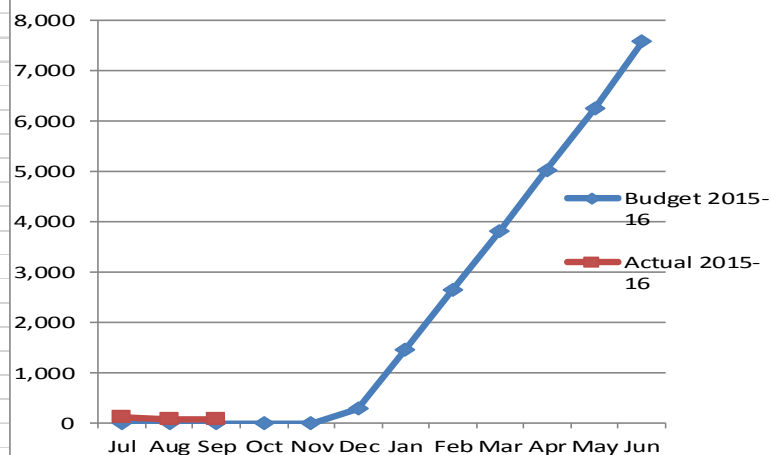
MINUTES ORDINARY COUNCIL MEETING

28 OCTOBER 2015

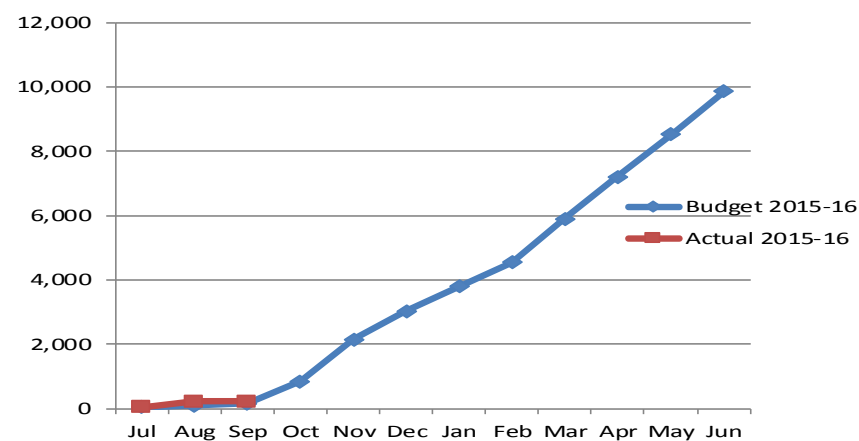
SHIRE OF SHARK BAY  
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING  
For the Period Ended 30 September 2015

Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Original Budget	Variance (d) - (c)
Land and Buildings	13	\$ 0	\$ 48,322	\$ 48,322	\$ 0	\$ 102,675	\$ (48,322)
Infrastructure Assets - Roads	13	0	6,739	6,739	69,753	1,106,349	63,014
Infrastructure Assets - Public Facilities	13	43,638	171,700	215,338	95,601	7,615,580	(119,737)
Infrastructure Assets - Footpaths	13	2,161	0	2,161	0	50,000	(2,161)
Infrastructure Assets - Drainage	13	0	16,280	16,280	0	40,000	(16,280)
Infrastructure Assets - Streetscapes	13	0	0	0	0	50,000	0
Heritage Assets	13	0	6,558	6,558	0	10,000	(6,558)
Plant and Equipment	13	0	102,000	102,000	0	869,000	(102,000)
Furniture and Equipment	13	0	3,665	3,665	0	22,000	(3,665)
<b>Capital Expenditure Totals</b>		<b>45,799</b>	<b>355,264</b>	<b>401,063</b>	<b>165,354</b>	<b>9,865,604</b>	<b>(235,709)</b>

CAPITAL REVENUE



CAPITAL EXPENDITURE





<b>SHIRE OF SHARK BAY</b>	
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>	
<b>For the Period Ended 30 September 2015</b>	
<b>1. SIGNIFICANT ACCOUNTING POLICIES</b>	
<b>(a) Basis of Preparation</b>	
	This report has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this budget are presented below and have been consistently applied unless stated otherwise.
	Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.
	<b>The Local Government Reporting Entity</b>
	All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this budget.
	In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.
	All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 16 to this budget document.
<b>(b) Rounding Off Figures</b>	
	All figures shown in this report, other than a rate in the dollar, are rounded to the nearest dollar.
<b>(c) Rates, Grants, Donations and Other Contributions</b>	
	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.
<b>(d) Goods and Services Tax (GST)</b>	
	Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).
	Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.
	Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.
<b>(e) Superannuation</b>	
	The Council contributes to a number of Superannuation Funds on behalf of employees.
	All funds to which the Council contributes are defined contribution plans.

<b>SHIRE OF SHARK BAY</b>	
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>	
<b>For the Period Ended 30 September 2015</b>	
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>	
<b>(f) Cash and Cash Equivalents</b>	
	Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.
	Bank overdrafts are shown as short term borrowings in current liabilities in the statement of financial position.
<b>(g) Trade and Other Receivables</b>	
	Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.
	Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.
	Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.
<b>(h) Inventories</b>	
	<b>General</b>
	Inventories are measured at the lower of cost and net realisable value.
	Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.
	<b>Land Held for Resale</b>
	Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.
	Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.
	Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.
<b>(i) Fixed Assets</b>	
	Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.
	<b>Mandatory Requirement to Revalue Non-Current Assets</b>
	Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.

<b>SHIRE OF SHARK BAY</b>					
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>					
<b>For the Period Ended 30 September 2015</b>					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(j) Fixed Assets (Continued)</b>					
<b><i>Land Under Control</i></b>					
In accordance with Local Government (Financial Management) Regulation 16(a), the Council was required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of state or regional significance.					
Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note.					
Whilst they were initially recorded at cost (being fair value at the date of acquisition (deemed cost) as per AASB 116) they were revalued along with other items of Land and Buildings at 30 June 2014.					
<b><i>Initial Recognition and Measurement between Mandatory Revaluation Dates</i></b>					
All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.					
In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.					
Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation of the next anniversary date in accordance with the mandatory measurement framework.					

<b>SHIRE OF SHARK BAY</b>					
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>					
<b>For the Period Ended 30 September 2015</b>					
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
	<b>(j) Fixed Assets (Continued)</b>				
	<b>Revaluation</b>				
	Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.				
	<b>Transitional Arrangement</b>				
	During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.				
	Those assets carried at cost will be carried in accordance with the policy detailed in the <b>Initial Recognition</b> section as detailed above.				
	Those assets carried at fair value will be carried in accordance with the <b>Revaluation</b> Methodology section as detailed above.				
	<b>Land Under Roads</b>				
	In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.				
	Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.				
	In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.				
	Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.				
	Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.				
	<b>Depreciation</b>				
	The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.				

<b>SHIRE OF SHARK BAY</b>				
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>				
<b>For the Period Ended 30 September 2015</b>				
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
<b>(j) Fixed Assets (Continued)</b>				
Major depreciation periods used for each class of depreciable asset are:				
Buildings				25 to 50 years
Construction other than buildings (Public Facilities)				5 to 50 years
Plant and Equipment				5 to 15 years
Furniture and Equipment				4 to 10 years
Heritage				25 to 50 years
Roads				25 years
Footpaths				50 years
Sewerage piping				75 years
Water supply piping & drainage systems				75 years
The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.				
An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.				
Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.				
When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained surplus.				
<b>Capitalisation Threshold</b>				
Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.				
<b>(k) Fair Value of Assets and Liabilities</b>				
When performing a revaluation, the Council uses a mix of both independent and management valuations using the following as a guide:				
Fair Value is the price that Council would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.				

<b>SHIRE OF SHARK BAY</b>				
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>				
<b>For the Period Ended 30 September 2015</b>				
	<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>			
	<b>(k) Fair Value of Assets and Liabilities (Continued)</b>			
	As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.			
	To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).			
	For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.			
	<b><i>Fair Value Hierarchy</i></b>			
	AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:			
	<b>Level 1</b>			
	Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.			
	<b>Level 2</b>			
	Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.			
	<b>Level 3</b>			
	Measurements based on unobservable inputs for the asset or liability.			
	The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.			
	<b><i>Valuation techniques</i></b>			
	The Council selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Council are consistent with one or more of the following valuation approaches:			
	<b>Market approach</b>			
	Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.			

<b>SHIRE OF SHARK BAY</b>				
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>				
<b>For the Period Ended 30 September 2015</b>				
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>			
	<b>(k) Fair Value of Assets and Liabilities (Continued)</b>			
	<b>Income approach</b>			
	Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.			
	<b>Cost approach</b>			
	Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.			
	Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Council gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.			
	As detailed above, the mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.			
	<b>(l) Financial Instruments</b>			
	<b>Initial Recognition and Measurement</b>			
	Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).			
	Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.			
	<b>Classification and Subsequent Measurement</b>			
	Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost.			
	Amortised cost is calculated as:			
	(a) the amount in which the financial asset or financial liability is measured at initial recognition;			
	(b) less principal repayments and any reduction for impairment; and			
	(c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.			



<b>SHIRE OF SHARK BAY</b>	
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>	
<b>For the Period Ended 30 September 2015</b>	
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>	
<b>(I) Financial Instruments (Continued)</b>	
	The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.
	<i>(i) Financial assets at fair value through profit and loss</i>
	Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.
	<i>(ii) Loans and receivables</i>
	Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.
	Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.
	<i>(iii) Held-to-maturity investments</i>
	Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.
	Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.
	<i>(iv) Available-for-sale financial assets</i>
	Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.
	They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.
	Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available for sale financial assets are classified as non-current.
	<i>(v) Financial liabilities</i>
	Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.

<b>SHIRE OF SHARK BAY</b>				
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>				
<b>For the Period Ended 30 September 2015</b>				
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
<b>(l) Financial Instruments (Continued)</b>				
<b><i>Impairment</i></b>				
A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a "loss event") having occurred, which has an impact on the estimated future cash flows of the financial asset(s).				
In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.				
In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.				
For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.				
<b><i>Derecognition</i></b>				
Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.				
Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.				
<b>(m) Impairment of Assets</b>				
In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.				
Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.				
Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.				

<b>SHIRE OF SHARK BAY</b>					
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>					
<b>For the Period Ended 30 September 2015</b>					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(m) Impairment of Assets (Continued)</b>					
For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.					
<b>(n) Trade and Other Payables</b>					
Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.					
<b>(o) Employee Benefits</b>					
<b>Short-Term Employee Benefits</b>					
Provision is made for the Council's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.					
The Council's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Council's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.					
<b>Other Long-Term Employee Benefits</b>					
Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.					
The Council's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Council does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.					

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 September 2015					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(p) Borrowing Costs</b>					
Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.					
<b>(q) Provisions</b>					
Provisions are recognised when the Council has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.					
Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.					
<b>(r) Current and Non-Current Classification</b>					
In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Council's intentions to release for sale.					

MINUTES ORDINARY COUNCIL MEETING

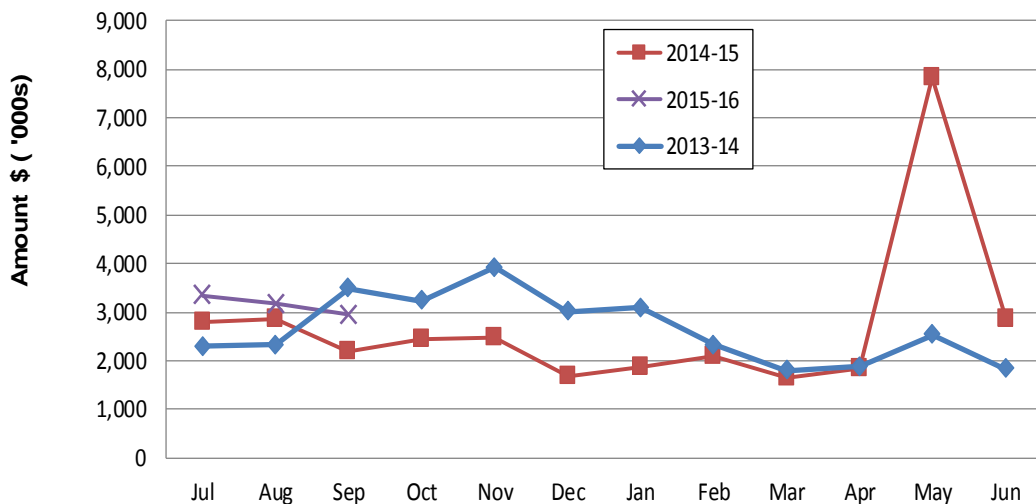
28 OCTOBER 2015

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 30 September 2015					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Perman	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
Governance	3,765	0	▲	Permanent	Insurance reimbursements received.
General Purpose Funding - Rates	(61,845)	(4.97%)	▼	Permanent	Variance is due to Rates paid in advance being applied to this area.
General Purpose Funding - Other	(218,923)	(45.69%)	▼	Permanent	Variance is due to the prepayment of half of the 15-16 FAG being made in June and increase in interest revenue on the WATC investment.
Law, Order and Public Safety	(51,338)	(90.98%)	▼	Timing	Cyclone Olwyn reimbursement received in June.
Health	1	0.13%	▲	Permanent	No reportable variance
Housing	3,976	18.75%	▲	Timing	Pensioner Units rents invoiced in advance
Community Amenities	14,605	6.95%	▲	Permanent	Refuse site fees and domestic rubbish removal higher than expected.
Recreation and Culture	35,773	65.79%	▲	Permanent	Increase sales at Shark Bay Discovery Centre and annual Gym fees raised
Transport	112,709	93.80%	▲	Timing	Receipt for Useless Loop maintenance received - YTD budget incorrect
Economic Services	49,039	29.71%	▲	Timing	Income from Monkey Mia Road and Shark Bay Road yet to be raised
Other Property and Services	2,768	44.3%	▲	Permanent	Diesel fuel rebate higher than expected
<b>Operating Expense</b>					
Governance	(57,884)	76.38%	▼	Timing	YTD budget did not take into account annual charges which are paid in July.
General Purpose Funding	1,931	(5.91%)	▲	Permanent	Allocation of overheads less than expected.
Law, Order and Public Safety	39,701	(31.58%)	▲	Permanent	Cyclone expenses are less than expected at this time
Health	(8,130)	220.97%	▼	Timing	Health expenses allocation less than expected
Housing	(11,220)	24.28%	▼	Permanent	Allocation of housing to other areas less than expected.
Community Amenities	46,310	(26.60%)	▲	Timing	Refuse Site operational expenses and Planning Scheme costs less than expected at this time
Recreation and Culture	85,957	(16.62%)	▲	Timing	Lower level of maintenance over all areas.
Transport	207,193	(40.95%)	▲	Timing	No depreciation charged this year
Economic Services	(61,727)	20.43%	▼	Timing	Main Roads expenses less than expected
Other Property and Services	7,368	(64.13%)	▲	Timing	Less expenditure in Public Works overheads than expected.
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	80,942	0.00%	▲	Timing	Awaiting Capital Grants for Foreshore and R2R.
Proceeds from Disposal of Assets	0	0.0%	±	Permanent	No reportable variance
<b>Capital Expenses</b>					
Land and Buildings	(48,322)	0.0%	▼	Timing	YTD budget incorrect
Infrastructure - Roads	63,014	90.34%	▲	Timing	Road projects yet to be commenced
Infrastructure - Public Facilities	(119,737)	(125.25%)	▼	Timing	Carried Forward project expenditure impacting on this activity
Infrastructure - Footpaths	(2,161)	0.0%	▼	Permanent	No reportable variance
Infrastructure - Drainage	(16,280)	0.0%	▼	Timing	YTD budget incorrect
Heritage Assets	(6,558)	0.0%	▼	Timing	YTD budget incorrect
Plant and Equipment	(102,000)	0.0%	▼	Timing	YTD budget incorrect
Furniture and Equipment	(3,665)	0.0%	▼	Permanent	No reportable variance
<b>Financing</b>					
Loan Principal	719	1.49%	▼	Timing	No reportable variance

Note: YTD budgets are an estimation at the time of preparing the annual budget. These will be corrected in the next month.

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 September 2015				
<b>Note 3: NET CURRENT FUNDING POSITION</b>				
		Positive=Surplus (Negative=Deficit)		
	Note	YTD 30 Sep 2015	30th June 2015	YTD 30 Sep 2014
		\$	\$	\$
<b>Current Assets</b>				
Cash Unrestricted	4	8,187,322	2,225,145	1,483,521
Cash Restricted	4	2,054,669	7,744,335	1,994,965
Receivables - Rates	6	508,935	12,610	529,077
Receivables -Other	6	217,623	505,672	397,778
Interest / ATO Receivable/Trust		14,090	5,522	10,484
Inventories		110,379	110,379	146,545
		11,093,017	10,603,663	4,562,370
<b>Less: Current Liabilities</b>				
Payables		(163,397)	(208,647)	(139,923)
Provisions		(226,945)	(226,944)	(249,152)
		(5,700,000)	(5,700,000)	0
		(6,090,342)	(6,135,591)	(389,075)
Less: Cash Reserves	7	(2,054,669)	(2,035,504)	(1,994,965)
<b>Net Current Funding Position</b>		<b>2,948,007</b>	<b>2,432,569</b>	<b>2,178,331</b>

Note 3 - Liquidity Over the Year



**Comments - Net Current Funding Position**

Higher liquidity due to advance payment of Financial Assistance Grants in June

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 30 September 2015							
<b>Note 4: CASH AND INVESTMENTS</b>							
	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
<b>(a) Cash Deposits</b>							
Municipal Bank Account	0.10%	80,793			80,793	Bankwest	At Call
Reserve Bank Account	0.00%		4,669		4,669	Bankwest	At Call
Telenet Saver	1.90%	1,377,972			1,377,972	Bankwest	At Call
Trust Bank Account	0.00%			9,807	9,807	Bankwest	At Call
Cash On Hand		800			800		On Hand
<b>(b) Term Deposits</b>							
WATC Grant Funding	1.95%	5,727,756			5,727,756	WATC	At Call
Muni Term Deposit	3.00%	1,000,000			1,000,000	Bankwest	Nov 2015
Trust	3.25%			94,071	94,071	Bankwest	Sept 2015
Reserve Investment Account	2.70%		1,015,000		1,015,000	Bankwest	Dec 2015
Reserve Investment Account	3.00%		1,035,000		1,035,000	Bankwest	Nov 2015
<b>Total</b>		<b>8,187,322</b>	<b>2,054,669</b>	<b>103,878</b>	<b>10,345,869</b>		
<b>Comments/Notes - Investments</b>							
Surplus funds invested for terms conducive to cashflow requirements							



