

# SHIRE OF SHARK BAY MINUTES

19 December 2018

## ORDINARY COUNCIL MEETING



SENIORS CHRISTMAS PARTY DECEMBER 2018 – SHARK BAY



19 DECEMBER 2018



## DISCLAIMER

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

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

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

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

# MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

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 19 December 2018 commencing at 3.27 pm.

## TABLE OF CONTENTS

<b>1.0</b>	<b>Declaration of Opening</b> .....	<b>4</b>
<b>2.0</b>	<b>Record of Attendances / Apologies / Leave of Absence Granted</b> .....	<b>4</b>
<b>3.0</b>	<b>Response To Previous Public Questions On Notice</b> .....	<b>4</b>
<b>4.0</b>	<b>Public Question Time</b> .....	<b>5</b>
<b>5.0</b>	<b>Applications For Leave Of Absence</b> .....	<b>6</b>
<b>6.0</b>	<b>Petitions</b> .....	<b>6</b>
<b>7.0</b>	<b>Confirmation Of Minutes</b> .....	<b>6</b>
7.1	Confirmation of the Minutes of the Ordinary Council meeting held on 28 November 2018 .....	6
<b>8.0</b>	<b>Announcements By The Chair</b> .....	<b>6</b>
<b>9.0</b>	<b>President’s Report</b> .....	<b>7</b>
<b>10.0</b>	<b>Councillors’ Reports</b> .....	<b>8</b>
13.1	Draft Local Planning Policy on Holiday Houses .....	11
13.2	Proposed Bed and Breakfast – Lot 224 (35A) Fry Court, Denham .....	41
<b>11.0</b>	<b>Administration Report</b> .....	<b>54</b>
11.1	Proposed Local Government Property Amendment Local Law 2018.....	54
<b>12.0</b>	<b>Finance Report</b> .....	<b>77</b>
12.1	Schedule of Accounts Paid to be Received .....	77
12.2	Financial Reports To 30 November 2018.....	88
12.3	Annual Report 2017/2018 .....	118
<b>13.0</b>	<b>Town Planning Report</b> .....	<b>124</b>
13.1	Draft Local Planning Policy on Holiday Houses .....	124
13.2	Proposed Bed and Breakfast – Lot 224 (35A) Fry Court, Denham .....	124
13.3	Proposed Telstra Works and Easement – Monkey Mia .....	124
13.4	Initiate Advertising of Pedestrian Access Way Closure – Lot 155 Hughes Street, Denham.....	132
13.5	Unauthorised Buildings – Several Lots in Denham Townsite.....	136
<b>14.0</b>	<b>Motions of Which Previous Notice Has Been Given</b> .....	<b>152</b>
<b>15.0</b>	<b>Urgent Business Approved By The Person Presiding Or By Decision</b> .....	<b>152</b>
<b>16.0</b>	<b>Matters Behind Closed Doors</b> .....	<b>152</b>
16.1	Knight Terrace Upgrades .....	152
16.2	Monkey Mia Dolphin Management Review .....	153
16.3	Australia Day Awards Nominations – To Be Presented at Urgent Business.....	154
16.4	Depot Administration Buildings .....	155
<b>17.0</b>	<b>Date And Time Of Next Meeting</b> .....	<b>155</b>
<b>18.0</b>	<b>Closure of Meeting</b> .....	<b>155</b>

19 DECEMBER 2018

---

**1.0 DECLARATION OF OPENING**

The President declared the meeting open at 3.27 pm.

**2.0 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED**

ATTENDANCES

Cr C Cowell	President
Cr K Laundry	Deputy President
Cr L Bellottie	
Cr J Burton	
Cr K Capewell	
Cr E Fenny	
Cr G Ridgley	

Mr P Anderson	Chief Executive Officer
Ms A Pears	Executive Manager Finance and Administration
Ms L Butterly	Executive Manager Community Development
Mr B Galvin	Works Manager
Mrs R Mettam	Executive Assistant

APOLOGIES

Nil

VISITORS

7 Visitors in the gallery

**3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE**

There are no previous public questions on notice.

19 DECEMBER 2018

**4.0 PUBLIC QUESTION TIME**

The President opened public question time at 3.28pm.

File # P1442

SHIRE OF SHARK BAY

PUBLIC QUESTION TIME PERFORMA

AGENDA ITEM NUMBER 13.6 of the October Council Meeting Minutes -  
"Proposed bed and breakfast 35a Fry Court, Denham"

PUBLIC QUESTION:

Dear Councillors

"We would like to ask Liz and Brian Manning what measures they will undertake to control the car parking of both guests and visitors at 35a Fry Court, whether or not they are 'personally' in residence?"

This has been an ongoing concern of ours and has now been highlighted with the intention of running a B&B.

As Liz and Brian are not always resident, if a problem does arise, this is normally easily fixed by us, by simply requesting the long-term renters to kindly keep the "common driveway" free of parked vehicles at all times.

We feel that this is not going to be a practical solution in the future, should Liz and Brian not be here to monitor the parking themselves.

Indeed, even if they are in residence there can still be a problem, i.e. it occurred as recently as last month.

The placement of signs may help, but they are not a perfect solution, that is why we personally inform our visitors of where to park.

Our primary concern is to ensure that the common area / driveway remains accessible to all residents and visitors alike, at all times.

---

Name: Patricia & Derek WESTON

---

Postal Address:

35c Fry Court  
Denham, Shark Bay, WA 6537

Optional:

Contact phone number: 0415 707 412

Email: derekjweston@gmail.com

Answer from the Shire of Shark Bay's Town Planner, Liz Bushby of Town Planning Innovations is below:

As outlined in the agenda report, the applicants have lodged a Management Plan for the proposed bed and breakfast. The Management Plan includes a requirement that guests park all cars and any trailers, caravans or boats on the property at all times.

19 DECEMBER 2018

The car parking can be managed and monitored by the owners of 35A Fry Court. In addition, the Shires Planning consultant has recommended conditions be imposed on any planning approval to require car parking on site and that all car parking occur within the strata lot boundary.

The owners of 35A Fry Court will be on site to advise guests where to park as the bed and breakfast will only operate when they are occupying the first floor of the dwelling.

The President closed public question time at 3.30pm.

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

There are no applications for leave of absence for the December 2018 Ordinary Council meeting.

**6.0 PETITIONS**

There were no petitions presented to Council at the December 2018 Ordinary Council meeting.

**7.0 CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 NOVEMBER 2018**

Moved            Cr Burton  
Seconded       Cr Laundry

**Council Resolution**

**That the minutes of the Ordinary Council meeting held on 28 November 2018, as circulated to all Councillors, be confirmed as a true and accurate record.**

**7/0 CARRIED**

**8.0 ANNOUNCEMENTS BY THE CHAIR**

Western Australian Local Government Association, Executive Officers, Deputy Chief Executive Officer, Wayne Scheggia and Executive Manager Environment & Waste, Mark Batty, will meet with Councillors at 2.00pm before the Ordinary Council meeting.

In addition to the State award for the Denham Foreshore Revitalisation Playground, the Shire of Shark Bay has been awarded the 2018 Kidsafe National Playspace Design Award.

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

**9.0 PRESIDENT'S REPORT**

GV00002

Council Committee Membership

Member	Audit Committee
Member	Western Australian Local Government Association Country Zone – Gascoyne Region
Member	Development Assessment Panel
Member (Chair)	Local Emergency Management Advisory Committee
Deputy Delegate	Gascoyne Regional Road Group
Deputy Delegate	The Aviation Community Consultation Group

Meeting Attendance

4 December 2018	Malgana Native Title Determination
5	Western Australian Local Government Association, Chief Executive Officer Recruitment workshop – Perth Governance and Organisational Policy Team meeting Strategic Forum State Council meeting
7	Seniors Christmas Party Shire of Shark Bay Christmas event
10	School End of Year Concert
12	Silver Chain / Western Australian Country Health Service Teleconference Shark Bay Local Laws workshop
19	Western Australian Local Government Executives meeting December Ordinary Council meeting

Signatures

Councillor	<i>Councillor Cowell</i>
Date of Report	10 December 2018

Moved Cr Fenny  
Seconded Cr Bellottie

**Council Resolution**

**That the President's activity report for December 2018 be received.**

**7/0 CARRIED**



MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

**10.0 COUNCILLORS' REPORTS**

10.1 CR BURTON  
GV00018

Committee Membership

Member	Audit Committee
Member	Shark Bay Arts Council

Meeting Attendance

30 November 2018	Thank a Volunteer Day - School
5 December	Thank a Volunteer Day community breakfast
7 December	Shire Christmas Party
10 December	Shark Bay School concert
11 December	Coastal Hazard Planning workshop
19 December -	Western Australian Local Government Association Executives visit
	Ordinary meeting of Council

Signatures

Councillor	<i>Councillor Burton</i>
Date of Report	10 December 2018

Moved	Cr Ridgely
Seconded	Cr Fenny

**Council Resolution**

**That Councillor Burton's December 2018 report on activities as Council representative be received.**

**7/0 CARRIED**

10.2 CR RIDGLEY  
GV00008

Committee Membership

Member	Audit Committee
Member	Shark Bay Tourism Committee

Meeting Attendance

12 December 2018	Attended the workshop for the Monkey Mia Jetty
19	Western Australian Local Government Association Executive's visit
	Ordinary Council meeting

Signatures

Councillor	<i>Councillor Ridgley</i>
Date of Report	12 December 2018



MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

Moved Cr Laundry  
Seconded Cr Burton

**Council Resolution**

**That Councillor Ridgley's December 2018 report on activities as Council representative be received.**

**7/0 CARRIED**

10.3 CR LAUNDRY  
GV00013

Committee Membership

Member Audit Committee  
Member Shark Bay Community Resource Centre Committee  
Member Shark Bay Bowling Club Inc Committee  
Proxy Member For Cr Cowell on the Development Assessment Panel

Meeting Attendance

4 December 2018 Attended the Malgana Land Rights Decision  
5 Attended and presented a speech for the Volunteers Breakfast  
11 Attended the Shark Bay Bowling and Recreation Sporting Club committee meeting  
12 Attended the Monkey Mia Jetty workshop  
19 Ordinary Council meeting

Signatures

Councillor *Councillor Laundry*  
Date of Report 5 December 2018

Moved Cr Bellottie  
Seconded Cr Fenny

**Council Resolution**

**That Councillor Laundry's December 2018 report on activities as Council representative be received.**

**7/0 CARRIED**

10.4 CR BELLOTTIE  
GV00010

Committee Membership

Member Audit Committee  
Member Development Assessment Panel

Meeting Attendance

7 December 2018 Attended the Shire Christmas Party

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

19 Western Australian Local Government Association  
Executive's visit  
Ordinary Council meeting

Signatures

Councillor *Councillor Bellottie*  
Date of Report 10 December 2018

Moved Cr Ridgley  
Seconded Cr Burton

Council Resolution

**That Councillor Bellottie's December 2018 report on activities as Council representative be received.**

**7/0 CARRIED**

10.5 CR FENNY  
GV00017  
A nil report for the December 2018 Ordinary Council meeting.

10.6 CR CAPEWELL  
GV00005  
Committee Membership  
Member Audit Committee  
Member Regional Road Group  
Deputy Delegate Gascoyne Zone of Western Australian Local Government Association

Meeting Attendance

12 December 2018 Attended the workshop for the Monkey Mia Jetty  
19 Western Australian Local Government Association Executive's visit  
Ordinary Council meeting

Signatures

Councillor *Councillor Capewell*  
Date of Report 12 December 2018

Moved Cr Fenny  
Seconded Cr Bellottie

Council Resolution

**That Councillor Capewell's December 2018 report on activities as Council representative be received.**

**7/0 CARRIED**

19 DECEMBER 2018

13.1 DRAFT LOCAL PLANNING POLICY ON HOLIDAY HOUSES  
LP00014

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Town Planning Innovations

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

Moved            Cr Fenny  
Seconded       Cr Capewell

**Council Resolution**

**That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 3.49pm for open discussion on the Draft Local Planning Policy on Holiday Houses.**

**7/0 CARRIED**

Moved            Cr Fenny  
Seconded       Cr Burton

**Council Resolution**

**That Council reinstate Standing Orders at 3.56pm.**

**7/0 CARRIED**

Moved            Cr Fenny  
Seconded       Cr Burton

**Council Resolution**

**That Council:**

- 1. In accordance with Clause 3(1) of the Deemed Provisions under Part 2, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 adopt Draft Local Planning Policy No 1 for the purpose of commencing public advertising.**
- 2. Pursue Option 1, to follow the requirements of the Building Code of Australia, for class 1a buildings, as outlined in this report in regards to Smoke Alarms.**
- 3. Note that Council can have input into the Draft Policy and it can be amended prior to adoption and / or any advertising. Issues for discussion have been highlighted in the agenda report.**
- 4. Advertise the Draft Policy for 60 days to allow maximum community input and to make allowances for the Christmas / New Year period.**

BACKGROUND

- *Description of Holiday House*

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

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

It does not include a private home that is used by the owners for holidays (without charge).