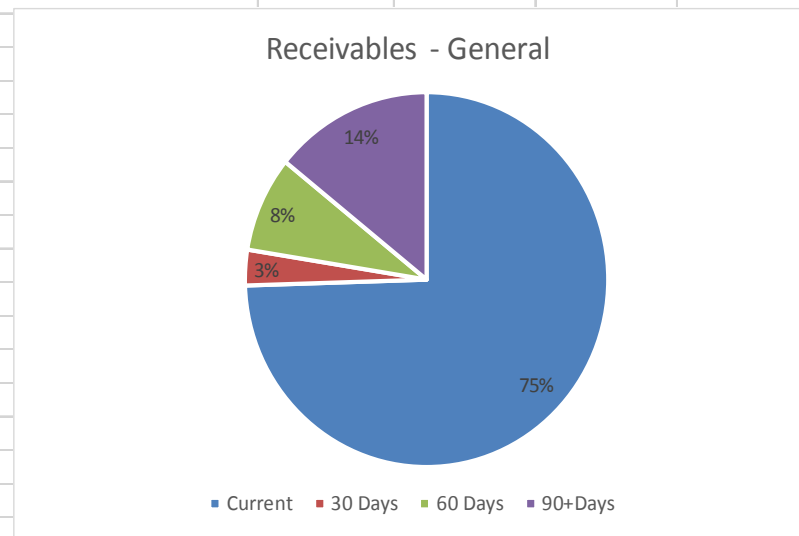
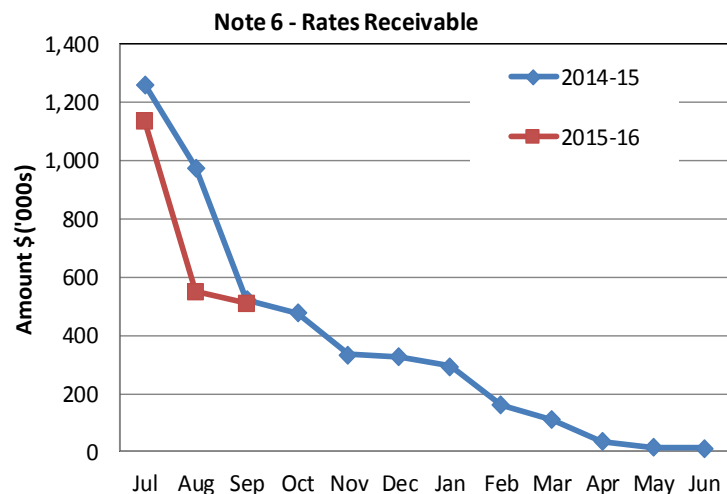
Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 September 2015

**Note 6: RECEIVABLES**

Receivables - Rates Receivable	YTD 30 Sep 2015	30 June 2015	Receivables - General	Current	30 Days	60 Days	90+Days
	\$	\$		\$	\$	\$	\$
Opening Arrears Previous Years	5,744	6,217	Receivables - General	53,403	2,195	5,918	10,162
Levied this year	1,175,951	1,119,537	<b>Total Receivables General Outstanding</b>				<b>71,678</b>
Less Collections to date	(671,874)	(1,120,010)	<b>Amounts shown above include GST (where applicable)</b>				
Equals Current Outstanding	509,821	5,744					
<b>Net Rates Collectable</b>	<b>509,821</b>	<b>5,744</b>					
% Collected	56.86%	99.49%					



**Comments/Notes - Receivables Rates**

Rates collection level is appropriate for this time of year

MINUTES ORDINARY COUNCIL MEETING

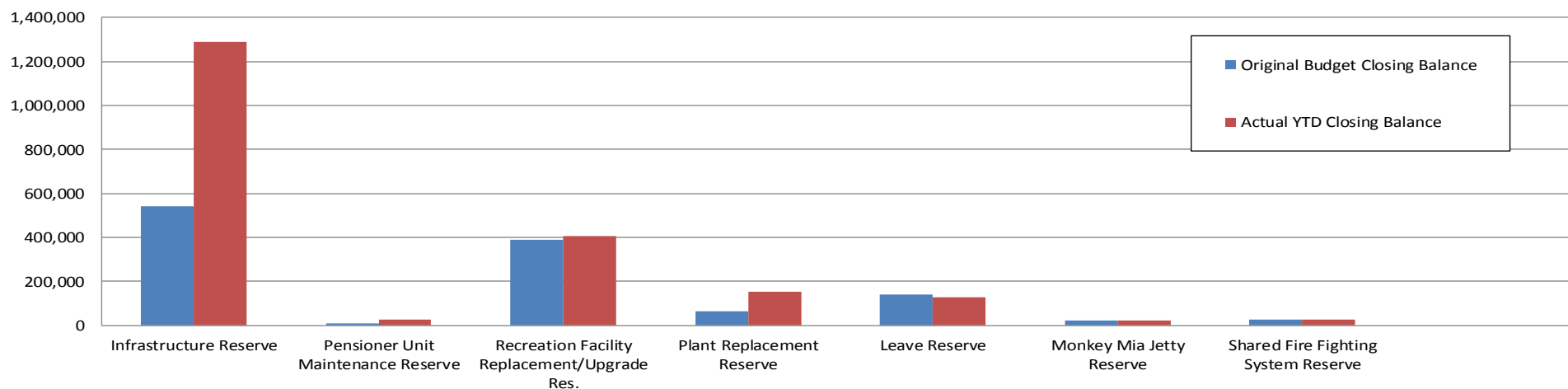
28 OCTOBER 2015

Shire of Shark Bay  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 September 2015

**Note 7: Cash Backed Reserve**

2015-16 Name	Opening Balance	Original Budget Interest Earned	Actual Interest Earned	Original Budget Transfers In (+)	Actual Transfers In (+)	Original Budget Transfers Out (-)	Actual Transfers Out (-)	Transfer out Reference	Original Budget Closing Balance	Actual YTD Closing Balance
Infrastructure Reserve	\$ 1,279,923	\$ 23,880	\$ 9,321	\$ 57,781	\$ 0	\$ (819,614)	\$ 0		\$ 541,970	\$ 1,289,244
Pensioner Unit Maintenance Reserve	28,049	709	358	10,000	0	(28,675)	0		10,083	28,407
Recreation Facility Replacement/Upgrade Res.	401,657	8,505	5,144	0	0	(20,000)	0		390,162	406,801
Plant Replacement Reserve	152,853	3,824	2,131	400,000	0	(493,000)	0		63,677	154,984
Leave Reserve	126,569	3,163	1,617	10,000	0	0	0		139,732	128,186
Monkey Mia Jetty Reserve	19,866	498	254	0	0	0	0		20,364	20,120
Shared Fire Fighting System Reserve	26,587	667	340	0	0	0	0		27,254	26,927
	<b>2,035,504</b>	<b>41,246</b>	<b>19,165</b>	<b>477,781</b>	<b>0</b>	<b>(1,361,289)</b>	<b>0</b>		<b>1,193,242</b>	<b>2,054,669</b>

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



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Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 30 September 2015								
Note 8 CAPITAL DISPOSALS								
Actual YTD Profit/(Loss) of Asset Disposal					Original Budget			Comments
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 30 09 2015			
				Original Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance		
\$	\$	\$	\$	Plant and Equipment	\$	\$	\$	
				<b>Governance</b>				
			0	CEO Vehicle	974		(974)	
			0	EMFA Vehicle	5,381		(5,381)	
			0	<b>Transport</b>				
			0	Ute - Ranger	7,318		(7,318)	
			0	Ute - Country				
			0	Supervisor	(5,666)		5,666	
			0	5 Tonne Tip Truck	(1,621)		1,621	
			0	Truck - Gardeners	(16,843)		16,843	
25,000	(11,260)	12,000	(1,740)	Case Tractor	(2,480)	(1,740)	740	
2,500	(1,126)	0	(1,374)	Slasher	(1,248)	(1,374)	(126)	
0	0	0	0	Road Broom	0	0		
0	0	0	0	Auger		0		
				Front end Loader	11,688		(11,688)	
				<b>Economic Services</b>				
				EMCD Vehicle	3,040		(3,040)	
<b>27,500</b>	<b>(12,386)</b>	<b>12,000</b>	<b>(3,114)</b>		<b>543</b>	<b>(3,114)</b>	<b>(3,657)</b>	
<b>Comments - Capital Disposal/Replacements</b>								
Plant Replacement Program has yet to commence financially.								

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Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 30 September 2015											
Note 9: RATING INFORMATION	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	Budget Rate Revenue \$	Budget Interim Rate \$	Budget Back Rate \$	Budget Total Revenue \$
RATE TYPE											
<b>Differential General Rate</b>											
GRV Rateable Property	8.8769	276	3,270,517	273,135			273,135	290,321	1,000		291,321
GRV Vacant	8.8769	22	605,530	53,752			53,752	53,752			53,752
GRV - Commercial	8.8769	43	2,088,443	181,182			181,182	185,389			185,389
GRV - Industrial/Residential	8.8769	44	673,769	55,579			55,579	59,810			59,810
GRV Industrial /Residential Vacant	8.8769	1	12,150	1,079			1,079	1,079			1,079
GRV Rural Commercial	8.8769	5	316,160	28,065			28,065	28,065			28,065
GRV Resort	8.8769	2	1,220,800	108,369			108,369	108,369			108,369
UV General	19.5858	5	691,348	135,406			135,406	135,406	1,000		136,406
UV Mining	19.5858	1	21,362	4,185			4,185	4,184			4,184
UV Pastoral	12.5412	12	654,760	82,115			82,115	82,115			82,115
UV Exploration	19.5858	10	650,624	139,593			139,593	142,399			142,398
<b>Sub-Totals</b>		421	10,205,463	1,062,460	0	0	1,062,460	1,090,889	2,000	0	1,092,888
<b>Minimum Payment</b>											
GRV Rateable Property	800.00	91	709,717	72,800			72,800	72,800			72,800
GRV Vacant	800.00	82	308,670	64,800			64,800	65,600			65,600
GRV - Commercial	800.00	26	177,274	20,800			20,800	20,800			20,800
GRV - Industrial/Residential	800.00	4	31,263	3,200			3,200	3,200			3,200
GRV Industrial /Residential Vacant	800.00	1	7,850	800			800	800			800
Rural Commercial	800.00		0	0			0	0			0
GRV Resort	800.00		0	0			0	0			0
UV General	800.00	5	7,858	4,000			4,000	4,000			4,000
UV Mining	800.00	3	3,063	2,400			2,400	2,400			2,400
UV Pastoral	800.00		0	0			0	0			0
UV Exploration		0	0	800			800	0			0
<b>Sub-Totals</b>		212	1,245,695	7,200		0	169,600	169,600			169,600
Concessions							(94,577)				(94,577)
<b>Amount from General Rates</b>							<b>1,137,483</b>				<b>1,167,911</b>
Specified Area Rates							38,468				38,468
<b>Totals</b>							<b>1,175,951</b>				<b>1,206,379</b>
<b>Comments - Rating Information</b>											
The variance between the budget and the actual amounts is due to the transfer of rates paid in advance in 2014/15 being applied to 2014/15 and reversed in 2015/16. Should the same trend of excess payments continue in 2015/16 then the level of rates received should reach the budgeted amount.											

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 30 September 2015								
10. INFORMATION ON BORROWINGS								
(a) Debenture Repayments								
Particulars	Principal 1-Jul-15	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual \$	Original Budget \$	Actual \$	Original Budget \$	Actual \$	Original Budget \$
Loan 48 - McCleary Property	27,749	0	13,638	27,749	14,111	0	0	2,373
Loan 48 - Shire Office	23,638	0	11,618	23,638	12,020	0	0	2,021
Loan 53 - Staff Housing	81,389	0	9,075	18,444	72,314	62,945	86	5,559
Loan 56 - Staff Housing	94,377	0	0	14,962	94,377	79,415	(722)	6,292
Loan 57 - Monkey Mia Bore	249,239	0	13,341	26,952	235,898	222,287	2,227	10,788
	476,392	0	47,672	111,745	428,720	364,647	1,591	27,033

All debenture repayments are financed by general purpose revenue except Loan 57 which is funded through a Specified Area Rate.  
Loan 48 will finish this financial year.

MINUTES ORDINARY COUNCIL MEETING

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**Shire of Shark Bay**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 September 2015**

**Note 11: GRANTS AND CONTRIBUTIONS**

Program/Details	Grant Provider	Approval	2015-16 Original Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
<b>GENERAL PURPOSE FUNDING</b>								
Grants Commission - General	WALGGC	Y	1,456,000	0	1,456,000	0	180,238	1,275,762
Grants Commission - Roads	WALGGC	Y	418,501	0	418,501	0	48,182	370,319
<b>LAW, ORDER, PUBLIC SAFETY</b>								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Y	7,000	0	7,000	0	0	7,000
Grant FESA - SES	Dept. of Fire & Emergency Serv.	Y	35,000	0	35,000	0	838	34,162
FESA SES Capital Grants	Dept. of Fire & Emergency Serv.	Y	50,000	0		50,000	0	50,000
<b>RECREATION AND CULTURE</b>								
Foreshore Revitalisation	Royalties for Regions	Y	6,450,000	0	0	6,450,000	0	6,450,000
Community Bus	Lotterywest	N	120,000	0	0	120,000	0	120,000
<b>TRANSPORT</b>								
Road Preservation Grant	State Initiative	Y	91,900	0	91,900	0	91,900	0
Useless Loop Road - Mtce	Main Roads WA	Y	300,000	0	300,000	0	120,000	180,000
Contributions - Road Projects	Pipeline	N	8,500	0	8,500	0	0	8,500
Roads To Recovery Grant - Cap	Roads to Recovery	Y	599,630	0	0	599,630	0	599,630
RRG Grants - Capital Projects	Regional Road Group	Y	246,005	0	0	246,005	80,942	165,063
Denham Recreational Boat Ramp	Recreational Boating Facilities Scheme	Y	116,625	0	0	116,625	0	116,625
<b>ECONOMIC SERVICES</b>								
Contributions-Seniors Projects	Council of the Aged WA	N	800	0	800	0	0	800
Grants - Community Activities	Dept. of Communities	N	2,000	0	2,000	0	0	2,000
Contribution - Monkey Mia	Dept. of Parks and Wildlife	Y	50,000	0	50,000	0	0	50,000
Contribution - Signage	Gascoyne Development Commission	N	12,727	0	12,727	0	0	12,727
Grants - 2016 Celebrations	Dept Premier and Cabinet	Y	0	0	0	0	35,000	
<b>TOTALS</b>			<b>9,964,688</b>	<b>0</b>	<b>2,382,428</b>	<b>7,582,260</b>	<b>557,100</b>	<b>9,442,588</b>
		Operating			2,382,428			476,158
		Non-operating			7,582,260	0		80,942
					9,964,688			557,100
<b>Comments - Operating and Non Operating Grants</b>								
The Shire received an advance payment of its total allocation (\$948,945) for 2015/16 at the end of 2014/15. Therefore the amount which will be reflected in this report for the year will be \$913,679 being the balance of the Shire's allocation. There was also a prepayment of the SES grant for 2015/16 received in 2014/15. This totalled \$10,657.50 and represents a quarter of the annual allocation.								

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 September 2015				
<b>Note 12: TRUST FUND</b>				
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 15	Amount Received	Amount Paid	Closing Balance 30-Sep-15
	\$	\$	\$	\$
BCITF Levy Income	0	347	(3)	344
Library Card Bond	200	250	(350)	100
Kerb/Footpath Deposit	4,200	1,000	(1,700)	3,500
Election	0	480	0	480
Bond Key	2,310	440	(1,080)	1,670
Police Licensing	2,386	89,256	(88,469)	3,173
Marquee Deposit	700	0	(700)	0
Building Licence Levy	41	500	0	541
Sunter Place - Recreation Reserve	92,320	1,751		94,071
Bookeasy Sales	0	163,404	(163,404)	0
	<b>102,157</b>	<b>257,427</b>	<b>(255,705)</b>	<b>103,878</b>



MINUTES ORDINARY COUNCIL MEETING

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CAPITAL WORKS PROGRAM 2015/16								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Original Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Land and Buildings</b>								
<b>Governance</b>								
Admin Office Carpark	3.7.1	WKM	(30,000)	0	(3,048)	3,048	3,048	
<b>Governance Total</b>			<b>(30,000)</b>	<b>0</b>	<b>(3,048)</b>	<b>3,048</b>		
<b>Buildings</b>								
<b>Health</b>								
Demolition of Ambulance Building	3.7.1	WKM	(10,000)	0	0	0		
<b>Health Total</b>			<b>(10,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Housing</b>								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	1.2.4	CEO	(3,500)	0	0	0	0	
Staff Housing - 65 Brockman St	1.2.4	EMCD	(3,500)	0	0	0	0	
Staff Housing - 51 Durlacher St	1.2.4	EMFA	(3,500)	0	0	0	0	
Staff Housing - 80 Durlacher St	1.2.4	EMCD	(3,500)	0	0	0	0	
Pensioner Units Capital	3.7.1	EMCD	(28,675)	0	(2,142)	2,142	2,142	Work has started on the upgrade of Unit 10
<b>Housing Total</b>			<b>(42,675)</b>	<b>0</b>	<b>(2,142)</b>	<b>2,142</b>		
<b>Recreation and Culture</b>								
Denham Town Hall - c/fwd	3.7.1	EMCD	0	0	(2,475)	2,475	2,475	\$10,000 carry forward from 14/15
Denham Town Hall	3.7.1	EMCD	(20,000)	0	0	0	0	
Overlander Hall - c/fwd			0	0	(355)	355	355	
Recreation Centre - Sound Proofing - c/fwd	3.7.1	EMCD	0	0	(40,302)	40,302	40,302	\$50,000 carry forward from 14/15
			<b>(20,000)</b>	<b>0</b>	<b>(43,132)</b>	<b>43,132</b>		
<b>Land and Buildings Total</b>			<b>(102,675)</b>	<b>0</b>	<b>(48,322)</b>	<b>48,322</b>		
<b>Drainage/Culverts</b>								
<b>Transport</b>								
Drainage upgrades	3.7.1	WKM	(40,000)	0	(16,280)	16,280	16,280	
<b>Transport Total</b>			<b>(40,000)</b>	<b>0</b>	<b>(16,280)</b>			
<b>Drainage/Culverts Total</b>			<b>(40,000)</b>	<b>0</b>	<b>(16,280)</b>			
<b>Footpaths</b>								
<b>Transport</b>								
Footpath Construction	3.7.1	WKM	(50,000)	0	(2,161)	2,161		
<b>Transport Total</b>			<b>(50,000)</b>	<b>0</b>	<b>(2,161)</b>	<b>2,161</b>		
<b>Footpaths Total</b>			<b>(50,000)</b>	<b>0</b>	<b>(2,161)</b>	<b>2,161</b>		

MINUTES ORDINARY COUNCIL MEETING

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Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Furniture &amp; Office Equip.</b>								
<b>Governance</b>								
Council Chambers - Speaker System	1.2.1	EMFA	(12,000)	0	0	0		
<b>Governance Total</b>			<b>(12,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Recreation And Culture</b>								
Discovery Centre - Furniture & Equipment	2.4.1	EMCD	(10,000)	0	(3,665)	3,665	3,665	
<b>Recreation And Culture Total</b>			<b>(10,000)</b>	<b>0</b>	<b>(3,665)</b>	<b>3,665</b>		
<b>Furniture &amp; Office Equip. Total</b>			<b>(22,000)</b>	<b>0</b>	<b>(3,665)</b>	<b>3,665</b>		
<b>Heritage Assets</b>								
<b>Recreation And Culture</b>								
Shade over Velshedha	2.2.2	WKM	(10,000)	0	0	0	0	
Refurbishment of Old Jail and Stables - c/fwd	2.2.2	WKM	0	0	(6,558)	6,558	6,558	\$50,000 carry forward from 14/15. Work is progressing on this project.
<b>Recreation And Culture Total</b>			<b>(10,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Heritage Assets Total</b>			<b>(10,000)</b>	<b>0</b>	<b>(6,558)</b>	<b>0</b>	<b>0</b>	
<b>Plant , Equipment and Vehicles</b>								
<b>Law, Order And Public Safety</b>								
SES Equipment	3.7.1	EMFA	(50,000)	0	0	0	0	
Vehicle - Ranger	3.7.1	WKM	(45,000)	0	0	0	0	
<b>Law, Order And Public Safety Total</b>			<b>(95,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
			<b>(189,999)</b>					
<b>Recreation and Culture</b>								
Community Bus	1.1.6	WKM	(120,000)	0	0	0	0	
<b>Recreation and Culture</b>			<b>(120,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Transport</b>								
CEO Vehicle	1.1.6	WKM	(71,000)	0	0	0	0	
EMFA Vehicle	1.1.6	WKM	(45,000)	0	0	0	0	
EMCD Vehicle	1.1.6	WKM	(45,000)	0	0	0	0	
5 Tonne Truck	1.1.6	WKM	(90,000)	0	0	0	0	
3 Tonne Truck	1.1.6	WKM	(45,000)	0	0	0	0	
Major Plant Items	1.1.6	WKM	(20,000)	0	0	0	0	
Bobcat and Trailer	1.1.6	WKM	(110,000)	0	(102,000)	102,000	102,000	YTD budget to be corrected.
Refuse Site Loader	1.1.6	WKM	(180,000)	0	0	0	0	
Utility - Country	1.1.6	WKM	(48,000)	0	0	0	0	
<b>Transport Total</b>			<b>(654,000)</b>	<b>0</b>	<b>(102,000)</b>	<b>102,000</b>		
<b>Plant , Equipment and Vehicles Total</b>			<b>(869,000)</b>	<b>0</b>	<b>(102,000)</b>	<b>102,000</b>		