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

- *Relevant history*

Holiday Houses have become established in the Shire over an extended time period, particularly in Denham townsite within the Residential zone.

A number of Holiday Houses have been operating without any approval from the Shire.

When workshops were held with Councillors as part of preparation for a Local Planning Strategy and Scheme Review, one of the issues discussed informally was the general recognition that holiday houses need to be controlled. This is consistent with the Western Australian Planning Commission Planning Bulletin No 99 Holiday House Guidelines.

- *Shire of Shark Bay Local Planning Scheme No 4*

Specific provisions relating to holiday houses are contained in the Shire of Shark Bay Local Planning Scheme No 4 which:

- a. Outline the requirement for all holiday houses in Residential zones to be registered with the Shire;
- b. Require proponents to lodge a detailed site plan showing car parking, a Management Plan and Fire and Emergency Response Plan.
- c. Requires a local manager;
- d. Allow initial planning approvals to be issued for 12 months, with the option of renewals at 12 months, 3 years or up to a maximum of 5 years as deemed appropriate by the local government.
- e. Limits approvals to a specific owner.

COMMENT

- *Summary of Draft Policy*

19 DECEMBER 2018

Town Planning Innovations recommends that Council consider adopting a Local Planning Policy on Holiday Houses to provide guidance to applicants on how to apply for Shire approval. A Policy can outline required car parking, smoke alarms, standards, and include template examples for Management Plans and Fire and Emergency Response Plans to assist applicants.

The Draft Policy will be advertised which provides key stakeholders, the local community and existing operators with an opportunity to comment on the document.

A Draft Local Planning Policy is included as Attachment 1. In summary the Draft Policy includes:

- a. An explanation of what constitutes a holiday house;
- b. Advice on what to lodge with an planning application;
- c. Requires a local manager who lives within 1 hour of Denham townsite (consistent with the Scheme);
- d. Requires one car parking bay per every 3 guests with a minimum of 2 car parking bays (consistent with the Residential Design Codes);
- e. Gives Council discretion to allow one car parking for a single bedroom holiday house;
- f. Requires all car parking, driveways and crossovers to be sealed, paved or concreted and comply with the standards in the Shires' Crossover Policy;
- g. Outlines smoke alarm requirements;
- h. Requires landscaping to be commensurate of the standard set in the streetscape;
- i. Limits the size of advertising signs to 0.2m<sup>2</sup>;
- j. Explains that applicants need to provide advice on the location and size of effluent disposal systems where the house is not connected to sewer.

Several aspects of the Draft Policy are highlighted in this report for Councillor discussion.

Council can require any modifications to the Draft Policy prior to adoption or advertising. The Draft Policy can also be reviewed and modified after advertising if required by Council.

Issues may be raised during public advertising that warrant changes to the Draft Policy.

- ***Car parking***

Under the Residential Design Codes, a minimum of two car parking spaces are required for a single house. One car parking bay per house is required where it is a one bedroom house.

The Draft Policy proposes to require car parking at a ratio of one bay per every 3 guests, with a minimum of 2 car parking spaces. One car parking bay may be considered for any single bedroom holiday house where the number of guests are limited.

Town Planning Innovations has randomly researched other Local Planning Policies and car parking varies as follows:

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

Local government	Car parking
Shire of Manjimup	1 bay per every 3 guests and minimum of 2 carbays
Shire of Denmark	Minimum of 2 carbays for standard holiday houses (maximum 6 guests) and minimum of 3 carbays for large holiday houses (6-12 guests)
City of Albany	2 carbays per every 6 guests
City of Joondalup	Minimum of 1 carbay for a one bedroom dwelling and 2 carbays for a house with 2 or more bedrooms (as per the Residential Design Codes)
Shire of Esperance, Shire of Augusta Margaret River, Shire of Waroona, Shire of Jerramungup	No car parking specified in Local Planning Policy

Car parking is at the discretion of Council therefore the Policy can stipulate a ratio that is acceptable to Council.

- **Smoke Alarms**

Council has two options in regards to smoke alarms under the proposed Policy:

Option 1 – Follow the requirements of the Building Code of Australia

The Building Code of Australia requires a hard wired smoke alarm in every corridor or hallway associated with a bedroom or where there is no hallway, in an area between the bedrooms and the remainder of the house.

Where bedrooms are separated within the internal floor layout, the Building Code of Australia requires a hard wired smoke alarm in each bedroom, and in every corridor or hallway associated with a bedroom.

The Draft Local Planning Policy (as written) explains the smoke alarm requirements under Section 5.3 as required under the Building Code of Australia for a single house (Class 1a building).

Option 1 is consistent with existing enforceable legislation which carries significant weight.

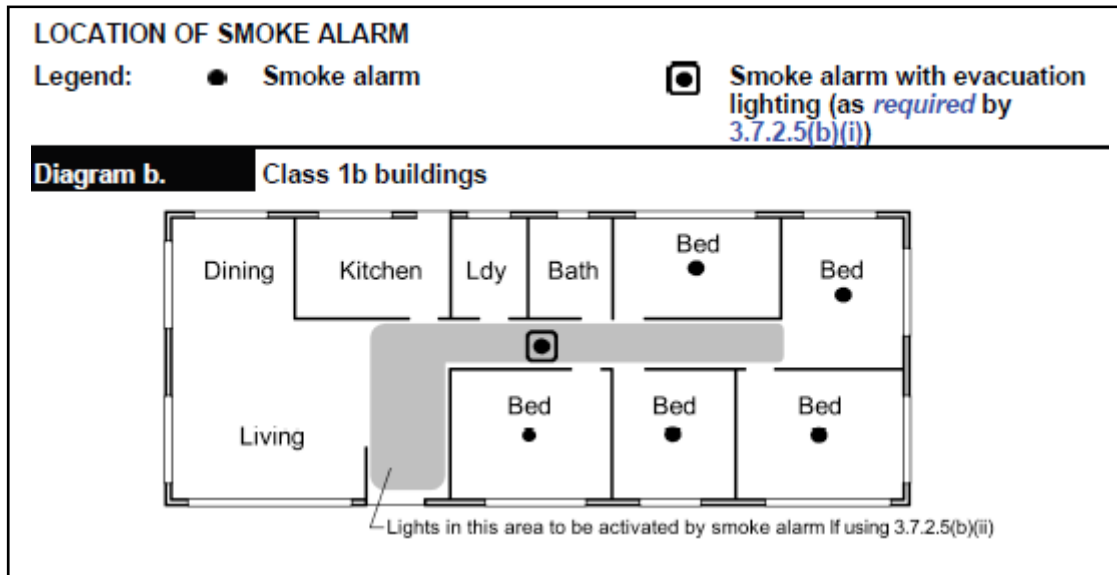
The Shire's Building Surveyor has advised that a holiday house would remain a Class 1a building, and there are no forms, fees etc. to be completed from a Building Code of Australia perspective when a dwelling is used as a holiday house.