MINUTES ORDINARY COUNCIL MEETING

28 OCTOBER 2015

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Public Facilities</b>								
<b>Community Amenities</b>								
Town Oval Bore - c/fwd	3.7.1	WKM	0	0	(9,617)	9,617	9,617	\$27,500 carried forward from 14/15
Town Oval Bore	3.7.1	WKM	(30,000)	(23,600)	0	(23,600)	0	
Refuse Tip and Recycling	2.4.2	WKM	(378,341)	0	0	0		
<b>Community Amenities Total</b>			<b>(408,341)</b>	<b>(23,600)</b>	<b>(9,617)</b>	<b>(13,983)</b>		
<b>Recreation And Culture</b>								
Recreation Grounds	1.6.7	WKM	(55,000)	(12,000)	(2,715)	(9,285)	2,715	
Denham Recreational Boat Ramp	3.7.1	WKM	(145,781)	0	(14,589)	14,589	14,589	Preliminary planning started for this project
Foreshore Revitalisation	3.7.1	CEO	(6,966,458)	(50,001)	(105,772)	55,771	105,772	Planning costs and relocation of foreshore carpark
Western Foreshore Gazebo Reroofing	3.7.1	WKM	(10,000)	(10,000)	0	(10,000)	0	
Replacement Gazebo - Nettas c/fwd			0	0	(2,234)	2,234	2,234	\$5,000 carried forward from 14/15
Replace Shade shelters - Eastern Foreshore	3.7.1	WKM	(20,000)	0	(6,253)	6,253	6,253	
Childcare Centre Softfall	3.7.1	WKM	(10,000)	0	0	0	0	
Charlie Sappie Park - c/fwd	3.7.1	WKM	0	0	(28,033)	28,033	28,033	\$10,000 carried forward from 14/15. Project completed.
<b>Recreation And Culture Total</b>			<b>(7,207,239)</b>	<b>(72,001)</b>	<b>(159,595)</b>	<b>87,594</b>		
<b>Transport</b>								
Monkey Mia Jetty - c/fwd	1.6.5	WKM	0	0	(43,638)	43,638	0	\$76,300 carried forward from 14/15.
Monkey Mia Boat Ramp Carpark - c/fwd	1.6.5	WKM	0	0	(2,487)	2,487	2,487	\$44,000 carried forward from 14/15.
<b>Transport Total</b>			<b>0</b>	<b>0</b>	<b>(46,125)</b>	<b>46,125</b>		
<b>Public Facilities Total</b>			<b>(7,615,580)</b>	<b>(95,601)</b>	<b>(215,338)</b>	<b>119,737</b>		

MINUTES ORDINARY COUNCIL MEETING

28 OCTOBER 2015

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Roads (Non Town)</b>								
<b>Transport</b>								
Woodleigh-Bryo Floodway RRG	1.1.6	WKM	(137,712)	0	(78)	78	78	
Useless Loop Road - RRG 14/15	1.1.6	WKM	0	0	(6,661)	6,661	6,661	\$75,800 carried forward from 14/15
Useless Loop Road - RRG 15/16	1.1.6	WKM	(279,007)	(69,753)	0	(69,753)	0	
Hamelin Pool - Repair seal, shoulders etc	1.1.6	WKM	(90,000)	0	0	0	0	
Road Projects R2R 14/15	1.1.6	WKM	(199,877)	0	0	0	0	
Road Projects R2R 15/16	1.1.6	WKM	(399,753)	0	0	0	0	
<b>Transport Total</b>			<b>(1,106,349)</b>	<b>(69,753)</b>	<b>(6,739)</b>	<b>(63,014)</b>		
<b>Roads (Non Town) Total</b>			<b>(1,106,349)</b>	<b>(69,753)</b>	<b>(6,739)</b>	<b>(63,014)</b>	<b>0</b>	
<b>Streetscapes</b>								
<b>Economic Services</b>								
Tourism and Information Bay Signage	2.1.3	EMCD	(50,000)	0	0	0		
<b>Economic Services Total</b>			<b>(50,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Streetscapes Total</b>			<b>(50,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Capital Expenditure Total</b>			<b>(9,865,604)</b>	<b>(165,354)</b>	<b>(401,063)</b>	<b>212,871</b>		

12.3 POLICY 2.7 - PURCHASING POLICY – AMOUNTS UNDER \$150,000

CM00037

AUTHOR

EXECUTIVE MANAGER FINANCE AND ADMINISTRATION

DISCLOSURE OF ANY INTEREST

NIL

Moved Cr Capewell

Seconded Cr Prior

**Council Resolution**

**That Council adopt Policy 2.7 Purchasing Policy – Amounts Under \$150,000 as attached.**

**6/0 CARRIED**

BACKGROUND

Section 11A of the Local Government (Functions and General) Regulations 1996 requires a local government to adopt and implement a purchasing policy for the supply of goods or services where the amount is expected to be \$150,000 or less.

Prior to 1 October 2015, the specified amount under this section was \$100,000 and Council adopted a policy titled Purchasing Policy – Amounts Under \$100,000 in August 2014 in order to comply with this section. From 1 October 2015, the tender threshold was increased to \$150,000.

COMMENT

As a result of the change to the Local Government (Functions and General) Regulations 1996 as above, an amended policy has been developed to ensure compliance with this section.

The amendments to the Policy are:

1. Amendment of the dollar amount to \$150,000.
2. Changes to the levels at which quotations need to be obtained.
3. Changes to the number of quotations required for the \$5,000 - \$19,999 range.

These changes have been made to take into account the extra \$50,000 in the tender threshold and to improve the efficiency in purchasing. Council has in place internal controls to minimise its risk in the purchasing of goods and services.

LEGAL IMPLICATIONS

Section 11A of the Local Government (Functions and General) Regulations 1996 applies to this item.

POLICY IMPLICATIONS

This item amends Policy 2.7 Purchasing Policy – Amounts Under \$100,000.

FINANCIAL IMPLICATIONS

The amendment sets out the process required for the purchases under \$150,000.

STRATEGIC IMPLICATIONS

Outcome 4.3 A long term strategically focused Council that functions effectively and is unified.

RISK MANAGEMENT

This policy minimises the risk of inappropriate purchasing by setting out the process for purchases under \$150,000.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Executive Manager

Finance and Administration *C Wood*

Chief Executive Officer

*P Anderson*

Date of Report

15 October 2015

**2.7 Purchasing Policy – Amounts Under \$150,000**

Purpose

To set out requirements to obtain competitive quotes when purchasing works, goods and services on behalf of the Shire where the value of any consideration under the contract is expected to be less than \$150,000. Purchases of amounts above \$150,000 must be entered into via a tender process.

Detail

Where the value of procurement for the value of a contract over the full contract period (including options to extend) is, or is expected to be as indicated below then the requirements to obtain quotes are as follows:

Amount of consideration (excluding GST)	Minimum requirement by authorising officer (subject to conditions below) prior to purchase
Up to \$4,999	No quotes required, purchasing officer to be satisfied that price is fair and reasonable
\$5,000 - \$19,999	Seek one verbal quotation
\$20,000 - \$49,999	Seek two verbal quotations.
\$50,000 - \$99,999	Seek two written quotations
\$100,000 – \$149,999	Prepare a written specification, seek three written quotations
\$150,000 and over	Conduct a public tender process

**General Purchasing Conditions**

1. Contracts must not be split into smaller amounts to avoid purchasing or tender thresholds.
2. The discounts provided for in the Shire's 'Local Purchasing Price Preference' policy may also be applied when deciding an appropriate supplier under this policy.
3. The CEO may authorise persons to issue purchase orders and may attach conditions to that authorisation depending upon the position and job requirements.
4. The CEO is to police this policy and may take appropriate action for non-compliance.
5. The CEO or a person authorised by the CEO may authorise minor variations to this policy where:
  - a) There is only one provider of a good, work or service who is available;
  - b) There is a measure of urgency involved; or
  - c) Multiple quotes have been sought but have not been provided in a reasonable timeframe.

But must be satisfied that the price quoted is reasonable.

6. Where a verbal quote is required, the authorising officer must:
  - a) Ensure that he/she understands the requirement/specification;
  - b) Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote;
  - c) Read back the details to the Supplier contact person to confirm their accuracy; and
  - d) Keep written notes detailing each verbal quotation received.
7. Where a written quote is required, the authorising officer must prepare a brief scope of work detailing what is to be provided, and if based on considerations other than price only, a selection criteria, and any other relevant information. This document should be provided to suppliers to ensure they have a common understanding of the work required.
8. Where a written specification and written quotes are required, the authorising officer must:
  - a) Prepare an appropriately detailed specification that must include as a minimum:
    - Details of the works, goods, or services to be delivered;
    - The selection criteria that will be applied to appoint the successful contractor;
    - Details to be provided by the respondent, such as a price schedule;
    - Conditions of responding; and
    - Validity period of offers.
  - b) Ensure that invitations to quote are issued simultaneously to ensure that all parties receive an equal opportunity to respond.
  - c) Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
  - d) Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
  - e) Respondents should be advised in writing as soon as possible after the final determination is made and approved.



9. Where selection criteria is required, factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors may be used as part of the assessment of the quote.
10. Authorised persons must use the WALGA Local Government Purchasing and Tender Guide for detailed templates, standard contract conditions, record keeping formats and the like.

### Authorising Payment

Invoices or requests for payment must be certified by the person who placed the order that:

1. The works, goods or services have been received or supplied in a satisfactory condition or standard;
2. The invoiced amount is correct and in accordance with the purchase order.

#### Applicable legislation

Act	
Regulation	R11A Local Government (Functions and General) Regulations 1996
Local Law	
Other	The 'Local Government Purchasing and Tender Guide' issued by the WA Local Government Association.

Adopted by Council on:	27 August 2014

**13. TOWN PLANNING REPORT**

**13.1 APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL – HOLIDAY HOME – LOT 69 (28) HARTOG CRESCENT, DENHAM**

P4284

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 Capewell

Seconded Cr Prior

**Council Resolution**

**That Council:**

- 1. In accordance with Clause 4.4.2 (a) of the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'), determine that the 'holiday home' use may be consistent with the objectives of the Residential zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval.**
- 2. Note that the application has already been advertised in accordance with Clause 9.4 of the Scheme and that no written submissions or objections have been received.**
- 3. Approve the application lodged by Garth Chamberlain for a 'Holiday Home' on Lot 69 (Strata Lot 1, (28)) Hartog Crescent, Denham subject to the following conditions:**
  - (i) The existing dwelling on Strata Lot 1 may be used as a standard holiday home however shall not accommodate more than 4 people at any one time (as stated in the application).**
  - (ii) The Management Plan for 'Bluewater View Short Stay Accommodation' lodged as part of the application forms part of this approval. The Management Plan includes an Emergency Evacuation Plan and addresses provision of smoke detectors / fire extinguishers.**
  - (iii) The owner / applicant to be responsible for implementation of the Management Plan and shall ensure a copy of the Emergency Evacuation Plan is displayed within the holiday home at all times for guests.**
  - (iv) All carparking is to be fully accommodated on site at all times.**

- (vi) Any sign for the business must be located within the property boundaries and the sign face shall not exceed an area of 0.2 square metres.
2. Include a footnote / advice note on any planning approval to advise the applicant that:
- (a) Planning approval does not negate the need to comply with any separate legislation such as health requirements.
  - (b) It is recommended that you liaise with your insurance company as many residential public liability insurance policies exclude the use of premises for short rentals. Please note that the Shire takes no responsibility for safety and public liability of guests in the accommodation.
  - (c) This approval only grants permission for one dwelling on Lot 69 to be used as a holiday home.

6/0 CARRIED

BACKGROUND

Council is to consider an application for retrospective planning approval to use an existing dwelling at 28 Hartog Crescent, Denham as holiday accommodation.

- *Existing development*

Lot 69 has been developed with two dwellings and each is located on their own strata lot.

Both dwelling units have their own driveway access and garage. The garages are joined by a common wall.

This application relates to the dwelling located on the eastern side of the lot.



The eastern-most dwelling is a one bedroom / one bathroom house with a sizeable living area.



- *Requirement for Planning Approval*

It is recognised that historically holiday accommodation has likely occurred in Denham without obtaining any local government approval. This situation is not unique to Denham, and holiday accommodation has occurred uncontrolled in many coastal locations.

Technically, under the Shires current Scheme, planning approval is required for all “*development on land zoned and reserved under the Scheme*”. It is important to note that ‘development’ does not only include buildings and construction works, but can also include the use of land.

Although the Shire may not have actively policed holiday homes that have become established in Denham over many years, legally holiday homes require planning approval, similar to other forms of accommodation such as Bed and Breakfast and short stay accommodation.

COMMENT

- *Proposed Development*

The owners of the land live in the existing dwelling located on the western-most portion of Lot 69 (No 26 Hartog Crescent). The land was purchased in November 2013 and the owner advises that the previous landowner had rented out one dwelling for holiday accommodation, so they simply continued the landuse – refer letter from Mr Chamberlain at the end of this report.

Gray & Lewis has liaised with the owners and the proposal is described below:

- The dwelling may be rented as a whole for short term accommodation and it can accommodate up to 4 people.
- The accommodation mainly caters for couples or families. In addition to the single bedroom an additional two single beds are provided in the living room.
- The dwelling is self contained and includes linen/towels, washing machine, kitchen utensils, an outdoor setting and a BBQ.

- As the owners live on site they can manage the holiday accommodation and maintain the property.
- The owners advise that they are respectful of the need to maintain peace and quiet for neighbours, and indicate other nearby lots are also used for holiday accommodation.
- The accommodation is advertised through a website – homeaway.com

- *Zoning*

The subject property is zoned 'Residential R12.5/30' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

The objective of the Residential zone is "*to provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.*"

- *Landuse Classification and Scheme Definitions*

When an application is lodged, part of the planning assessment involves examining the landuse definitions in the Scheme, and determining the 'best fit' landuse classification.

If the landuse is listed in the Scheme's Zoning table, it dictates the permissibility of the use in the relevant zone. If the landuse is not listed in the Schemes zoning table, then Council has discretion to consider the use as a 'Use Not Listed'.

The Shires Scheme has a definition for 'short term accommodation' however it does not apply to the proposed application as it specifically refers to "*two or more attached dwellings.....on one lot let for holiday purposes....*".

As the Scheme does not have a specific landuse definition for the proposed use, it is recommended that other sources for landuse classification be considered.

The Western Australian Planning Commission has guidelines for 'Holiday Homes – Short stay use of residential dwellings'.

The Western Australian Planning Commission Guidelines include definition for standard holiday homes as follows:

A standard holiday home is defined as '*means a single house (excluding ancillary accommodation), which might also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).*'

Gray & Lewis recommends that Council consider the landuse as a 'holiday home'.

- *Process for a Use Not Listed*

A 'holiday home' is a landuse that is not specifically listed in the Zoning Table of the Scheme.



Under Clause 4.4.2 of the Scheme Council has three options in determining any application involving a 'Use Not Listed as follows:

- a) Determine that the use is consistent with the objectives of the Residential zone and is therefore permitted;
- b) Determine that the use may be consistent with the objectives of the Residential zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- c) Determine the use is not consistent with the objectives of the Residential zone and is therefore not permitted.

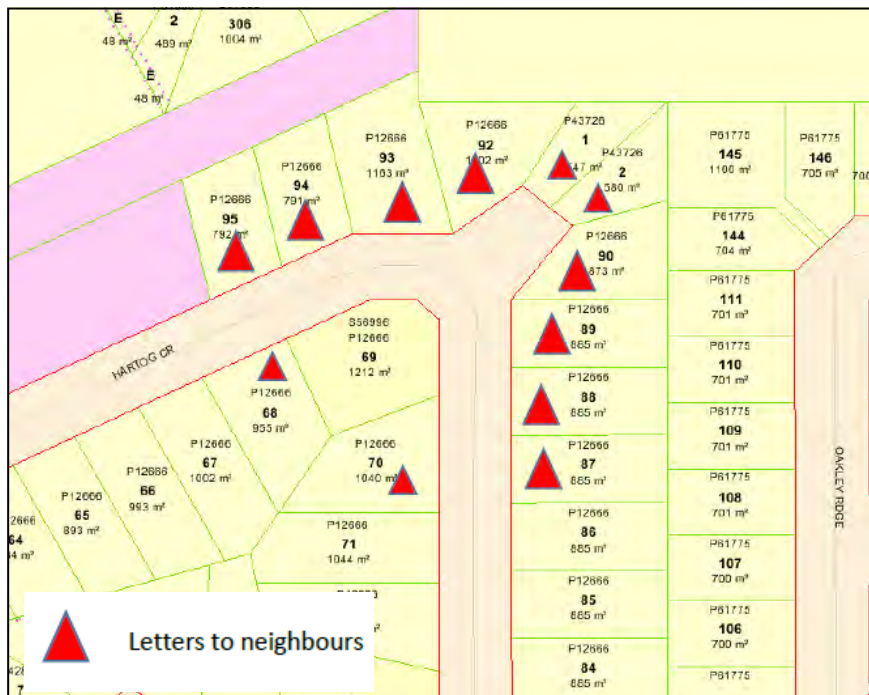
Gray and Lewis does not recommend Option 1 as the objective of the Residential zone is primarily to cater for residential uses, and approval of the development as a 'permitted' use will set a precedent for all future 'holiday home' applications to also be processed as permitted uses. There may be circumstances where Council receives an application for a holiday home in a Residential zone and consider the location to be unsuitable.

Gray & Lewis recommends Council pursue Option 2, and consider that the proposed 'holiday home' use may be consistent with the objective of the Residential zone. Whilst the Residential zone is to provide for housing, there is discretion under the Scheme to consider non residential uses having regard to normal planning considerations such as amenity, streetscape, landuse compatibility etc

- *Consultation*

To expedite processing of the application and in anticipation that Council may pursue Option 2 as described above in this report, the application has been advertised for 14 days in accordance with Clause 9.4 of the Scheme.

No submissions have been received, and advertising closed on the 30 September 2015. The plan below shows the extent of neighbour consultation undertaken by the Shire.