Option 2 – Additional smoke alarm/ safety requirements

The Shire may require one hardwired smoke alarm per bedroom, and in every hallway associated with a bedroom or between the bedrooms and the remainder of the house, with evacuation lighting.

19 DECEMBER 2018

It would be consistent with the Building Code of Australia requirements for a Class 1b building which includes a boarding house, guest house, hostel or the like – refer figure over the page.



Option 2 would maximise guest safety and ensure maximum protection to lives in the event of a fire. Option 2 is also consistent with the Western Australian Planning Commission Holiday Home Guidelines which recommend that *'each bedroom is to be fitted with a hard wired smoke detector'*.

When deciding on the position of smoke alarms it is important to remember that they are intended to detect smoke before it reaches the sleeping occupants of a building. The ensuing alarm is designed to wake the occupants and give them time to evacuate the building.

- **Standard of construction for crossovers, driveways and parking**

The Shire has an existing Crossover Policy which is attached to the Draft Local Planning Policy.

The Crossover Policy requires crossovers to be constructed as follows:

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

The Draft Policy requires all crossovers, driveways and car parking bays to be constructed to meet the Crossover Policy specifications. This can also be imposed as a condition of any planning approval.



19 DECEMBER 2018

Council can allow lesser standards to apply if more informal driveways and car parking is deemed acceptable (eg gravel, slabs, grassed area, compacted shell).

- **Landscaping**

Council can set a minimum landscaping requirement or require no landscaping for holiday houses in the Draft Policy.

The Draft Policy generally requires that the Holiday House lot reflects the general landscaping quality as established in the existing streetscape in order to 'blend in'.

It discourages extensive hardstand areas unless it is consistent with the character already established in an existing streetscape.

The Policy states that conditions may be imposed on any approval to require a landscaping plan and / or upgrading of landscaping.

- **Renewal process**

Approvals for holiday houses will initially be for 12 months.

In the future Council will need to consider the renewal process, and whether all renewal applications shall be referred to Council for determination, or processed under delegated authority.

LEGAL IMPLICATIONS

*Planning and Development (Local Planning Schemes) Regulations 2015 –*

Clause 3 and 4 under Part 2, Schedule 2 of the Deemed Provisions contained in the Regulations sets out the power for local governments to make a local planning policy and the procedure for making a local planning policy, including a requirement to advertise a Draft Policy for a period not less than 21 days.

The process for a Local Planning Policy is summarised below:

Step 1 – Adoption of a Draft Local Planning Policy by Council (with or without modification);

Step 2 - Advertising of a Draft Local Planning Policy for a minimum of 21 days;

Step 3 - A report to a future Council meeting to consider any submissions, changes to the Draft Policy as a result of submissions, and final adoption of a Local Planning Policy (with or without modification);

Council also has the option of deciding not to proceed with a Local Planning Policy after advertising.

Step 4 - Any adopted Local Planning Policy must be publicly available, and a copy published on the Shire's website.

## MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

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

It is recommended that the Draft Local Planning Policy be reviewed after 12 months.

Shire of Shark Bay Local Planning Scheme No 4 – Explained in the background section of this report and included as Attachment 2.

The provisions contained in Scheme 4 were generally based on the Western Australian Planning Commission Holiday Home Guidelines and Planning Bulletin No 99.

Parliamentary Inquiry - It should be noted that the Legislative Assembly of Western Australia is calling for public submissions on the Regulation of short stay accommodation in Western Australia for a Parliamentary Inquiry. Submissions are to be lodged by the 25 January 2019.

### POLICY IMPLICATIONS

Adoption of a Draft Local Planning Policy will allow for community consultation.

### FINANCIAL IMPLICATIONS

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

A planning application fee of \$147.00 will be payable on lodgement of any holiday house application. If a holiday house is already operating, the fee is doubled at \$294.00.

### STRATEGIC IMPLICATIONS

Any Draft Local Planning Policy has potential to have strategic implications for future holiday houses.

### RISK MANAGEMENT

There are no known risks associated with the proposed development.

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

7 December 2018

19 DECEMBER 2018

ATTACHMENT # 1  
DRAFT



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

### 1.0 WHAT IS A HOLIDAY HOUSE?

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

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

It does not include a private home that is used by the owners for holidays (without charge).

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

### 2.0 OBJECTIVES

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

The objectives of this Local Planning Policy are:

- 1.1.1 To establish clear guidelines for the short stay use of holiday houses for tourism accommodation and provide guidance on the planning application requirements.
- 1.1.2 To ensure that short stay use of residential houses occurs within appropriate locations and are managed to mitigate land use conflicts such as impacts on residential amenity.
- 1.1.3 To ensure that all new holiday houses are registered with the Shire in accordance with relevant legislation, and are appropriately managed and maintained to be compatible with the amenity of the locality.