- *Amenity*

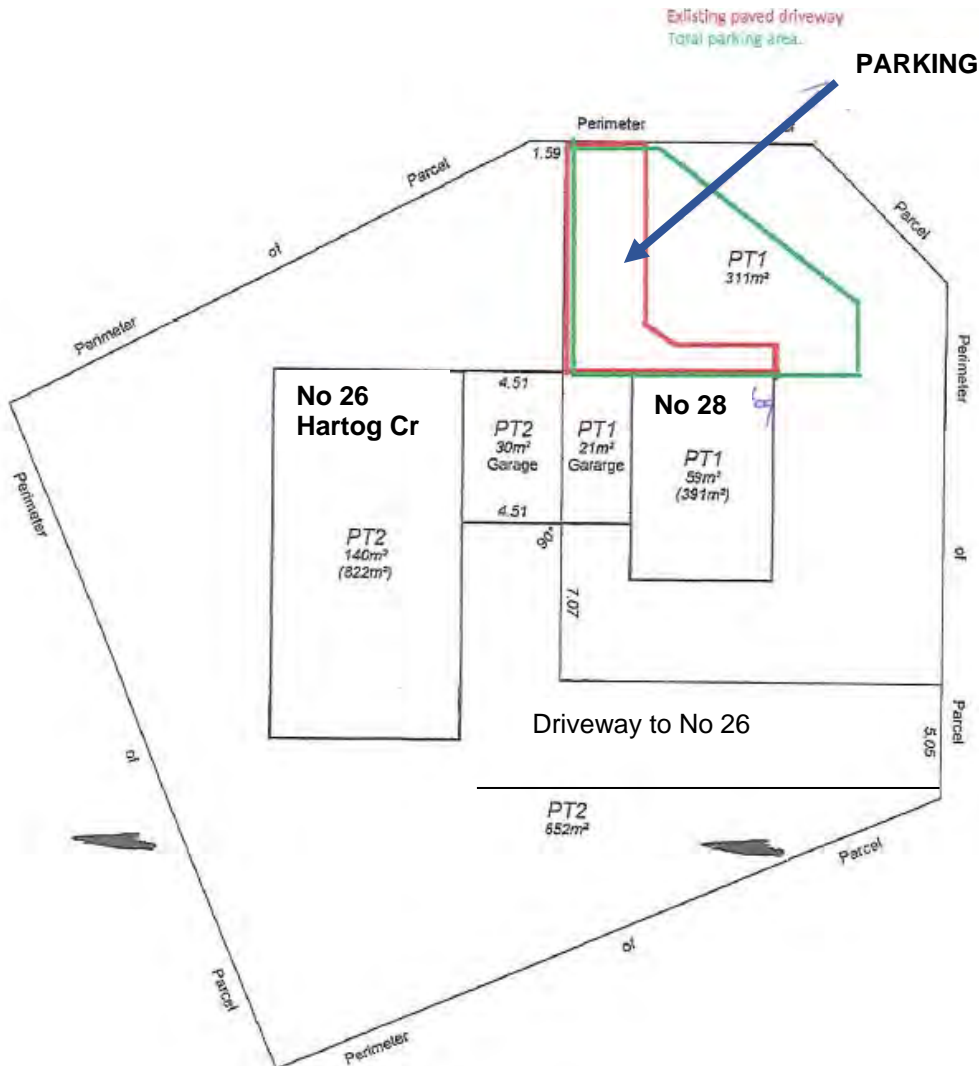
In some local authorities there has been issues with landuse conflict between holiday homes and dwellings used as permanent residences. The habits of holiday makers can be different from those of residents, and conflict can occur in the form of noise, anti-social behaviour and the like.

In this case, the holiday home use has already been operating in this location for an extended time period, and there is no evidence of landuse conflict.

As the owner lives on the same lot they have the ability to effectively manage the use, and it is in their interest for guests to behave appropriately.

- *Carparking*

The existing dwelling is serviced by a driveway from the north lot boundary which provides on site carparking for the holiday home. The owner has separate on site parking and a driveway to the south of the existing dwelling units.





- *Fire and Emergency Response Plan*

As occupiers of the dwelling will be unfamiliar with the house layout, the Western Australian Planning Commission Guidelines recommend an emergency response plan be required.

Whilst this can be a condition of planning approval, the owners have provided a Management Plan which also includes a fire escape route map, shows smoke alarms and on site fire extinguisher.

- *Location*

The WAPC Guidelines generally recommend that holiday home locations be identified in a local planning strategy or local planning policy. Gray & Lewis is of the understanding that historically there has not been any major conflicts between holiday accommodation and residential dwellings in Denham.

The proposed holiday home generally complies with the Western Australian Planning Commission Guidelines which state that as a guide, holiday homes “are most appropriate in areas of high tourism amenity and close to key tourist attractions such as the beach, town centre or rural areas.”

The subject dwelling is within walking distance of the beach and services in town.

- *Building standard*

The Western Australian Planning Commission Guidelines also recommend that dwellings comply with the Building Code of Australia and be inspected to ensure the dwelling is of a “safe and adequate standard”.

Safety has already been substantially addressed in the Management Plan, however inspection can be carried out by the Shires’ Building Surveyor.

- *Term of Planning Approval*

Council has the option of limiting the term of the planning approval issued for the use. This would allow Council to re-assess the suitability of the site, location and landuse compatibility.

Gray & Lewis has not recommended limiting the term of approval as limitations have not been placed on other approvals issued by the Shire (eg. 7B Fry Court).

Once a new Town Planning Scheme is effective, Council may decide to limit the term of future approvals.

#### LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 3 – explained in the body of this report.

POLICY IMPLICATIONS

Western Australian Planning Commission guidelines for 'Holiday Homes – Short stay use of residential dwellings' – explained in the body of this report.

FINANCIAL IMPLICATIONS

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

Tourism and businesses have local economic benefits.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk management item.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	15 October 2015

28 OCTOBER 2015

Chief Executive Officer  
Paul Anderson  
Shire of Shark Bay  
97 Knight Tce  
Denham WA 6537

31 July 2015

**Subject: Approval of short stay holiday accommodation at 28 Hartog Crs Denham WA 6537.**

Dear Paul

It has recently come to my attention that I require Shire approval to operate short stay holiday accommodation at my property 28 Hartog crs Denham WA 6537.

I have owned the property since November 2013 and also the adjoining property 26 Hartog Crs which is my main place of residence. The previous owners rented the properties for holiday accommodation which I have continued to do, but only 28 Hartog crs.

The unit is attached to 26 Hartog though 2 Garages. The unit is 1 bedroom, 1 bathroom with a spacious living area. I cater mainly to couples and small families accommodating up to four people with the addition of two single beds in the living area. Up to this point visitors have found that this has been acceptable and have noted that they have been very comfortable. The unit is fully self-contained and includes all linen and towels, washing machine, all kitchen utensils, an outdoor setting and gas BBQ. The unit has ample off street parking for two large cars and or a car and boat up to 6m. As I live on site I am always available at short notice to help guests with any request or trouble they may have or advise on any activities they may want to undertake during their stay.

I believe the property use as short stay holiday accommodation is consistent with the area, as many other properties on Hartog Crescent are listed as the same, particularly in the area adjacent to my property. As the property does not adjoin any other properties except that of my own I don't consider noise from visitors to be an issue. I am very respectful of visitor's privacy and peace and quiet, I also expect the same from them as is specified in my compendium and I would be quick to advise them if I thought their behaviour was disturbing to myself or other residents.

The property is advertised on Homeaway.com (property #3674614) and also at the local Discovery Centre. Since being listed in 2013 I have received many positive reviews from visitors and believe it to be an asset to the local tourism industry.

I endeavour to provide the highest possible standards of cleanliness and safety in line with Western Australian Planning Commission Guidelines for Holiday Homes – short stay use of residential dwellings. Following are documents and photographs to substantiate my claims and I would happily invite any inspection from council or town planning.

Kind Regards

Garth Chamberlain

13.2 PROPOSED BED AND BREAKFAST – LOT 224 (STRATA LOT 3, (35C)) FRY COURT, DENHAM P1501

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 5.60A and Section 5.70 of the *Local Government Act 1995*

:

Moved            Cr Prior  
Seconded       Cr Laundry

**Council Resolution**

**That Council:**

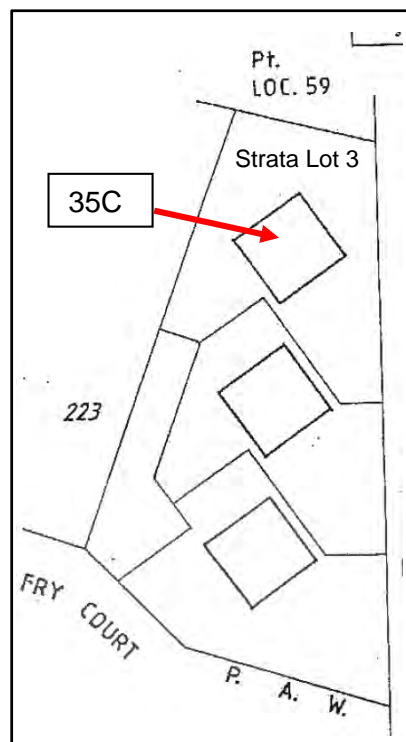
1. **Approve the application lodged by Derek and Patricia Weston for a Bed and Breakfast on Lot 224 (Strata Lot 3, (35C)) Fry Court, Denham subject to the following conditions:**
  - (i) **The existing dwelling unit is approved for use as a ‘Bed and Breakfast’ however shall not accommodate more than 2 adult guests at any one time (with or without children under 18 years of age).**
  - (ii) **Prior to occupation or use of the existing dwelling for a ‘Bed and Breakfast’, the owner shall lodge a Fire and Emergency Response Plan for separate written approval of the Chief Executive Officer. The Plan shall address matters such as a fire escape route map (for guests), evacuation plan/muster point, emergency contact phone numbers, smoke detectors, and provision of fire extinguishers.**
  - (iii) **The owner / applicant to be responsible for implementation of a Fire and Emergency Response Plan.**
  - (iv) **There shall not be any cooked meals provided by the operator to guests unless otherwise agreed to in writing by the Shire Chief Executive Officer.**
  - (v) **All carparking (owners and guests vehicles) shall be fully contained within Strata Lot 3 at all times and shall not traverse the common property to the satisfaction of the Chief Executive Officer.**
  - (vi) **Any sign for the business must be located within the strata lot boundary and the sign face shall not exceed an area of 0.2 square metres.**
2. **Include a footnote / advice note on any planning approval to advise the applicant that:**

- (a) Planning approval does not negate the need to comply with any separate legislation such as health requirements. If you wish to provide cooked meals to guests in the future then you will need to register as a food premises under the Health Act 1911.
  - (b) It is recommended that you liaise with your insurance company as many residential public liability insurance policies exclude the use of premises for commercial purposes. Please note that the Shire takes no responsibility for safety and public liability of guests in the accommodation.
3. Note that the application has been advertised and no formal submissions have been received.

6/0 CARRIED

BACKGROUND

Lot 224 Fry Court, Denham has been developed with three two storey grouped dwelling units. Each is contained on it's own strata lot, and the driveway area is common property.



COMMENT

- *Proposed Development*

The owners live in the existing dwelling unit on the northern portion of Lot 224, being the rear unit.

The application is summarised below:

- The ground floor is self-contained and has a double bedroom, bathroom, kitchen and lounge/dining area with access to the laundry.

- Guests will be provided with a continental breakfast (tea, coffee and cereals).
- As the owners live on site they can manage the holiday accommodation and maintain the property.
- The owners advise that they have both worked in the tourism industry and feel they can cater for Australian and overseas visitors.
- The accommodation will be advertised through a website – [www.airbnb.com.au](http://www.airbnb.com.au). AirB&B provide ongoing advertising and public liability insurance for members.

The owners written submission is included as attached at the end of this report.

- *Zoning*

The subject property is zoned 'Residential R12.5/30' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

The objective of the Residential zone is "*to provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.*"

- *Landuse Classification and Scheme Definitions*

When an application is lodged, part of the planning assessment involves examining the landuse definitions in the Scheme, and determining the 'best fit' landuse classification.

If the landuse is listed in the Scheme's Zoning table, it dictates the permissibility of the use in the relevant zone.

The Shires Scheme has a definition for 'Bed and Breakfast' which '*means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short term commercial basis and includes the provision of breakfast.*'

A 'Bed and Breakfast' is listed as an 'A' use in 'Table 1: Zoning Table' in the Scheme, which means '*the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4.*'

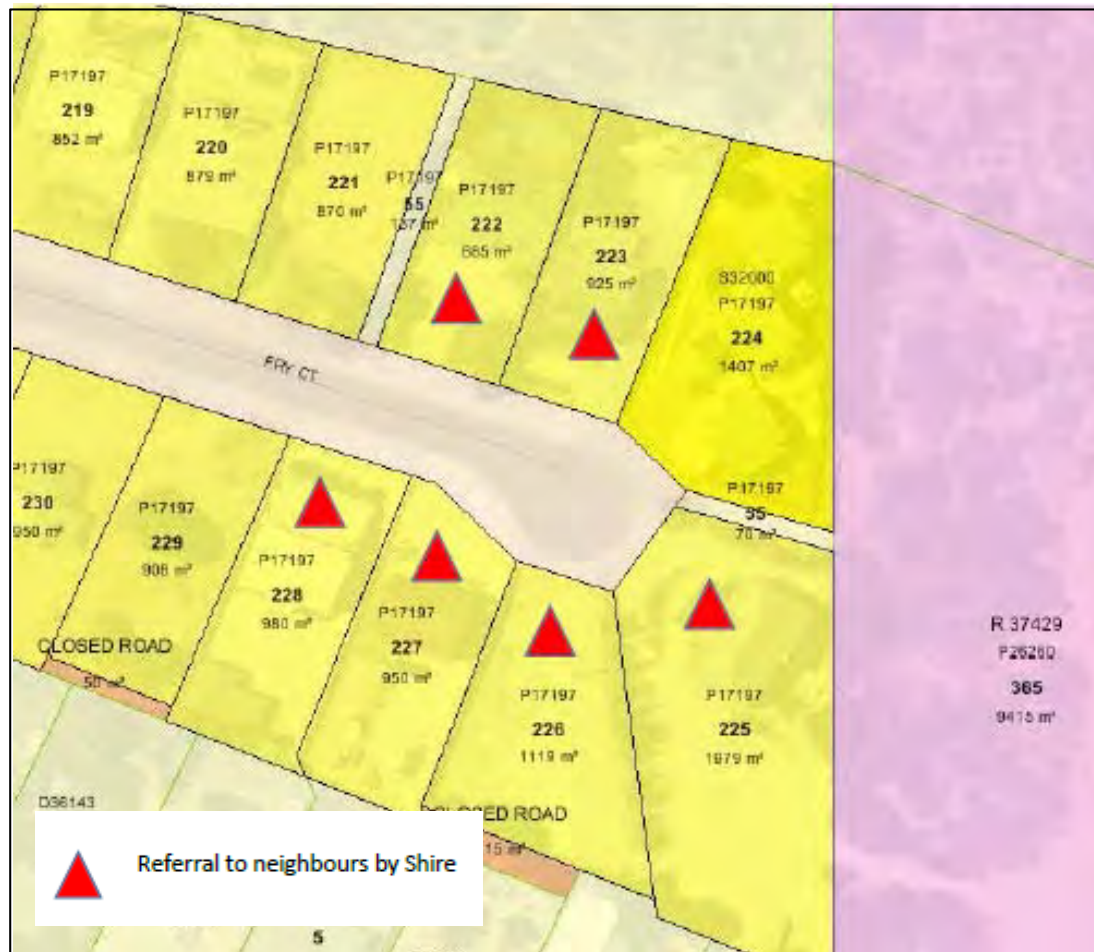
Essentially this means Council has discretion to consider the application once it has been advertised for public comment.

- *Consultation*

The Shire sent letters to nearby landowners and advertising closed on the 30 September 2015. No submissions have been received.

The applicant submitted written letters of 'non objection' by the owners of Strata Lots 1 and 2 on the same lot.





CONSULTATION PLAN

- *Amenity*

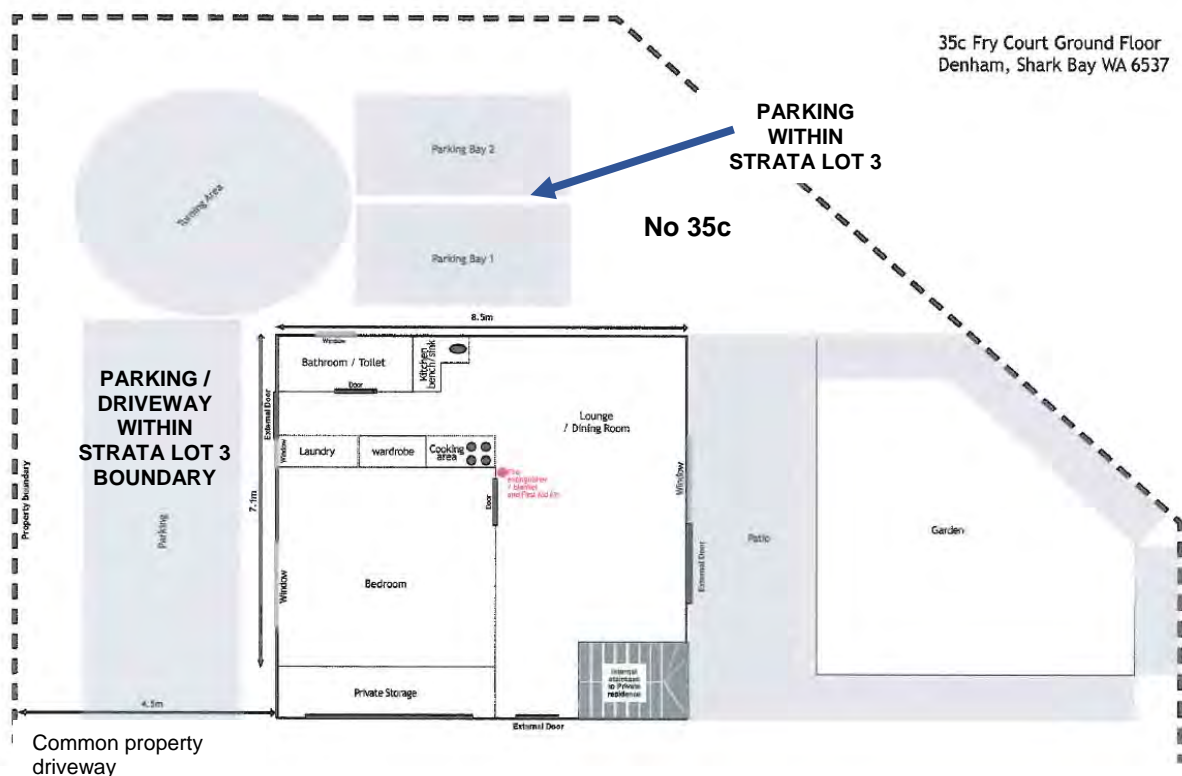
In some local authorities there has been issues with landuse conflict between holiday homes and dwellings used as permanent residences. The habits of holiday makers can be different from those of residents, and conflict can occur in the form of noise, anti-social behaviour and the like.

Gray & Lewis is of the view that the potential for landuse conflict between a 'Bed and Breakfast' and residences is less likely, as guests are staying in the same house as the host.

As the owners live in the same house of which part will be offered as a 'Bed and Breakfast', they have the ability to effectively manage the use, and it is in their interest for guests to behave appropriately.

- *Carparking*

The existing dwelling is serviced by a driveway that extends north of the common property (shared) driveway into their strata lot boundary.



As Lot 224 accommodates a three unit development with a common property driveway access, there is greater potential for carparking from guests to conflict or cause nuisance to the other 2 strata lot owners if parking is not fully contained within Strata Lot 3.

The provision of one double bedroom means that guests will generally be limited to 2 adults (with or without children). Parents with young children can bring their own cots, and there is scope for any older child/teenager to sleep in the lounge (fold out couch bed).

Any family will generally travel in one car, which leaves one rear parking bay for the owners. There is also room for tandem bays west of the dwelling.

As the parking area servicing Strata Lot 3 (35C) is limited, and the Bed and Breakfast only proposes a double bedroom, it is recommended that a condition be imposed limiting accommodation to a maximum of 2 adults (with or without children).