### 3.0 SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4

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

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

19 DECEMBER 2018

**4.0 PLANNING APPLICATION REQUIREMENTS**

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

Applicant Checklist	Documents for Lodgement
	1. A planning application form signed by the owner of the land – <i>Attachment 1</i> .
	2. A site plan or good quality clear aerial showing the existing house, existing buildings, driveway, and guest parking areas. The location, number and dimensions of parking areas should be clearly marked on the plan.
	3. An internal floor plan showing the house layout, the use of each room, and number of double, single or bunk beds per room (including fold out couches).  The internal floor plan should show all existing and/or proposed hard wired smoke alarms.
	4. A detailed letter / written submission that explains: <ul style="list-style-type: none"> <li>- The maximum number of persons that the dwelling will accommodate at any one time;</li> <li>- Maximum length of stay for guests;</li> <li>- Maintenance and cleaning arrangements;</li> <li>- Photographs of parking areas and photographs of the internal house layout.</li> <li>- If the lot is connected to sewer.</li> <li>- If the lot is not connected to sewer information on the location and size of effluent disposal will need to be provided (refer Section 5.6).</li> </ul>
	5. A Management Plan that addresses how the land use will be managed on a day to day basis to maximise protection of residential amenity, including details of how noise issues will be addressed by the Manager (handling of complaints), and full contact details of the Manager or employee of the Manager.  An example Management Plan template is included as <i>Attachment 2</i> .
	6. A Fire and Emergency Response Plan that includes detailed fire escape route maps and addresses the provision of safety features including hard wired smoke detectors, provision of a fire extinguisher and emergency contact numbers.  An example Fire and Emergency Response Plan template is included as <i>Attachment 3</i> .
	7. Payment of a planning application fee on lodgement of the planning application. The Shire's annual fees and charges can be viewed on the website – <a href="http://www.sharkbay.wa.gov.au">www.sharkbay.wa.gov.au</a> (Council/Public Documents/Fees and charges).

19 DECEMBER 2018

## **5.0 POLICY REQUIREMENTS**

### **5.1 LOCAL MANAGEMENT**

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

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

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

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

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

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

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

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

### **5.2 CAR PARKING AND ACCESS**

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

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

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

All car parking, driveways and crossovers that relate to Holiday Houses shall be sealed, paved or concreted to comply with the construction specifications in the Shire's Crossover Policy – refer *Attachment 4*.

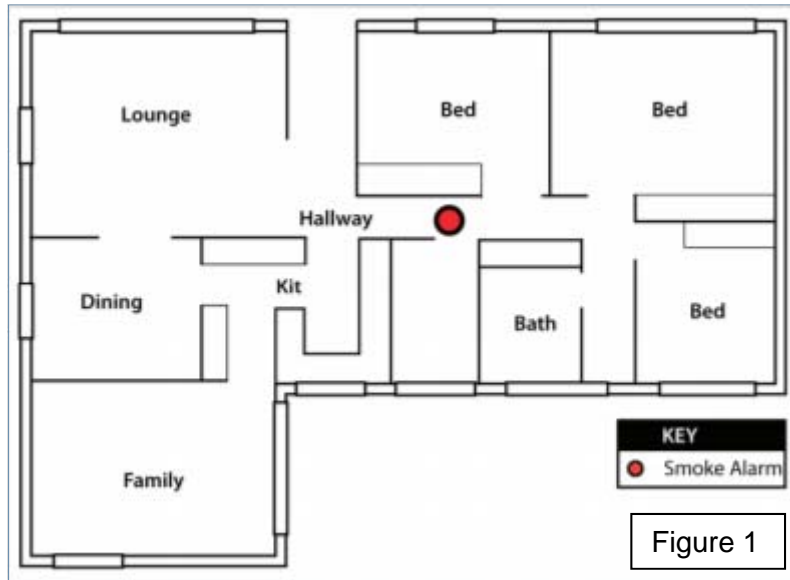
19 DECEMBER 2018

**5.3 SMOKE ALARMS**

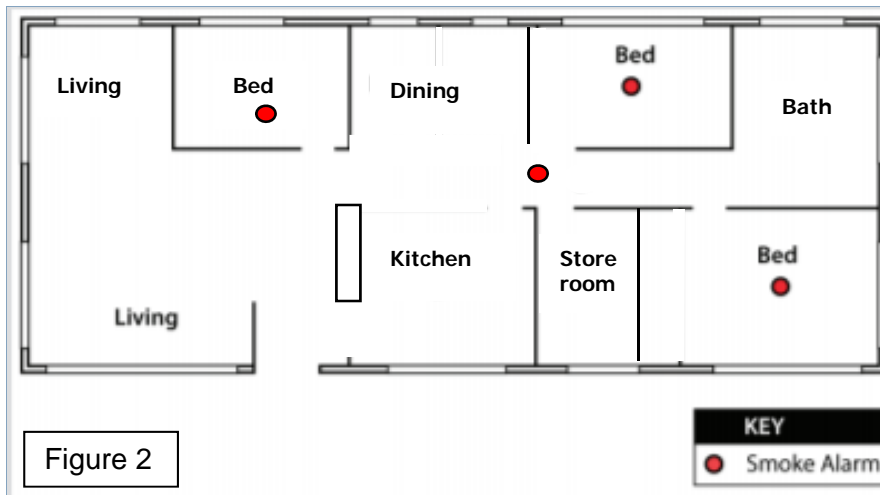
Draft Section 5.3 – matter to be decided by Council

The Shire of Shark Bay requires all holiday houses to be provided with hard wired smoke alarms. Guests occupying a holiday house will not be familiar with the layout of the dwelling.

Where all bedrooms have entries off one main hallway, one hard wired smoke alarm is required at the hallway entry – Figure 1.



If bedrooms are separated and / or bedroom access is not from one shared hallway, then one hard wired smoke alarm is required per bedroom – Figure 2. An additional smoke alarm in any shared hallway is also required.



All smoke alarms should be interconnected.

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

19 DECEMBER 2018

---

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

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

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

#### **5.4 LANDSCAPING**

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

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

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

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

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

#### **5.5 ADVERTISING SIGNS**

Advertising signage associated with a holiday house shall have a maximum area of 0.2m<sup>2</sup> and be fully located within the lot boundary.

#### **5.6 EFFLUENT DISPOSAL**

Applicants will need to provide information on effluent disposal as part of the planning application. If a holiday house is proposed on a lot that is not connected to deep sewer then the applicant will need to provide the Shire with information on the location and size of the existing effluent disposal system. The system will need to be adequate for the number of occupants, and the size of the system may need to be calculated by a licenced plumber.

If a system needs to be upgraded or replaced then a separate 'Application to construct or install an apparatus for the treatment of sewerage' needs to be lodged to the Shire of Shark Bay, and will be assessed by the Shire's Environmental Health Officer.