- *Fire and Emergency Response Plan*

As occupiers of the dwelling will be unfamiliar with the house layout, it is recommended that an emergency response plan be required as a condition of any approval.

An emergency response plan needs to include a fire escape route map, show smoke alarms and the location of any on site fire extinguisher/ fire blanket.

The owners have confirmed there are smoke alarms, a fire extinguisher, a fire blanket, and they will provide an emergency response plan for guests.



- *Location*

The WAPC has Guidelines on holiday homes which state that as a guide, holiday homes “*are most appropriate in areas of high tourism amenity and close to key tourist attractions such as the beach, town centre or rural areas.*”

Whilst the WAPC Guidelines do not strictly apply to this Bed and Breakfast application, it is noted that Fry Court is within walking distance of the beach and Denham Town Centre.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 3 – explained in the body of this report.

Clause 9.4 of the Scheme requires advertising to be conducted for a minim of 14 days.

POLICY IMPLICATIONS

There are no policy implications relative to this report

FINANCIAL IMPLICATIONS

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

Tourism and businesses have local economic benefits.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item for Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

16 October 2015

Denham, 11<sup>th</sup> September 2015

To the Shire of Shark Bay

Dear Councillors,

With the event of 2016 coming up, we feel that it is an appropriate time to extend the hosting facilities within our area.

We therefore seek your permission to open a "short stay accommodation" ie Bed and Breakfast.

The accommodation is a fully self-contained downstairs 'unit', which consists of:

- one double bedroom,
- private bathroom and toilet,
- lounge / dining area
- kitchen and cooking facilities (microwave, kettle, toaster, cooktop, fridge/freezer...etc)
- linen / towels
- tea, coffee, cereals etc (continental breakfast)
- wifi and TV
- access to the garden area
- access to the laundry
- with ample off street parking

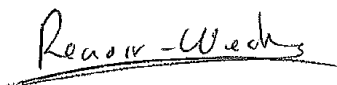
Our aim is to provide an onsite friendly multicultural management, in a peaceful environment, close to both bush & beach and ensure our guest are enjoying the best of what Shark Bay has to offer.

Having both worked in the Tourism industry in customer service positions, we feel that we can do 'our bit' for Denham / Shark Bay and bring both Australian and overseas visitors to our area.

We are planning to use "Air B&B" online booking who have a worldwide reputation of being one of the primary leaders in this type of short term stays. They monitor quality from both hosts and guests alike. Once you become a member they provide ongoing advertising and public liability insurance.

We look forward to a favourable response and remain at your disposal at all times.

Yours sincerely



Patricia Renoir-Weston  
35c Fry Court  
Denham,  
Shark Bay WA 6537



Derek Weston  
0415 707 412

13.3 PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING SINGLE HOUSE – LOT 52 (88) HUGHES STREET, DENHAM

P1081

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 5.60A and Section 5.70 of the *Local Government Act 1995*

Disclosure of Interest: Cr Laundry

Nature of Interest: Financial Interest as Draftsman

Moved            Cr Ridgley  
Seconded       Cr Bellottie

Cr Laundry left the Council Chamber at 3.55pm

**Council Resolution**

**That Council:**

1. **Approve the planning application lodged by R & J Hill for alterations and additions to an existing single house on Lot 52 (88) Hughes Street Denham subject to the following conditions:**
  - (i) **The plans lodged with this application received on the 7 October 2015 shall form part of this planning approval. All development shall be in accordance with the approved plans.**
2. **Include the following advice notes on any planning consent:**
  - (a) **Planning consent is not an approval to commence construction. separate building permit must be obtained for all work.**
3. **Note that the landowner of adjacent Lot 51 Hughes Street has lodged an email advising of no objection to the proposal.**

A

**5/0 CARRIED**

Cr Laundry returned to Council Chamber at 3.56 pm

BACKGROUND

Lot 52 has double road frontage to Hughes Street and Denham Road – refer location plan overpage.



The lot has been developed with a single house and associated outbuilding, with a driveway access from Hughes Street. Adjacent Lot 51 to the east also contains a single house.

COMMENT

• **Zoning**

Lot 52 is zoned 'Town Centre' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

The objectives of the Town Centre zone include '*to provide adequate land for the continued development of a main commercial and community centre for the town with the theme of a fishing village*'.

Despite the above, Council has discretion to approve single houses in the Town Centre zone, and Lot 52 contains an existing residence.

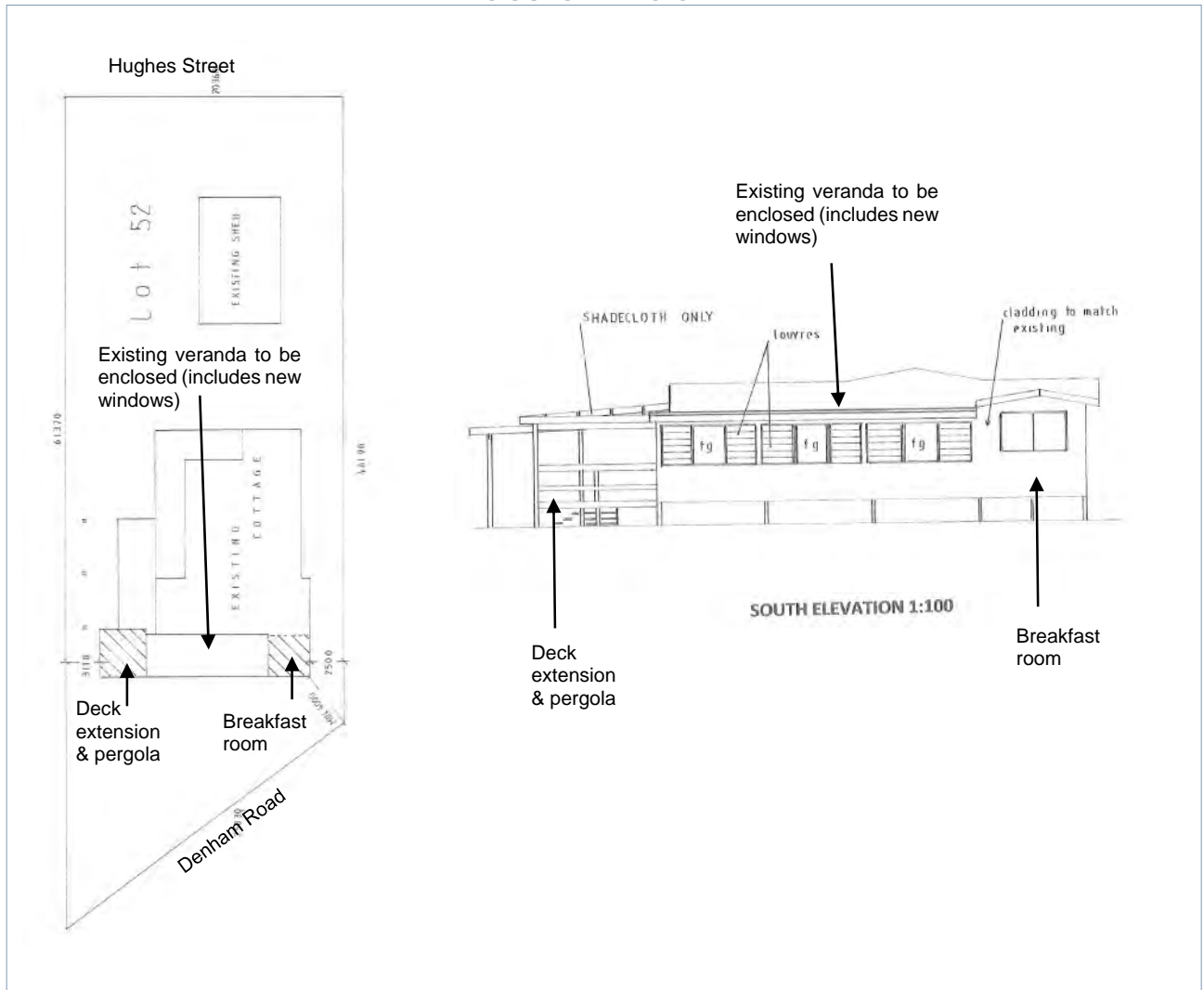
• **Proposed Development**

There is an open verandah on the southern side of the existing dwelling (facing the ocean).

The application proposes to:

- Fill in a section of the verandah to form a rear 'breakfast' room;
- Enclose the majority of the verandah to increase the internal floor space;
- Construct a new deck extension and pergola to the south west.

28 OCTOBER 2015



- **Assessment**

Although the lot is zoned 'Town Centre', assessment has been conducted in accordance with the Residential Design Codes as the application relates to an existing residential development.

The Residential Design Codes (R Codes) operate as State Planning Policy 3.1 and were prepared by the Western Australian Planning Commission. The R Codes effectively provide the 'rules' and guidance for residential development throughout Western Australia.

Under the Residential Design Codes there are 'deemed to comply' requirements, and provisions for an alternative performance based assessment using 'design principles'.

The application complies with the 'deemed to comply' requirements of the Residential Design Codes for building setbacks, site open space, and building height.

The overlooking setbacks require a more subjective assessment in accordance with the 'design principles' of the Codes so require support by Council.

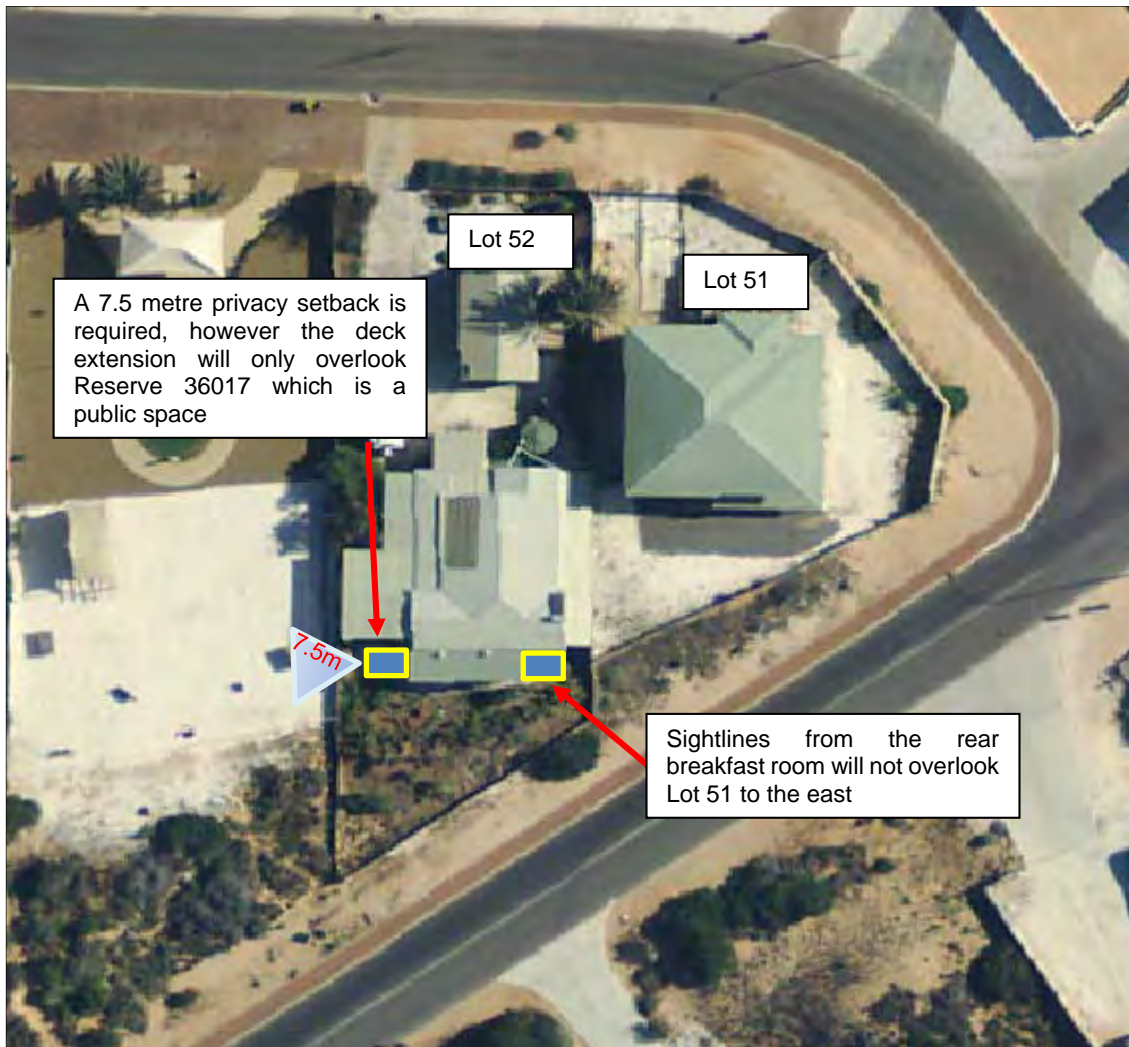
The owner has advised that the Finished Floor Level of the existing verandah exceeds 500mm as measured from Natural Ground Level – as per letter attached at the end of this report. Under the R Codes there are minimum privacy setbacks for windows and unenclosed outdoor spaces (decks) where the Finished Floor Level exceeds 500mm.

The privacy setbacks are measured using a triangular 'cone of vision' and different setbacks apply to different spaces. The setbacks do not prevent overlooking but endeavour to limit the extent of overlooking of adjacent residential development.

Technically the proposed deck should meet a 'cone of vision' setback of 7.5 metres to any lot boundary, and proposes a 3.11 metre setback to the west.

There are no overlooking concerns as:

- (i) The proposed deck would only overlook Reserve 36017 to the west which is a public space.
- (ii) The R Codes are aimed at protecting privacy of adjacent dwellings, and the deck does not impact on any adjacent lot utilised for residential purposes.



It is recommended that Council support the proposed development and determine that the deck meets 'design principle' No 5.4.1 P1.1 of the R Codes to:

*'minimise direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through building layout and location, design of major openings, landscape screening and / or location of screening devices.'*

• **Consultation**

The application has not been advertised for public comment by the Shire. The owners of Lot 52 have liaised direct with the owner of Lot 51 Hughes Street.

The owner of adjacent Lot 51 has lodged a written email advising of no objections to the application.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 3 – the proposed development requires planning approval as the lot is zoned ‘Town Centre’.

Under Clause 10.2 (e) of the Scheme Council is to have regard for ‘*any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State*’.

Planning and Development (Local Planning Schemes) Regulations 2015 – Under Clause 61 (c) extensions to an existing single house is permitted on lot where the Residential Design Codes apply and the development satisfies the ‘deemed to comply’ requirements of the R Codes.

*Note: The Planning and Development (Local Planning Schemes) Regulations 2015 became operative on the 19 October 2015. The Regulations include ‘deemed provisions for local planning schemes which override sections of the Shire of Shark Bay Local Planning Scheme No 3.*

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Under the Shire of Shark Bay Local Planning Strategy the zoning of Lot 52 is earmarked to change from ‘Town Centre’ to ‘Residential’.

RISK MANAGEMENT

This is a low risk item

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

20 October 2015



28 OCTOBER 2015

- 7 OCT 2015  
SHIRE OF SHARK BAY

PO Box 179  
Denham WA 6537  
7th October 2015

Ms Liz Bushby  
The Planning Consultant  
Shire of Shark Bay

Dear Liz

Re: Proposed additions to residence at 88 Hughes Street Denham WA

Further to our telephone conversation yesterday (8th October 2015), I have measured the approximate floor heights of the proposed additions in several positions. Depending on the lie of the land, the floor height will exceed 500mm above ground level in several places by 600mm +/- 50mm. However in all cases the floor height is simply an extension of the existing floor height - none of the proposed extensions are elevated in any way.

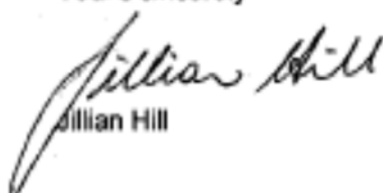
On the eastern side, the floor of the proposed Breakfast Nook (extension of existing enclosed verandah) will be the same height as the existing enclosed verandah which is the same floor height of the main body of the house. The neighbouring property on the eastern side is a two story residence owned by Mr Nathan Boyce who lives in Bunbury but visits Denham from time to time. As luck would have it he was here yesterday - when advised of your concerns he replied that he has no problems unless we are putting up a second story on the top! The proposed extension does not encroach on his privacy because of the block shapes. The proposed Breakfast Nook will overlook only the front (southwestern) corner of his block & effectively will overlook only traffic on the main road coming into Denham.

On the western side, the floor height of the proposed Deck extension will be the same as the existing deck, which is level with the existing verandah on the eastern side. This verandah is approximately 100mm lower than the floor height of the main residence. On this side there is no adjoining residence as our property borders Pioneer Park.

If you have any further concerns please phone us on 0417 177 009 or email [hillhome@bigpond.com](mailto:hillhome@bigpond.com).

Thank you for your assistance in this matter.

Your's sincerely

  
Jillian Hill



13.4 GENERAL PLANNING: RETAINING WALLS

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 5.60A and Section 5.70 of the *Local Government Act 1995*

**Note:**

**The administration advised that subsequent to the writing of the report additional information had been provided and requested that the matter be deferred for further research.**

Moved            Cr Prior  
Seconded       Cr Bellottie

**Council Resolution**

**That the item be deferred for further research and be presented back to Council for consideration.**

**6/0 CARRIED**

Officer Recommendation

That Council:

1. Note the Draft Information Sheet No 3 on Retaining Walls in Residential Areas (Attachment at the end of this report) under development.
2. Authorise the Chief Executive Officer and Gray & Lewis Landuse Planners to require 'engineering certification' for retaining walls as part of the planning application process to ensure the Design Criteria of the Residential Design Codes is addressed 'up front'.
3. Authorise Gray & Lewis Landuse Planners to expand the Draft Information Sheet No 3 on Retaining Walls to include photographic examples of damaged retaining walls to assist in education of potential applicants, and discourage the use of inadequately engineered walls within Denham.
4. Authorise the Shire Chief Executive Officer to provide suitable photographic examples of retaining walls for inclusion in the Information Sheet No 3 on Retaining Walls in Residential Areas.

BACKGROUND

Gray & Lewis is preparing a series of Information Sheets in consultation with the Shires Records Officer, Building Surveyor and Chief Executive Officer.

The Information Sheets are aimed at providing general planning advice to the public on common issues such as planning and building fees, outbuildings, retaining walls and zoning advice.

Information Sheets will enable the Shires front counter staff to provide information direct to local residents and members of the public.

It is important to note that Information Sheets are simply providing general advice, and are not proposed as any form of Policy document.

COMMENT

- *Residential Design Codes (Deemed to Comply criteria)*

The Residential Design Codes include 'Deemed to Comply' requirements and 'Design Criteria' for the assessment of retaining walls on Residential zoned lots.

The Residential Design Codes (R Codes) treat retaining walls similar to the walls of a building, and require them to be setback from side and rear boundaries to meet 'Deemed to Comply' requirements.

An Information Sheet has been drafted to explain the requirements of the Residential Design Codes – as attached at the end of this report.

- *Residential Design Codes (Design Principle)*

Any retaining wall that does not meet the 'Deemed to Comply' criteria of the R Codes has to be assessed in accordance with the following Design Principle:

*'Retaining walls that result in land which can be effectively used for the benefit of residents and do no detrimentally affect adjoining properties and are designed, engineered and landscaped'.*

The Design Principle reference to retaining walls being 'engineered' essentially means that Council has to be satisfied that the retaining wall has been deemed structurally sound by a suitably qualified engineer.

- *Current situation*

There have been a number of applications for retaining walls in Denham which require planning approval as they entail some form of variation to the 'Deemed to Comply' requirements of the R Codes.