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



## 5.7 TEMPLATES / ATTACHMENTS

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

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

This Policy includes the following attachments:

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

## 6.0 ADMINISTRATION

### 6.1 PLANNING APPLICATION PROCESS

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

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

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

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

### 6.2 WHAT THE SHIRE ASSESSES

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

- (a) A Management Plan adequately demonstrates that the landuse will be managed as to ensure that it will not cause nuisance or annoyance to the owners of adjoining or nearby residential properties;
- (b) A manager, caretaker or a contactable employee of the Manager permanently resides in Denham townsite or within one hours drive of Denham townsite;

19 DECEMBER 2018

- (c) A Fire and Emergency Response Plan comprehensively addresses fire safety;
- (d) The proximity of the lot to Denham townsite, the beach and/or any significant tourist attraction;
- (e) The desirability to encourage holiday house's close to the Denham Town Centre;
- (f) The size of the lot and density of development in the surrounding area;
- (g) The potential for increased impact where adjacent land has been developed for grouped dwellings or there are small lots with dwellings in close proximity to each other;
- (h) The potential for occupiers to have different behaviours and routines and the need to protect residents in suburban locations with daily work routines;
- (i) The location of active outdoor areas and their relationship to sensitive bedrooms within surrounding dwellings in a suburban environment;
- (j) The provision of hard wired smoke alarms, fire blankets and fire extinguisher.
- (k) Where the lot is not connected to sewer, the adequacy of on site effluent disposal for the proposed number of guests.

### **6.3 TERMS OF APPROVAL**

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

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

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

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

### **6.4 HOLIDAY HOUSE REGISTER**

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

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

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

19 DECEMBER 2018

**7.0 FREQUENTLY ASKED QUESTIONS**

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

**8.0 RECORD OF COUNCIL APPROVAL OF LOCAL PLANNING POLICY**

Description	Enabling Legislation
Statutory Legislation	This Local Planning Policy has been prepared in accordance with Clause 3(1) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (initial)	This Local Planning Policy was adopted by Council on the _____ 2018 for the purpose of conducting advertising to comply with Clause 4(1) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (final)	This Local Planning Policy was adopted by Council on the _____ 2018 for final approval in accordance with Clause 4(3)(b) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Version Control	Version 1.1
Scheduled Internal Review Date	12 months after operation.

MINUTES OF THE ORDINARY COUNCIL MEETING

**ATTACHMENT 1 – PLANNING APPLICATION FORM**

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

<b>Owner details</b>		
Name:		
ABN (if applicable):		
Address:..... ..... Postcode:		
Phone:	Fax:	Email:
Work:.....	.....	.....
Home:.....		
Mobile: .....		
Contact Person for correspondence:		
Owners Signature:	Date:	
Owners Signature:	Date:	
<i>The signature(s) of the owner(s) is required on all applications. This application will not proceed without that signature. For the purpose of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i>		
<b>Applicant details (if different from owner)</b>		
Name:		
Address:..... ..... Postcode:		
Phone:	Fax:	Email:
Work:.....	.....	.....
Mobile: .....		
Contact Person for correspondence:		
Applicant Signature:	Date:	
Print Name:	Date:	
<b>Property details</b>		
Lot No:	House/ Street No:	
Diagram or Plan No: .....	Certificate of title Volume No: .....	Folio No:.....
Title encumbrances (eg easements, restrictive covenants): .....		
Street name:..... Suburb:.....		
Nearest street intersection:		
<b>Proposed development</b>		
Nature of development: <input checked="" type="checkbox"/> Works <input type="checkbox"/> Landuse		



19 DECEMBER 2018

**ATTACHMENT 2 – EXAMPLE MANAGEMENT PLAN TEMPLATE**

**1. PROPERTY ADDRESS:** \_\_\_\_\_

**2. PROPERTY MANAGER DETAILS:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

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

Internet (please specify) \_\_\_\_\_

Property Manager \_\_\_\_\_

Other (please specify) \_\_\_\_\_

**4. DUTIES OF PROPERTY MANAGER:**

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

**5. MAINTENANCE AND ACCESSIBILITY**

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





19 DECEMBER 2018

**MANAGEMENT PLAN – ANNEXURE A  
CODE OF CONDUCT FOR GUESTS**

**PROPERTY ADDRESS:** \_\_\_\_\_

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

**GUESTS:**

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

**NOISE AND NUISANCE:**

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

**VEHICLE PARKING:**

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

**PREMISE CONDITION AND CLEANLINESS:**

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

**FIRES:**

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

19 DECEMBER 2018

---

**RUBBISH DISPOSAL:**

- All rubbish is to be placed in the bins provided.

Optional:

- Guests are responsible for taking out the outdoor rubbish bin where their stay coincides with collection days.
- Your collection day is: \_\_\_\_\_

**KEYS:**

- At the end of your stay please:

Lock the premises (including all doors and windows) and return the keys to the property manager:

Leave the keys on the dining table or kitchen bench and lock them in the house:

Other (please specify) \_\_\_\_\_

\_\_\_\_\_

**TERMINATION OF ACCOMMODATION:**

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

19 DECEMBER 2018

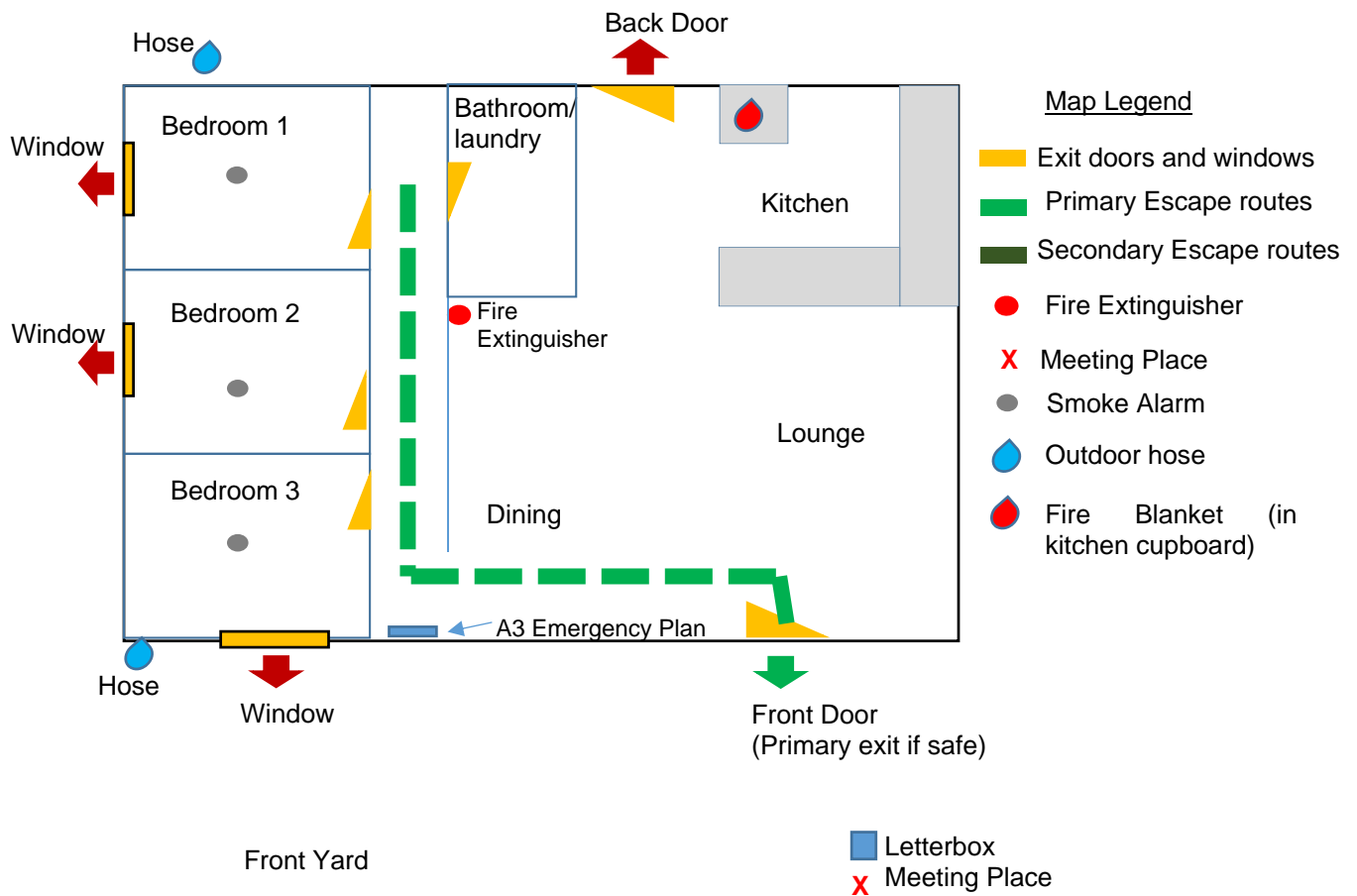
**ATTACHMENT 3 – EXAMPLE FIRE AND EMERGENCY PLAN TEMPLATE**

**1. PROPERTY ADDRESS:** \_\_\_\_\_

Fire Extinguisher Location : (description of room) \_\_\_\_\_

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

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



**In Case of Fire:**

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

**3. EMERGENCY CONTACT DETAILS:**

19 DECEMBER 2018

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

A. Property Manager Contact

Name: \_\_\_\_\_ Mobile: \_\_\_\_\_

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

**4. USEFUL SOURCES OF INFORMATION:**

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

ABC Radio 846am

ABC RN: 107.5FM

DEPARTMENT OF FIRE AND EMERGENCY SERVICES – [www.dfes.wa.gov.au](http://www.dfes.wa.gov.au)  
13 DFES (13 33 37)

**5. CYCLONES:**

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

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

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

DFES then issues the following cyclone alerts:

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

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

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

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

**6. USEFUL CONTACT INFORMATION (NOT FOR EMERGENCIES):**

Silver Chain Health Centre – 9948 1400

Denham Police Station (for general enquiries) – 9948 1201

Shire of Shark Bay – 9948 1218

19 DECEMBER 2018

## Vehicle Crossovers - Policy Manual Division 2.1 Crossings

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

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

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

2. The minimum width of the standard crossing shall be 3.0 metres for residences, 4.0 metres for commercial, 6.0 metres for light industrial, 6.0 metres for heavy industrial and 7.5 metres for service stations each with a 1.5 metre radius "fishtail" onto-the kerb line.
3. The gradient shall be positive 2% for the first 1.5 metres from the kerb line.
4. The Shire of Shark Bay will contribute to one crossing per property only.
5. Where the ratepayer elects to construct a crossover, the Council's contribution shall not exceed 50% of the cost of the crossover as defined in paragraphs (1) and (2) and in Council's Fees and Charges Schedule. The square metres calculated shall be the length (from the road kerb to the property line) multiplied by the nominal width. The ratepayer must produce documents stating the full cost of the crossing.

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



19 DECEMBER 2018

**ATTACHMENT 5**

**FREQUENTLY ASKED QUESTIONS**

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

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

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

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

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

An example format is included as *Attachment 2*.

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

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

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

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

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

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

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

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

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

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

19 DECEMBER 2018

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

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



**ATTACHMENT # 2**

**32.15 Holiday Homes in Residential Zones**

- 32.15.1 The local government may permit a Holiday house within the Residential zone where, in its opinion, the use would not substantially spoil or detract from the residential character and amenity of the locality.
- 32.15.2 The local government shall not consider an application for development approval for a Holiday house unless it is accompanied by:
- (a) A Management Plan that addresses how the landuse will be managed to maximize protection of residential amenity, includes details of how noise issues will be addressed by the Manager, and full contact details of the Manager or employee of the Manager.
  - (b) A Fire and Emergency Response Plan that includes detailed fire escape route maps and addresses the provision of safety features including hard wired smoke detectors, provision of a fire extinguisher and emergency contact numbers.
  - (c) A detailed site plan which demonstrates adequate carparking can be provided on site.
- 32.15.3 The local government may have regard for the following matters when determining an application for development approval for a Holiday house:
- (a) A Management Plan adequately demonstrates that the landuse will be managed as to ensure that it will not cause nuisance or annoyance to the owners of adjoining or nearby residential properties;
  - (b) A manager, caretaker or a contactable employee of the Manager permanently resides in Denham townsite or within one hours drive of Denham townsite;
  - (c) A Fire and Emergency Response Plan comprehensively addresses fire safety;
  - (d) The proximity of the lot to Denham townsite, the beach and/or any significant tourist attraction;
  - (e) The need to encourage holiday house's close to the Denham Town Centre and discourage these uses within established residential areas distanced from the Denham Town Centre;
  - (f) The size of the lot and density of development in the surrounding area;
  - (g) The potential for increased impact where adjacent land has been developed for grouped dwellings or there are small lots with dwellings in close proximity to each other;
  - (h) The potential for occupiers to have different behaviours and routines and the need to protect residents in suburban locations with daily work routines; and
  - (i) The location of active outdoor areas and their relationship to sensitive bedrooms within surrounding dwellings in a suburban environment.
- 32.15.4 The local government shall limit any initial development approval for a Holiday house to a maximum 12 month period.