There has been two approaches in dealing with the applicable Design Principle as follows:

1. In some cases Council has required applicants to provide engineering certification 'up front' prior to determining that a planning application for a retaining wall meets the Design Principle of the R Codes and is 'engineered'. (eg 150 Durlacher Street, Denham).
2. In some cases a condition is imposed on the planning consent requiring the applicant to lodge engineering certification prior to the issue of any Building Permit.

- *Issue for Discussion – Engineering Certification*

Gray & Lewis recommends that it would be fair and reasonable for engineering certification to be required 'up front' as part of all planning applications for retaining walls associated with residential development.

This 'up front' requirement for engineering certification as part of the planning application has been included in the Draft Information Sheet, and would have the following benefits:

- (a) Introduce a consistent approach treating all applications the same.
- (b) Ensure that the applicant has addressed the 'engineered' requirement of the Design Principle of the R Codes as part of their application.
- (c) Ensure that the R Codes have been addressed prior to the Shire granting any formal planning approval.
- (d) Reduce delays in the separate Building permit process if engineering is dealt with at the earlier planning stage.

If Council is not satisfied with this approach the Draft Information Sheet will need to be modified.

- *Issue for Discussion – Examples of Inadequate Retaining wall issues*

The Shire has previously expressed concern over the use of inadequate retaining walls in Denham as there are examples throughout town where the material has failed, and it seems to be more readily affected by rust and salt air than other materials.

Gray & Lewis (and the Shire's Building Surveyor) considers it would be difficult to enforce any Local Planning Policy that bans use of specific materials (especially if an engineer certifies that a proposed retaining wall is structurally sound).

Instead, it is recommended that the Draft Information Sheet be expanded to discourage use of inadequate walls and include photographic examples of 'failed' retaining walls.

The Information Sheet can be used as a tool to help educate prospective applicants and discourage applications proposing use of inadequate retaining walls.

#### LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 3 – Clause 5.3.2 requires development to comply with the Residential Design Codes.

#### POLICY IMPLICATIONS

State Planning Policy No 3.1 Residential Design Codes require applicants to demonstrate retaining walls are 'engineered' to meet the relevant Design Principle.

#### FINANCIAL IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

#### RISK MANAGEMENT

Requiring engineering certification as part of the planning application process will reduce risks.

#### VOTING REQUIREMENTS

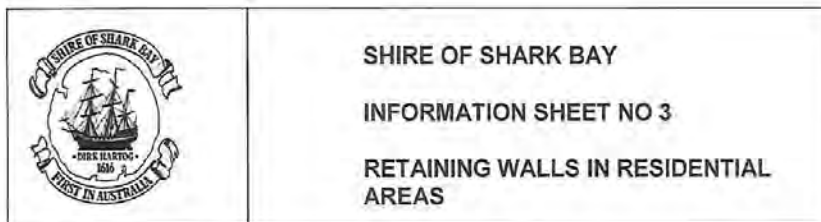
Simple Majority Required

#### SIGNATURES

Author *L Bushby*

Chief Executive Officer *P Anderson*

Date of Report 20 October 2015



## 1.0 INTRODUCTION

Retaining walls are generally proposed where there are varying levels of land and that land requires supporting at steeper angle than the land can naturally support itself.

Retaining walls can be important where lots are at different levels to prevent adjacent land being potentially adversely affected by subsidence.

Diving fences are not sufficient to support soil retention in most cases.

## 2.0 ENGINEERING CERTIFICATION AND DESIGN

All retaining walls need to be certified by a structural engineer, especially where they entail the following:

- o Any retaining proposed on a lot boundary;
- o Any retaining wall of 500mm (or more) above Natural Ground Level;
- o Any retaining wall that may be placed under stress from buildings, footings, vehicle loads, driveways, water and wind loads on dividing fences.
- o Any retaining walls that have potential to impact on the structural integrity of a building.

**Engineering Certification should be lodged with both a planning application and a building application.**

The majority of retaining walls require engineering certification – the only exception is minor walls for garden beds.

If you are unsure whether your retaining wall needs engineering certification, please liaise with the Shire's Building Surveyor.

## 3.0 DO I NEED PLANNING APPROVAL?

Most retaining walls require planning approval, particularly if they are:

- o Proposed within a front setback area (in front of a house);
- o Have heights or sections 500mm above Natural Ground Level;
- o Are not substantially setback from lot boundaries or are on a common boundary;
- o Proposed on a vacant lot. The Shire encourages retaining walls to be designed as part of proposed dwellings so that full privacy impacts can be examined. It also ensures retaining walls are designed to take the load of any proposed building.

#### 4.0 LODGING A PLANNING APPLICATION

The following information needs to be submitted to the Shire when lodging an application for a retaining wall.

1. **Application form** - Application for Planning Approval (white envelope) signed by the owner of the land.
2. **Engineering Certification** – under the Residential Design Codes applicants must demonstrate that retaining walls are effectively 'designed and engineered'.
3. **Three (3) sets plans.**

The site plan must indicate the height of the proposed wall at its lowest point, its highest point and as many intermediate points as deemed necessary.

- **Site plan showing:**
  - All existing and proposed levels in Australian Height Datum (AHD);
  - The location of the proposed retaining wall with clearly written setbacks to each boundary;
  - All retaining wall heights marked on the site plan;
  - The Top of Wall (ToW) and Bottom of Wall (BoW) levels clearly notated;
  - The location of existing or proposed buildings (with Finished Floor Levels);
  - The existing and/or proposed means of access (including crossovers) for pedestrians and vehicles to and from the site;
  - Street names, lot number(s), north point and the dimensions of the lot;
  - A scale.

**You may need to engage a licenced surveyor to identify the existing ground levels in Australian Height Datum (AHD).**

- **Elevations showing:**
  - The natural ground level and purposed retained levels;
  - The colours and materials of the proposed retaining wall;
  - The Top of Wall (ToW) and Bottom of Wall (BoW) levels;
  - The height of each section of retaining wall.
- **Levels**
  - If site works and/or retaining are proposed, you need to show existing and proposed ground levels (in Australian Height Datum), the height of any retaining walls, and Finished Floor Levels for any building.
  - If the retaining wall is proposed along a lot boundary information on the natural ground levels of adjacent lots should be included.

**If existing and proposed levels are not provided then processing of the application may be placed on hold until additional information is lodged.**





**5.0 THE PLANNING ASSESSMENT**

Applications for retaining walls are assessed in accordance with State Planning Policy No 3.1 – Residential Design Codes ('the Codes'). The Codes apply statewide to all residential zoned lots.

Under the 'deemed to comply' requirements of the Codes retaining walls are required to be setback from side and rear boundaries (similar to walls to a house). The setback is outlined in Table 2a of the Codes, and is calculated using a height of 2.4 metres plus the height of the retaining wall.

**Table 2a: Boundary setbacks - Walls with no major openings**

Wall height (m)	Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25
3.5 or less*	1	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.1	1.5	1.5	1.5	1.5	1.5	1.5	1.6	1.7	1.7	1.7	1.7	1.7	1.8
4.5	1.1	1.5	1.5	1.5	1.5	1.5	1.6	1.7	1.7	1.7	1.7	1.7	1.8	2.0
5.0	1.1	1.5	1.5	1.5	1.5	1.6	1.7	1.8	1.8	1.8	1.8	1.9	2.0	2.3
5.5	1.2	1.5	1.5	1.5	1.6	1.7	1.8	1.9	1.9	2.0	2.0	2.1	2.3	2.5
6.0	1.2	1.5	1.5	1.5	1.6	1.8	1.9	2.0	2.0	2.1	2.1	2.2	2.4	2.8
6.5	1.2	1.5	1.5	1.6	1.7	1.9	2.0	2.1	2.1	2.2	2.2	2.3	2.7	3.0
7.0	1.2	1.5	1.5	1.6	1.8	2.0	2.1	2.2	2.2	2.3	2.4	2.5	2.8	3.3
7.5	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.3	2.3	2.4	2.5	2.6	3.0	3.5
8.0	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.4	2.4	2.5	2.6	2.7	3.1	3.8
8.5	1.4	1.6	1.7	1.8	2.0	2.2	2.3	2.5	2.6	2.7	2.8	2.9	3.3	4.1
9.0	1.4	1.7	1.7	1.8	2.0	2.3	2.4	2.6	2.7	2.8	2.9	3.0	3.6	4.3
9.5	1.4	1.7	1.8	1.9	2.1	2.4	2.5	2.7	2.8	2.9	3.0	3.2	3.8	4.6
10.0	1.5	1.8	1.9	2.0	2.2	2.4	2.6	2.8	2.9	3.0	3.1	3.3	4.0	4.8

Source: Residential Design Codes

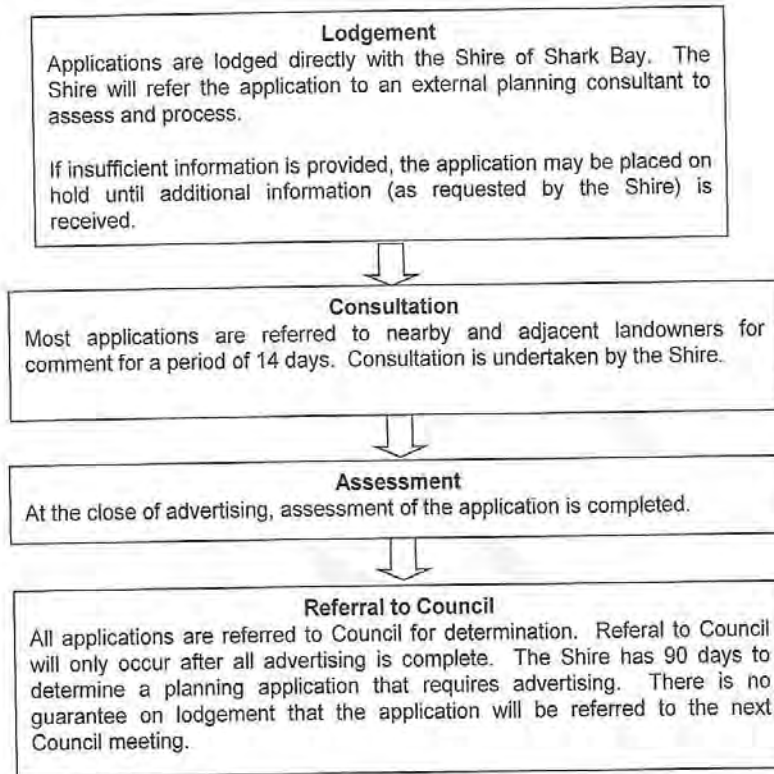
Unless a retaining wall is setback from lot boundaries, then the application will likely entail a variation to the Residential Design Codes.

The planning assessment examines issues such as:

- Visual impact of retaining walls on streetscape or from neighbouring properties (irrespective of whether the neighbour objects). High retaining walls on a lot boundary can have a negative visual impact on adjacent lots.
- Privacy and overlooking – the Codes have minimum setbacks for any active outdoor area that is more than 500mm above natural ground level. Retaining walls on a lot boundary have potential to cause overlooking issues to adjacent landowners.
- Topography and differences in natural ground levels between lots.
- Any proposed landscaping or screening to soften the visual appearance of walls or structures that interrupt sightlines.



**6.0 THE PLANNING PROCESS**



If the application is incomplete or a site inspection is required, it may cause delays.

Applicants are therefore strongly encouraged to lodge site photographs as part of all applications.

**A planning approval is not a consent to commence any site works or construction.**

**7.0 THE BUILDING APPLICATION PROCESS**

Once a planning approval is issued, you must lodge a separate application to the Shire for a Building Permit.

The building application will be processed by the Shire's Building Surveyor, in accordance with the Building Code of Australia. If the application complies with the Building Code, the Shire's Building Surveyor will issue a Building Permit and Certificate of Design Compliance.

**No siteworks or construction should occur until you have a Building Permit for any retaining walls.**

## 8.0 LODGING AN APPLICATION FOR A BUILDING PERMIT

You can lodge either a Certified or Uncertified application.

**8.1 UNCERTIFIED APPLICATION** – an uncertified application is lodged with the Shire for a complete assessment by the Shire's Building Surveyor.

The following information is required for an uncertified application;

- o Completed Application for Building Permit - BA2 FORM
- o Relevant fees - see separate Information Sheet No 1 - Fee Schedule.
- o 2 x copies of a site plan and elevations.
- o 2 x copies of the construction details showing materials to be used and footing details.
- o Engineering Certifications demonstrating that the retaining walls are built to meet cyclonic wind design requirements. Denham is located within Wind Region C as it vulnerable to cyclones.

**8.2 CERTIFIED APPLICATION** – A certified application has had its full assessment done by a private certifier and has been issued with a Certificate of Design Compliance.

Certified applications must be lodged with a copy of a planning approval, or information demonstrating the application meets all aspects of the Residential Design Codes.

The following information is required for a certified application;

- o Completed Application for Building permit - BA1 form
- o Completed Certificate of Design Compliance
- o Relevant fees - see separate Information Sheet No 1 - Fee Schedule.
- o 1 x copy of all technical documents noted on the Certificate of Design Compliance
- o Prior planning approval (if required) or demonstrated compliance with all aspects of the Residential Design Codes.

If the application complies with the Building Code, the Shire's Building Surveyor will issue a Building Permit.

Disclaimer : This information sheet is produced by the Shire of Shire of Shark Bay in good faith and the Shire does not accept any responsibility for any ramifications or repercussions from providing this information. This information sheet is correct as of September 2015 and may be modified without notification.

**14. BUILDING REPORT**

There is no Building Report for this agenda

**15. HEALTH REPORT**

There is no Health report for this agenda

**16. WORKS REPORT**

Refer to items 20.2 and 20.3 of this agenda

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

**17.1 SHIRE OF SHARK BAY SIGNAGE AND BRANDING STYLE MANUAL**  
ED00006

Author

EXECUTIVE MANAGER COMMUNITY DEVELOPMENT

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Known to contractor Shark Bay World Heritage Advisory Signage

**Note:**

**The administration advised that subsequent to the writing of the report additional information had been provided and requested that the matter be deferred for further research.**

Moved            Cr Ridgley  
Seconded       Cr Laundry

**Council Resolution**

**That the item be deferred for further research and be presented back to Council for consideration.**

**6/0 CARRIED**

Officer Recommendation

That Council endorse the Shark Bay Signage and Branding Style Manual as attached under separate cover.

BACKGROUND

The Shire of Shark Bay values its tourism industry and works closely with tourism operators in particular the Shark Bay Business and Tourism Association to continually improve the visitor experience to the region.

In 2016, the 400 year anniversary of Dirk Hartog's landing, the Shire is hosting a significant historical event. The marketing for this event is expected to bring a substantial increase in visitor numbers during the anniversary and beyond.

The Shire together with the local tourism community are planning to improve tourism services and facilities.

It was previously identified that the way finding tourism signage is in need of revitalisation and Council engaged a professional consultant - Wayfound to prepare an Information Bay Signage Audit. The report is attached at the end of this item.

The Executive Manager Community Development through collaboration with the Shark Bay Business and Tourism Association sought a grant to establish a style guide for the region as a whole. The Shire were successful in obtaining a grant from the Gascoyne Development Association to engage a consultant to produce the manual. The Tourism Association have contributed financial and in-kind to the proposed Signage Project.

The shire administration received four quotes for the style manual and have appointed Ian Trapnell Interpretation to deliver this project. Ian has worked previously with the Department of Parks and Wildlife on the Shark Bay World Heritage area and has extensive research in tourism branding, interpretive signage and wayfinding signage throughout the Northern Territory and Queensland.

COMMENT

Over the past five months the Executive Manager Community Development has worked collaboratively with Ian Trapnell and his professional interpretation skills for wayfinding in the tourism arena. Presentations have been delivered to the Shark Bay Business and Tourism Association in order to obtain feedback re style concept and design.

The Association members were in agreement with concepts that Ian is working on, they provide an artistic approach that is going to be very unique to our area.

**Excerpt from Manual** *“A principal emphasis will be towards creating a branding and signage strategy that assists the visitor by expanding their interests and knowledge of recreational options.*

*For this to occur the design of signage must allow the visitor to rapidly comprehend and compare options. Different forms of signage, whether it be a bollard plate, a graphic element applied to a map or a banner within a visitor centre need to be seen as a unified family.*

*This is achieved by the use of;*

- 1. Consistent graphic elements,*
- 2. A hierarchical suite of sign types.*

*It is anticipated that efficiencies in presenting information through a consistent style standard will benefit both visitors and business operators.”*

**Flag Concept**

**Excerpt from Manual** *“In the choice between words and pictures as a way to rapidly communicate values, sites and expectations through signage, this branding and style manual follows the adage ‘One Picture is Worth a Thousand Words’.*

*Bold illustrative images of key sites and tourist activities are at the heart of this approach. Shark Bay has a plethora of spectacular and remarkable features that need to be presented to visitors as they choose what path they take in Shark Bay.*

*Underlying the strong, colourful and almost poster like simplicity of design is the desire to inspire and encourage visitors to view for themselves Shark Bay’s many remarkable places.*

*The illustrative design should avoid cliché, confected images of tourists and scenery. Instead it will focus on the visual impact of area’s dramatic and fascinating landscapes and experiences that can be witnessed by anyone who visits the area.*

*Each sign image is in a sense, a ‘flag’ that depicts the energy of Shark Bay’s special place or experiences.*

**Excerpt from Manual** *“I believe that the region as a whole requires a unified branding approach and this style guide will provide the tools required to start of a consistent brand and message being communicated to the visitors of our destination. It is important to point out that a style guide*

*should be a living document and one that evolves over time. Inclusions of new 'flags' and signs will be a continual process."*

The use of the flag concepts will extend to all our visual identities,

- Information Board – Highway and entry to Denham
- Visitor Website - Pages that feature tour bookings will also incorporate the associated flags. concept as pictured above.
- Banner Flags - Display in Visitor Centre – concept as pictured above.
- Banner Poles - Display along Knight Terrace banner poles
- Holiday Planner Display throughout the planner
- Operators Operators will be encouraged to display stickers



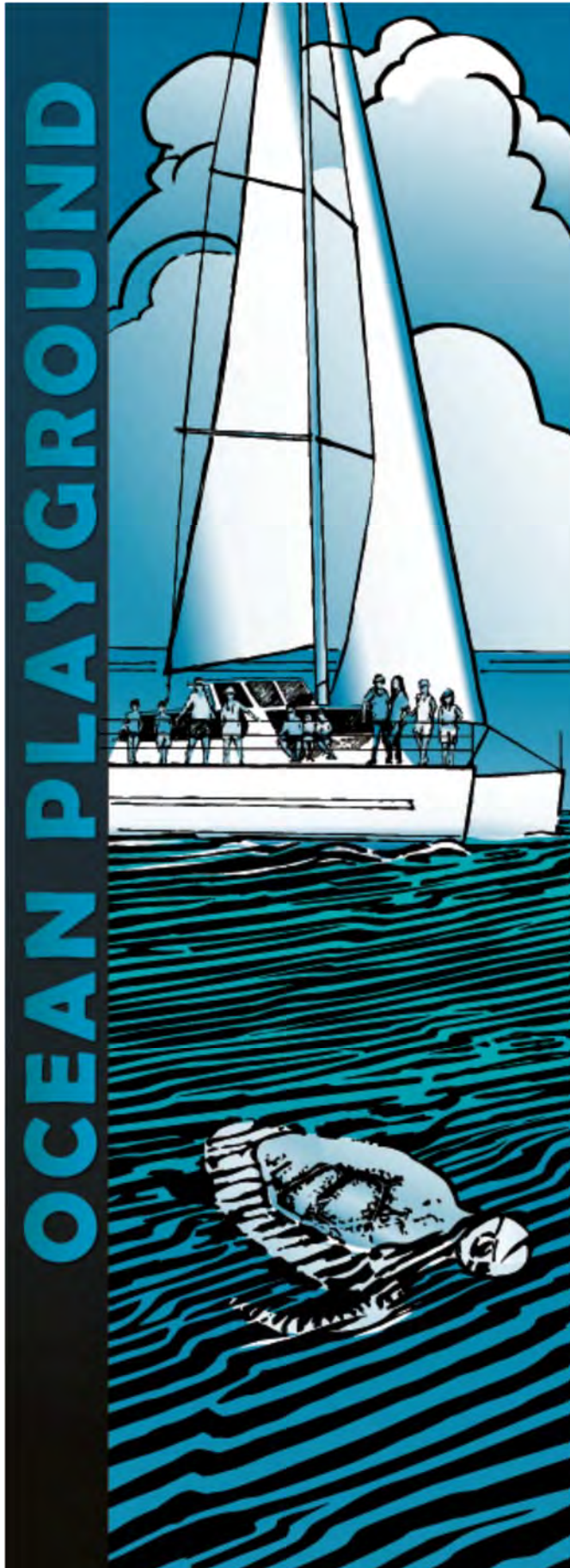


### **Local Attractions**

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The Local Attractions is a 'flag' to visitors to easily identify our key tourist attractions.

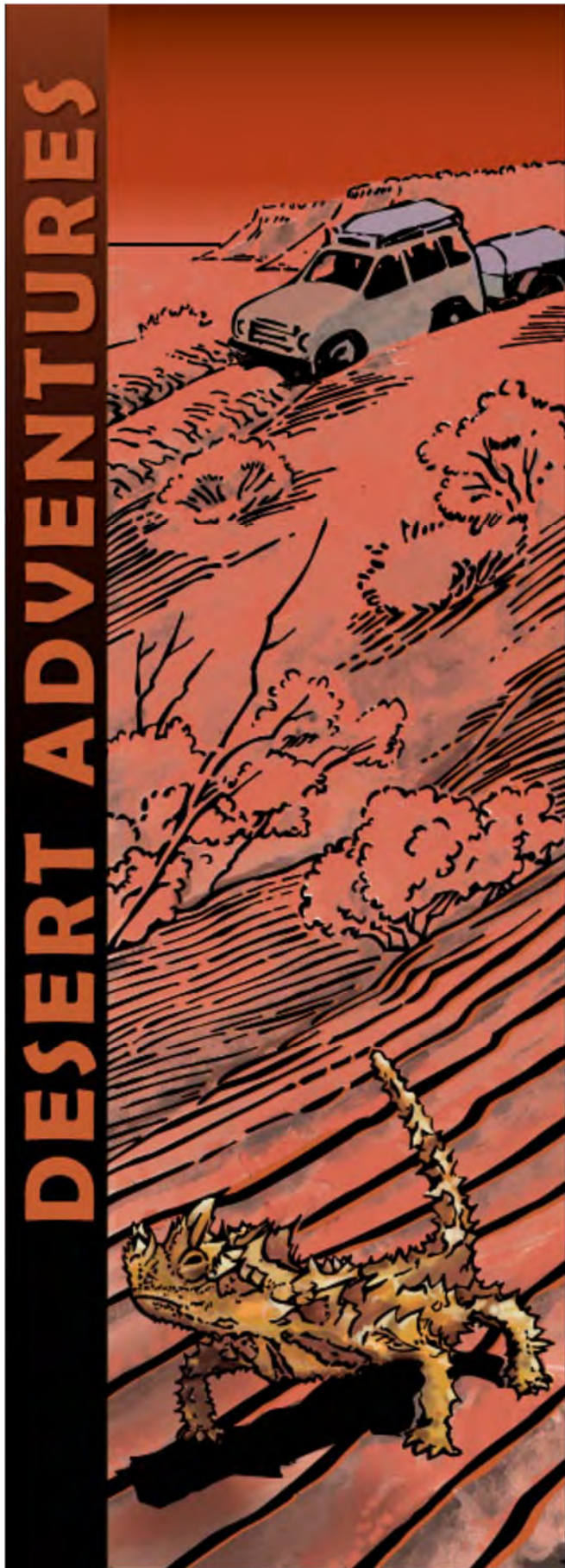




### **Ocean Playground**

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Ocean Playground is a 'flag' to visitors to easily identify our operators that will deliver an experience of our beautiful marine park activities.



### **Desert Adventures**

---

Desert Adventures is a 'flag' to visitors to easily identify our operators that will deliver an experience of desert lands.





### **Natural Wonders**

Natural Wonders is a 'flag' to visitors to easily identify our operators that take them out to view our natural wonders.



## **Shark Bay**

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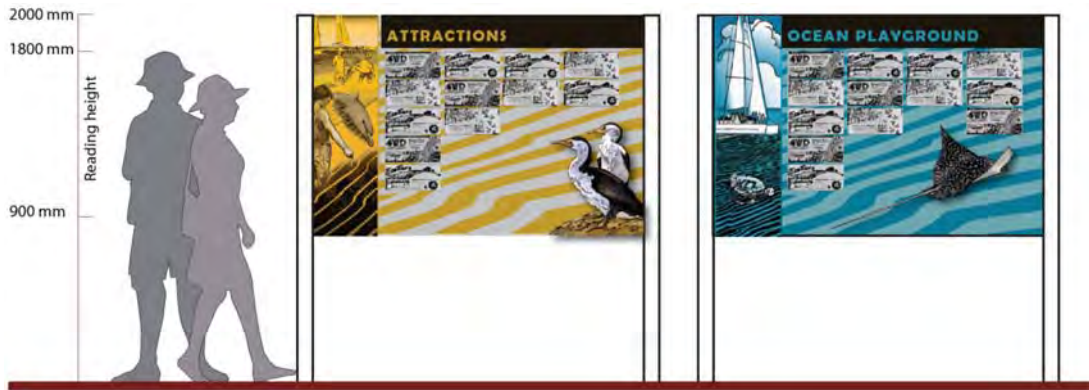
Shark Bay is a 'flag' to visitors to easily identify simply our whole region.

In the Visitor Centre this will 'flag' the holiday planner.

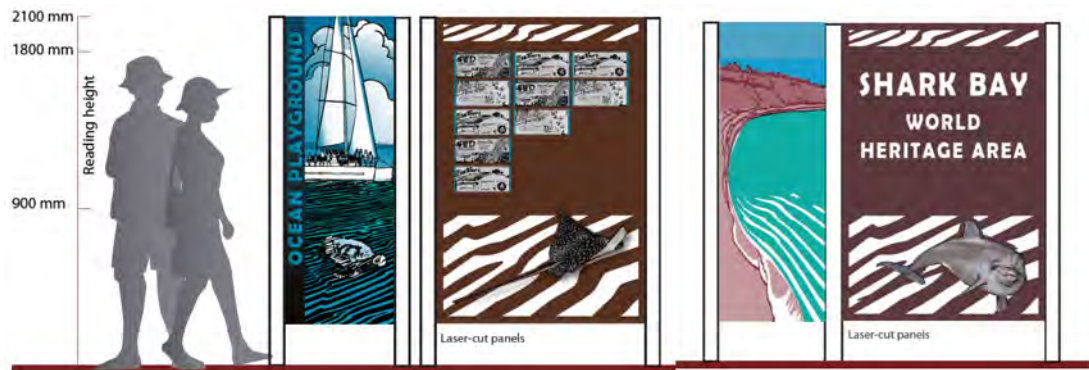
On the Information Boards this will flag the region.



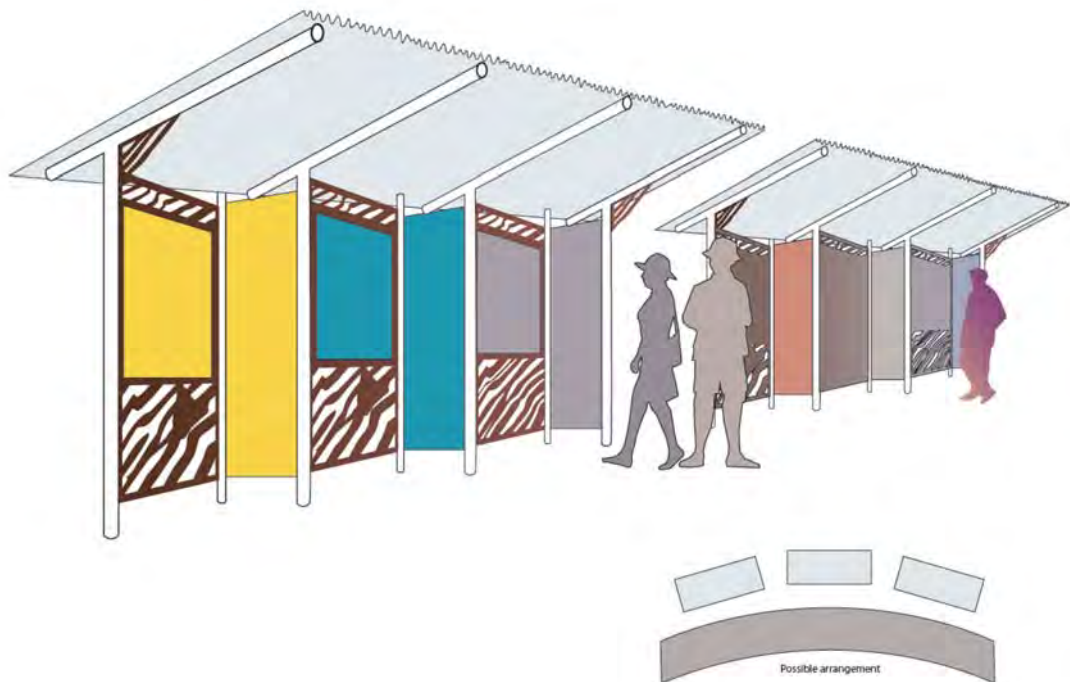
**Information Bay Concept 1 – PLAIN PANELS**



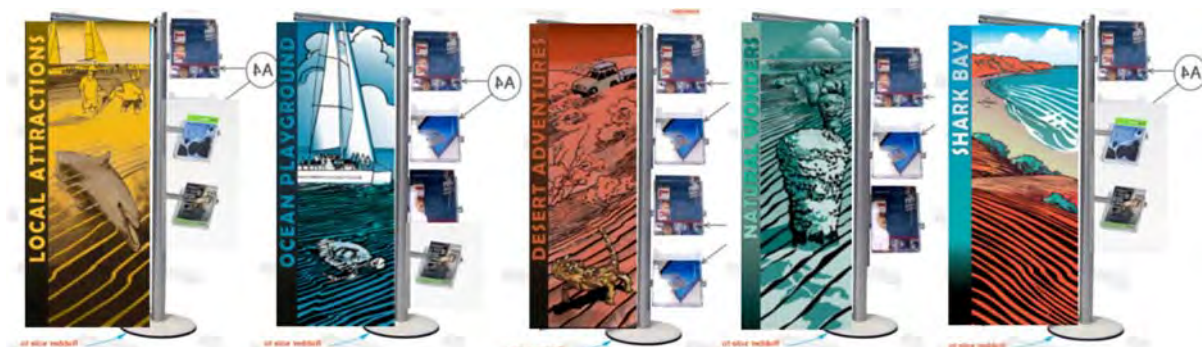
**Information Bay Concept 2 – LASER CUT PANELS**



**Information Bay Concept 3 – COVERED AND ANGLED**



**Discovery Centre Concept**



The Executive Manager Community Development seeks Council endorsement to all concepts as presented and to move forward working collaboratively with our appointed Interpretive Specialist to establish a unique and unequalled tourism experience.

It is important to note that some operators are in more than one category, the flags are identifiers to the visitor and we should always keep that in perspective. This concept needs to be crafted from the outside looking in, the visitor way finding experience.

The Style Guide is attached for your consideration.

LEGAL IMPLICATIONS

There are no legal obligations.

POLICY IMPLICATIONS

There are no policy obligations.

FINANCIAL IMPLICATIONS

The Council has the following funding allocated to this project (to date):

Gascoyne Development Commission	\$12,727
Shark Bay Business & Tourism Assoc	\$ 2,000
Council Contribution (Budgeted)	\$45,000
<b>Total</b>	<b>\$59,727</b>

In Kind

Tourism Assoc ...	\$8,500
Council	\$1,500

STRATEGIC IMPLICATIONS

- 1.1 Develop infrastructure and investment that is sustainable and an ongoing legacy to the Shire.
- 2.1 Increase the awareness of Shark Bay as an attractive place to live, work, visit and invest
- 2.2 To increase investment opportunities, improve attractiveness and the diversity of uses to add to the Town Centre vibrancy
- 4.3 A long term strategically focuses Council that functions efficiently and is united.

RISK MANAGEMENT

This is a low risk report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*G McBride*

Chief Executive Officer

*P Anderson*

Date of Report

12 October 2015





## report on information bay signage audit

Shire of Shark Bay



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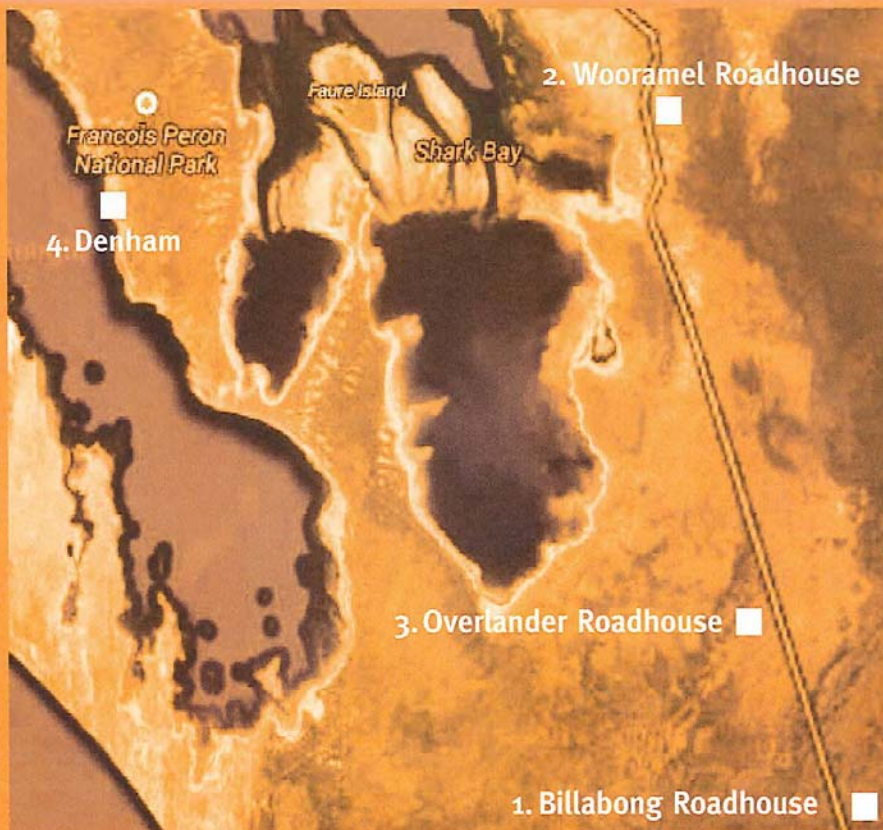


**2** report on information bay signage audit



Shire of Shark Bay

## visitor capture locations



3 report on information bay signage audit

# 1. introduction

The Shire of Shark Bay has identified tourism signage as being an important tool in attracting visitors into Shark Bay and also into the township of Denham.

The area around the Overlander Roadhouse and the junction between the Northwest Coastal Highway and the Denham – Hamlin Road is a crucial point for capturing undecided tourists and directing them into Shark Bay. There currently exists the Shark Bay World Heritage Area entry signs, an Information Bay with signs that includes a map and advertising, a number of brown tourist directional signs, and some signage at the Overlander Roadhouse. The Shire instructed Wayfound to undertake a review of all signage in this area and to identify key issues and make recommendations for enhancing the current signage and thus the number of people visiting Shark Bay.

Just south of Denham there is a junction between the Denham – Hamlin Road and the Monkey Mia road. Just before the junction there is an Information Bay. The Shire considered that this signage was not particularly effective in directing visitors into Denham. Recommendations were sought on how to make the option of driving into Denham more prominent using signage. Recommendations were also sought on how to improve signage in the Denham township.



4 report on information bay signage audit



## 2. billabong roadhouse



Billabong Roadhouse is located on the North West Coastal Highway 47 kilometres south of the Overlander Roadhouse and the junction with the road to Denham. It is located on the western side of the road and therefore a natural stop for traffic traveling north.

The roadhouse is well signposted with standard main roads directional signage and in addition there is a brown tourist sign, three kilometres south, indicating information for the World Heritage Drive (WHD) being available at the roadhouse. Information including a map and brochure is available in the roadhouse. There are five small information signs located on the outside of the roadhouse building near the entrance in addition to four photographs and a map. These signs give information about the World Heritage listing, the National Park, Monkey Mia and the WHD. The information is current, factual and relevant.



5 report on information bay signage audit

### 3. wooramel roadhouse



Wooramel Roadhouse is located on the North West Coastal Highway 75 kilometres north of the Overlander Roadhouse and the junction with the road to Denham. The roadhouse is well signposted with standard main roads directional signage and in addition there is a brown tourist sign, 3 kilometres north, with a brown tourist sign indicating information for the World Heritage Drive (WHD) being available at the roadhouse. Information including a map and brochure is available in the roadhouse with the staff being proactive in making sure visitors are given the right information.



There is signage promoting individual Shark Bay based businesses on the front wall of the roadhouse and also a pamphlet rack where individual businesses can display their pamphlets. The majority of the businesses using this display are Shark Bay based businesses. There is potential to improve the signage to promote Shark Bay and the WHD rather than individual businesses.



6 report on information bay signage audit



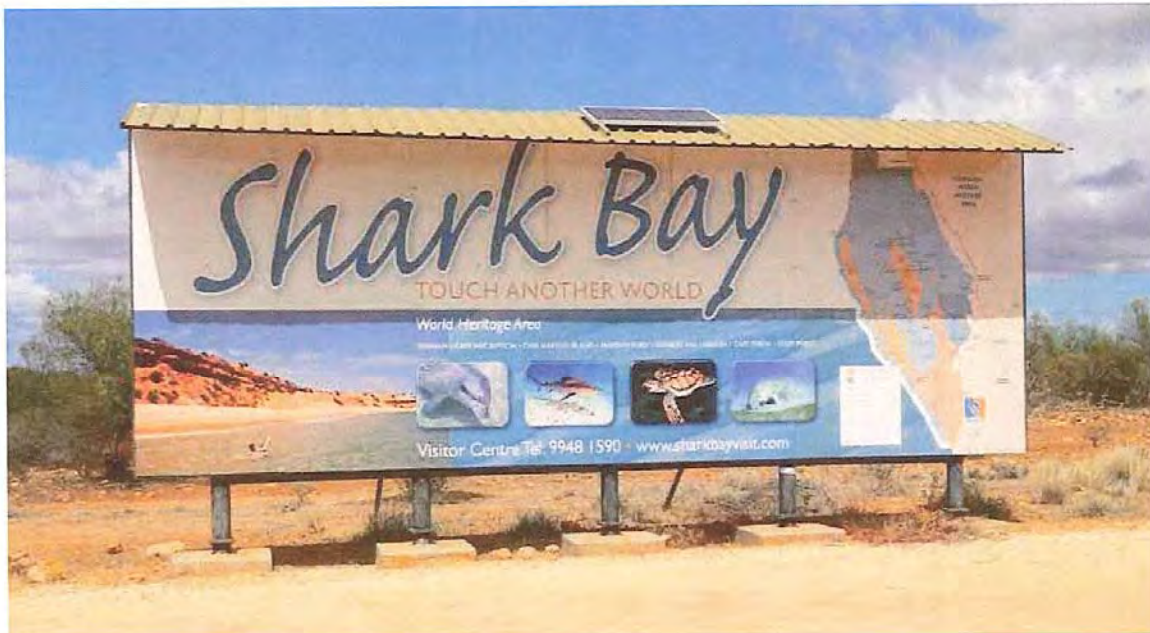
## 4. overlander roadhouse

### Information Bay

The current information bay is located just south of the North West Coastal Highway / Denham Road junction on the western side of the Highway. The sign measures 10metres by 3 metres and has 7 panels measuring 1250mm wide by 3000 mm high mounted on a steel frame which was originally constructed in 1979. The content emphasises Shark Bay as opposed to the World Heritage Area and quotes [www.sharkbayvisit.com](http://www.sharkbayvisit.com) which is the official website for the Denham Visitor Centre. The rest of the board is taken up with a map and photographs of marine life. Technically all information is correct.

There are two issues with this information board. Firstly the location is not ideal. Visitors that are going to stop whether they are travelling north or south are going to do so at the Roadhouse which is on the eastern side of the highway and a couple of hundred metres to the south. No research has been undertaken but there is a general

consensus that few visitors actually stop at the information bay and get information from the sign. The other issue is the content and whether it reflects a Shark Bay experience and would persuade visitors to travel the 258 kilometre round trip to Denham or 308 round trip to Monkey Mia.



7 report on information bay signage audit

To move the sign will obviously require a far bigger budget than to merely upgrade it, however in the long term the relocation will result in more potential visitors viewing the board and deciding to drive to Denham and Monkey Mia. Initial observations are that a location on the south side of the roadhouse would be most suitable as most cars and caravans are parked on the south side of the roadhouse while people go inside. As the roadhouse is privately owned property the location would have to be negotiated with the owners. However having an information bay on their property can only be a benefit to their business.

Another significant consideration is that in this location it would not seem to be too difficult to establish a Wi-Fi hotspot which in itself would attract visitors. This would be extremely beneficial when putting web information and a QR code on the new board. Currently there is nowhere between Northampton and Carnarvon that offers visitors access to Wi-Fi and with the amount of tourism related booking that is now conducted online this hotspot could be a real attraction both for the shire and for the business.



**Entry Statements**

There are two entry statements (15m x 2m), on either side of the road at the junction of NNWCH and Denham Road. These entry statements are identical and welcome visitors to the Shark Bay World Heritage area. They also have the Shire of Shark Bay logo displayed. The statements are illuminated each having two light poles in front of them.

The light poles detract from the impact of the entry statements and should be moved to the rear and adjusted so that they can light the front. The entry statements are bland and under-utilised. They could have a far more significant impact if they had a board or image that reflected the Shark Bay brand and experience above the brick area. This could be bright and colourful capturing visitor's attention.





**Overlander Roadhouse Signage**

There is some external signage on the wall at the northern end of the roadhouse however the only external Shark Bay related signage on that wall is a cartoon of a dolphin and a shark which is ineffective. There is potential to improve this signage to better reflect the Shark Bay tourism products and to promote the WHD.



Internally there is an area that is accessed via the main roadhouse entrance and is passed through on the way to the toilets. This is a walled area that is open to the sky and has seating. On two of the walls are signs promoting Shark Bay. These signs are the same as those displayed at Billabong

Roadhouse and give information about the World Heritage listing, the National Park, Monkey Mia and the WHD. The information is current, factual and relevant. However, it looks dated and could be a lot more interesting to entice tourists to Shark Bay and Denham.





## 5. denham/hamlin road/monkey mia road junction

### Denham Information Board south of Monkey Mia Junction

In addition to the information boards this bay also incorporates a caravan/motorhome dump point. It should be noted that this dump point is not listed on the official Campervan and Motorhome Club of Australia website nor is the town noted as an RV friendly destination. Steps should be taken to rectify this as tourists with caravans and motorhomes do check online for RV friendly towns and the location of dump points before travelling to a destination.

There are three information boards each supported by a wooden frame measuring 6 metres by 2.5 metres. Two of the three consist solely of boards advertising local

businesses. Each board is separately illuminated by a light on the ground. The advertising boards vary in quality of design and size and there are gaps where boards have been removed. The main information board is out of date and lists a lot of irrelevant information. The main information board gives the Shark Bay tourism association website as the contact point but this does not link with the Denham Visitor Centre.



Replace the three boards with one board which incorporates space for local businesses to buy advertising. This would provide some income for the local Tourist Association.

It is however extremely important that a style guide is developed for any advertising to give a consistent approach which in turn will have a favourable impression on visitors.

The design of the information board should reflect not just the World Heritage connection but the general attractiveness of the area. The content should include an up to date map which directs visitors through Denham via the World Heritage Drive which should pass along Knight Terrace and Stella Rowley Drive to join the Denham Monkey Mia road at Little Lagoon. The map design and branding should be used in all tourist related media including printed material and the website. It is important that the map emphasises the World Heritage Drive and shows all 17 attractions on the drive.

Research has shown that mobile bookings for tours and accommodation are growing faster than desktop: 20 percent versus two percent over the first six months of 2014

and now smartphones and tablets account for 21 percent of hotel bookings. It is expected that this percentage will continue to grow and therefore information boards should give the visitor direct access to booking accommodation and tours when they are standing in front of the board. This can be achieved by not only quoting the visitor centre website but also displaying a QR code which can take the visitor direct to a booking site.



#### World Heritage Drive

The World Heritage Drive (WHD) is a major marketing tool for Shark Bay linking all tourist attractions from the Overlander Roadhouse through to Denham and Monkey Mia and also out to Steep Point. Signage for the WHD starts three kilometres south of Billabong Roadhouse and three kilometres north of Wooramel Roadhouse with large brown signs directing people to collect information at those roadhouses.



This message is reinforced two kilometres either side of the turnoff for Denham and Monkey Mia. If the WHD is to be used as the main means of directing visitors to Shark Bay attractions then it should be used on all appropriate signage. The first missed opportunity is the brown tourism signage at the junction directing traffic off the NWCH, a major sign but no mention of the WHD. A WHD sign should be inserted above the Shark Bay sign.



The WHD has 17 attractions listed along its length. Each of these attractions is signed at the entrance with a combination of brown and blue signs. While this is adequate in directing to an individual attraction there should be an indication that they are all part of the WHD. Therefore it is recommended that a logo or brand be developed specifically for the WHD and that the brand be used at all individual attractions to indicate that they are part of the WHD. It is also important that advanced warning be given of all of the 17 attractions by erecting signs with the logo or brand one kilometre either side of each attraction.

The current branding used along the length of the WHD is the Shark Bay World Heritage logo on signage. There would seem to be an opportunity to introduce new branding for the drive to reflect that the drive is more than just a route through a world heritage area but visits some major tourist attractions both natural and built. With the right design this should give the drive more vibrancy and make it appeal to a wider target market. New branding can be introduced in stages on signage and promotional material.

The current Shark Bay World heritage logo does not stand out and does little to sell the Shark Bay experience. Where the logo is used on brown tourists signs the colours blend with the brown so there is a significant chance it is being completely missed.





Currently when the WHD reaches the Shark Bay Road intersection with Monkey Mia Road there is a brown sign indicating Monkey Mia but no WHD sign. This is a crucial junction for getting visitors to drive through Denham even if they are heading to Monkey Mia. Ideally all Monkey Mia bound traffic, apart from Heavy vehicle traffic, should be directed straight on through Denham and on to Monkey Mia via Stella Rowley Drive. Therefore this sign should be changed so that the brown Monkey Mia Tourist sign indicates straight on and also includes a brown WHD sign indicating straight on. The heavy vehicle route sign should be reworded to "Heavy Vehicle Route to Monkey Mia". The result of this change should be that all tourism related traffic will now drive into Denham with the resultant economic benefit for local businesses. Once in Denham the current signage directs traffic to Monkey Mia via Stella Rowley Drive.

Tourist traffic coming from Monkey Mia and heading back to the NWCH is directed to turn right into Stella Rowley Drive and therefore signage does not need to change.



## 6. other observations

### Websites

When searching on Google for Shark Bay the following websites appear:

- Sharkbay.org
- Sharkbay.wa.gov.au
- Sharkbayvisit.com
- Sharkbaywa.com.au
- Sharkbay.asn.au
- Australiascoralcoast.com.au

This has potential to cause confusion for tourists and reflects poorly on the area.

There needs to be consistency in the promotion of websites with the Visitor Centre website being the one that appears on all

signage as the point of contact. Tourists are not interested in which organisation is promoting a website, rather that the information contained in the website is accurate and up to date and that they can either book direct via the website or can phone to book. The current Shark Bay Tourism Association website does not have the functionality to be able to book accommodation or tours and has no contact telephone number which makes it unsuitable for display on signage.

We noticed that the website URLs varied on printed material related to Shark Bay as well. These could also benefit from updating.

### Shark Bay Discovery Centre

This centre, which incorporates the accredited Visitor Centre, is a major attraction in Denham however there is no mention of it on current information boards and only two small yellow i signs direct to the centre both of which are in Denham. Any new signage should as a minimum incorporate the yellow i symbol to indicate that visitor information is available in Denham.



14 report on information bay signage audit



**WiFi Hotspots**

As previously stated the use of mobile devices for booking accommodation and tours is growing at a fast rate and that is particularly true of tourists who drive mobile homes and caravans be they grey nomads or backpackers. Ultimately all information bays should have a Wi-Fi hotspot so that visitors can book and contact tourist operators and providers. Visitors will seek out places that have Wi-Fi hotspots so that they can connect not just to book accommodation and tours but also to send and receive e-mails and research attractions when connected. Having a Wi-Fi hotspot should be viewed as having an extra marketing tool, the hotspot will in itself attract visitors. Another major factor is that there does not appear to be any phone coverage or internet access between Northampton and Carnarvon and through Shark Bay to Denham.

It is therefore recommended that consideration be given to establishing two Wi-Fi hotspots. Firstly at the Overlander Roadhouse which would be available at the relocated information board and also promoted on the information board. Signage on the approaches to the roadhouse would need to promote the information bay as a Wi-Fi hotspot. The second Wi-Fi hotspot should be located either at the Denham information bay or opposite the Shark Bay Discovery centre



## 7. summary of recommendations

During the course of undertaking this project a number of related issues have emerged which require attention. Our recommendations are therefore split into two sections, those relating to the brief that we were given and those which we consider should be addressed as separate matters.

### Signage brief related recommendations

1. Upgrade external signage at Wooramel Roadhouse. Use similar signage to that displayed at Billabong Roadhouse
2. Relocate and redesign the Overlander Information Bay board
3. Move light poles to rear of Shark Bay entry statements and erect new designed signs above both brick structures.
4. Negotiate with owners of Overlander Roadhouse for new external signage to be erected on wall at front of roadhouse
5. Remove existing three Denham Information Bay boards and frames and replace with new structure which includes space for advertising. New sign to be designed to include link to Visitor Centre website and the use of QR codes. Develop style guide for advertising on this sign.
6. Existing brown directional signs to be upgraded to include reference to WHD as detailed in the tables later in this section.
7. Develop WHD branding for use on all signage covering the route. Incorporate new branding into all promotional material and website. The branding should be used on new advanced warning signage for each of the 17 attractions on the drive.
8. Erect appropriate signage, as detailed in the tables later in this section, to direct all tourist traffic to Monkey Mia through Denham on the WHD.
9. The Visitor Centre website should be used on all signage and tourist related publications
10. Use the yellow I symbol where appropriate on all signage.
11. Establish two WI-FI hotspots one at Overlander Roadhouse and one at the Denham information bay or in Denham. Once established all signage should indicate that they are available.

### Other recommendations

Ensure that the dump point at the Denham information bay is listed on appropriate websites.  
Endeavour to work towards obtaining RV friendly town status.  
Ensure consistency in use of official website in printed promotional material.



## recommended signage changes

description	photograph	recommendation
External Shark Bay signage at Wooramel Roadhouse		Upgrade external signage in line with that displayed at Billabong Roadhouse.
Brown directional signs at NWCH junction with Shark Bay Road		Insert brown WHD sign above Shark Bay sign.
Shark Bay Information Board NWCH junction with Shark Bay Road		Relocate and redesign the Overlander Information Bay board.
Shark Bay Entry Statements at NWCH junction with Shark Bay Road		Move light poles to rear of Shark Bay entry statements and erect new designed signs above both brick structures.
External signage at Overlander Roadhouse.		Negotiate with owners of Overlander Roadhouse for new external signage to be erected on wall at front of roadhouse.

continued...

continued...

World Heritage Drive signage at each of the 17 attractions that are part of the drive



New brand or logo to be developed and displayed on signage along the length of the drive and intersections and zoom from each intersection.

Denham Information Bay



Remove existing three Denham Information Bay boards and frames and replace with new structure which includes space for advertising. New sign to be designed to include link to Visitor Centre website and the use of QR codes. Develop style guide for advertising on this sign.

Sign junction of Shark Bay Road and Monkey Mia Road



Brown Monkey Mia Tourist sign to indicate straight on and also includes a brown WHD sign indicating straight on. The heavy vehicle route sign should be reworded to "Heavy Vehicle Route to Monkey Mia".

15 phillimore street  
fremantle wa 6160  
08 9430 4377  
admin@wayfound.com.au  
www.wayfound.com.au



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

There are no Motions of Which Previous Notice Has Been Given.

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

No Urgent Business Items were presented.

Moved           Cr Ridgley  
Seconded       Cr Laundry

**Council Resolution**

**That Council adjourn the Ordinary Council meeting at 4.13 pm**

**6/0 CARRIED**

**The President reconvene the Ordinary Council meeting at 4.26 pm.**

**20. MATTERS BEHIND CLOSED DOORS**

Moved           Cr Ridgley  
Seconded       Cr Capewell

**Council Resolution**

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

**6/0 CARRIED**

**20.1 MINING LEASES WITHIN AND NEARBY TO RESERVE 41076 (SHELL BEACH)  
RES41076**

**Author**

Liz Bushby, Gray & Lewis Landuse Planners

**Disclosure of Any Interest**

Disclosure of Interest: Mr Anderson

Nature of Interest: Impartiality Interest as member of Shark Bay World Heritage Advisory Committee

Disclosure of Interest: Cr Cowell

Nature of Interest: Impartiality as Shark Bay World Heritage Advisory Committee Executive Officer – field trip planned

Disclosure of Interest: Cr Bellottie

Nature of Interest: Impartiality Interest as member of World Heritage Advisory Committee

Disclosure of Interest: Cr Capewell

Nature of Interest: Impartiality Interest as member of World Heritage Advisory Committee

Moved            Cr Prior  
Seconded       Cr Ridgley

**Council Resolution**

**That Council:**

1. Authorise Gray & Lewis Landuse Planners to write to the Chief Executive Officer of the Environmental Protection Authority outlining the history of Reserve 41076, and seek advice on:
  - (i) The best mechanism to discharge the Shire of Shark Bay of its 'proponent' responsibilities outlined in the conditions of the Minister for Environment Statement No 300 for L'Haridon Bight (for mining leases by private companies);
  - (ii) Clarify the correct environmental process for the new mining lease application M09/151 having regard that the Shire cannot require the applicant to enter into any Deed of Agreement (to enforce compliance with environmental conditions).
  - (iii) Clarify the correct environmental process for the existing mining lease G09/3 which expires 22/11/2015, and extends beyond the boundary of Reserve 41076.
  - (iv) Clarify if environmental approval has been granted for mining lease M09/68 as it is located outside of the Minister of Environment Statement No 300 approval area (expanded Reserve 41076) and beyond the 7.3 kilometre beach length (measured from the south boundary of Reserve 41076).
  - (v) Raise concern over the aggregate tonnage per year for existing and proposed mining leases.
  
2. Authorise Gray & Lewis Landuse Planners to liaise with the Shark Bay World Heritage Advisory Committee and provide the Committee with opportunity to advise Council of their site visit observations and comments after members have visited the existing shell quarry operations in early November 2015.
  
3. Request the Chief Executive Officer investigate the extent of plant and machinery still remaining within the southern portion of Reserve 41076 (Mining Lease G09/3).
  
4. Authorise the Chief Executive Officer to formally advise the Department of Mines and Petroleum of the Council resolution from the Ordinary Council meeting held on the 26 April 2012, and request any application for renewal or extension of existing Mining Lease G09/3 (plant and machinery) be referred to the Shire as:
  - (i) The Mining Lease traverses Reserve 41076 and there is a Management Order No G300340 (vesting 10/10/1996) to Shire.
  - (ii) The only access to the mining lease is through Reserve 41076 which is within the Shark Bay World Heritage area.
  - (iii) The Shire is currently the proponent responsible for compliance with the Minister for Environment Statement No 300 applicable to the reserve, and needs to ascertain how those responsibilities can be discharged to any private company.

- (iv) The Minister for Environment Statement No 300 only applies to Reserve 41076, and a portion of the mining lease extends into adjacent Unallocated Crown Land in World Heritage Area.
  - (v) There is a need to examine the Minister of Environment approval and all mining leases within Reserve 41076 in a co-ordinated manner in liaison with the Department of Mines and Petroleum, the Shire and the Environmental Protection Authority.
5. Authorise the Chief Executive Officer to advise the Department of Mines and Petroleum that the Shire is still considering proposed Mining Lease M09/151, and is seeking formal advice from the Environmental Protection Authority as:
- (i) The Shire is the proponent obligated to comply with the conditions of the Minister for Environment Statement No 300, however has no mechanism to require any Deed of Agreement with L'Haridon Bight Mining Pty Ltd.
  - (ii) Environmental Protection Authority Officers have recommended the Shire seek their formal advice.
  - (iii) There are concerns that the aggregate tonnage of existing and proposed mining leases (in aggregate) exceed the 5000 tonne per year limitation outlined in Condition 3-2 of the Minister for the Environment Statement No 300.
6. A further report be referred to a future Council meeting.

**6/0 CARRIED**

20.2 NEW TRUCK 6,500 KG GVM  
CM00014

AUTHOR  
WORKS MANAGER

DISCLOSURE OF ANY INTEREST  
Nil

Moved Cr Ridgley  
Seconded Cr Bellottie

**Council Resolution**

**That the recommendation submitted by the Works Manager in the confidential evaluation report for Supply and Delivery of a new Truck GVM 6,500 KG as per the conditions of quote be considered.**

**6/0 CARRIED**

Moved Cr Ridgley  
Seconded Cr Laundry

**Council Resolution**

**That Council appoint WA Hino, based on the assessment of the Capability, Warranty and pricing considerations offered under RFQ 2015/2016-05 – Supply and Delivery of a New Truck GVM 6,500 KG.**

**6/0 CARRIED**

20.3 NEW TRUCK 10,400 KG GVM  
CM00014

AUTHOR  
WORKS MANAGER

DISCLOSURE OF ANY INTEREST  
Nil

Moved Cr Capewell  
Seconded Cr Prior

**Council Resolution**

**That the recommendation submitted by the Works Manager in the confidential evaluation report for Supply and Delivery of a new Truck GVM 10,400 KG as per the conditions of quote be considered.**

**6/0 CARRIED**

Moved Cr Ridgley  
Seconded Cr Capewell

**Council Resolution**

**That Council appoint WA Hino, based on the assessment of the Capability, Warranty and pricing considerations offered under RFQ 2015/2016-06 – Supply and Delivery of a New Truck GVM 10,400 KG.**

**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 25 November 2015 in Council Chambers commencing at 3.00 pm.

**22. CLOSURE OF MEETING**

At the end of business the President will close the Ordinary Council meeting at 4.56pm.