- 32.15.5 The local government may issue subsequent Development approvals for a Holiday house and has discretion to limit the term of approval to one year, 3 years or up to a maximum of 5 years as deemed appropriate by the local government.
- 32.15.6 The local government may have regard for any substantiated written complaint or evidence about mismanagement of a Holiday house in considering the issue of subsequent Development approvals.
- 32.15.7 Advertising signage associated with a Holiday house shall have a maximum area of 0.2m<sup>2</sup> and be fully located within the lot boundary.
- 32.15.8 A Holiday house is to comply with the Residential Design Codes and/ or any existing Planning consent already granted for the dwelling or variation to the Residential Design Codes with the exception that Council has discretion to require a higher provision of carparking for any Holiday house having regard for the number of bedrooms and maximum number of persons to be accommodated at any one time.
- 32.15.9 Development approvals can be renewed when an owner/ applicant lodges a new Planning Application to the local government.
- 32.15.10 A development approval for a Holiday house is issued to a specific owner of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted.
- Should there be a change of the owner of the land in respect of which planning consent is issued the planning consent is cancelled.
- 32.15.11 A Holiday house shall not operate within the Residential zone unless it is registered in respect of the lot under Clause 32.15.12.
- 32.15.12 Register of Holiday Homes**
- For a holiday house to operate without a breach of Clause 32.15.11, it shall be registered in accordance with the following provisions:
- (a) Any Holiday house in a Residential zone must be registered in a register of holiday homes maintained at the local government Administration office, and the register shall be made available for public inspection during office hours.
  - (b) For the purpose of this clause, an application made in the form of the 'Application for development approval' set out in Clause 68(1) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a Holiday house shall be construed by the local government as an application to register a Holiday Home.
  - (c) The local government shall record details of the Holiday house on the register once a Development approval is granted.
  - (d) The local government may by Absolute Majority remove a Holiday house from the register where:
    - (i) The term of a Development approval has expired; or
    - (ii) Ownership of the lot subject to a Development approval has changed and a new Planning consent has not been obtained by the new owner; or
    - (iii) The conditions of a development approval have not been complied with;  
or

- (iv) An owner / applicant notifies the local government in writing that the Holiday house has ceased operation, and
- (iv) The local government notifies the owner in writing that the Holiday house has been de-registered.
- (e) The registration of a Holiday house under this clause is not transferable from one landowner to another landowner and shall only be valid whilst the lot continues to be owned by the landowner nominated on the Development approval.

32.15.13 Council may have general regard for Clauses 32.15.2 and 32.15.3 in determining applications for any form of Holiday Home in the Commercial or Tourism zone.

**32.16 Car Parking**

**32.16.1 Car Parking Requirements**

No person shall develop or use land or erect, use or adapt any building for any purpose unless car parking spaces of the number specified in Table 3: Car Parking Requirements are provided, constructed and maintained in accordance with the provisions of the Scheme.

Where an application is made for development approval and the purposes for which the land or building is to be used is not specified in Table 3: Car Parking Requirements the local government shall determine the number of car parking spaces to be provided on the land having regard to the;

- (a) nature of the proposed development;
- (b) number of employees likely to be on the site;
- (c) prevention of the obstruction of roads and streets;
- (d) orderly and proper planning of the locality; and
- (e) the preservation of its amenities.

**32.16.2 Conditions of Development Approval**

When considering an application for development approval the local government shall have regard to, and may impose conditions on the number and location of car parking spaces to be provided.

In particular the local government shall have regard to:

- (a) the means of access to each parking space;
- (b) the location of the spaces on the site and their affect upon the amenity of any adjoining properties;
- (c) the extent to which the spaces are located within the building setback areas;
- (d) the provision and location of disabled car parking bays, if necessary;
- (e) the location of the spaces other than on the lot if such spaces are to be provided in conjunction with a public car park;
- (f) the construction or line marking of car spaces within nearby and adjacent road reserve; and

19 DECEMBER 2018

13.2 PROPOSED BED AND BREAKFAST – LOT 224 (35A) FRY COURT, DENHAM P1442

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved Cr Capewell

Seconded Cr Fenny

**Council Resolution**

**That Council:**

1. **Note that two submissions have been received during public advertising objecting to the Bed and Breakfast proposed at 35A Fry Court, Denham.**
2. **Approve the application for a Bed and Breakfast at 35A Fry Court, Denham subject to the following conditions and footnotes:**
  - (i) **The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the plans submitted and the car parking layout shown on the plans.**
  - (ii) **The ground floor of the existing dwelling is approved for use as a ‘Bed and Breakfast’ and use of one single bedroom as the only sleeping area. This approval does not include any use of the first floor for a Bed and Breakfast, or additional sleeping areas in any area outside of the single bedroom on the ground floor.**
  - (iii) **Car parking areas with capacity to accommodate a minimum of 3 car parking bays are to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire’s Chief Executive Officer in accordance with the plan submitted with the application.**

**Car parking for guests is to be clearly sign posted or marked as ‘Guest Parking’ to the satisfaction of the Chief Executive Officer.**
  - (iv) **All guest car parking shall be accommodated within the Strata Lot 1 boundary at all times.**
  - (v) **The owner shall implement the measures in the Management Plan and Fire and Emergency Plan lodged and approved as part of this application. All smoke alarms must be hard wired and maintained in working order at all times by the owner / operator for the Bed and Breakfast.**

19 DECEMBER 2018

- (vi) The property manager shall occupy the existing dwelling (upper storey) at all times that guests occupy the bed and breakfast. In accordance with the Management Plan the owner shall maintain a record / register of all bookings, available for inspection by the Shire of Shark Bay upon request.
- (vii) The maximum number of guests shall not exceed 4 (3 adults or 2 adults and 2 children) at any time.
- (viii) There shall not be any food preparation or cooked meals provided by the operator to guests unless otherwise agreed to in writing by the Shire Chief Executive Officer.
- (ix) Any sign for the bed and breakfast shall only be located within the strata lot boundary and the sign face shall not exceed an area of 0.2 square metres.

**Footnotes:**

- (a) It is noted that the applicant proposes to provide pre-packaged food to guests. Planning approval does not negate the need to comply with any separate legislation such as health requirements. The dwelling needs to be registered as a food premises under the *Health Act 1911*. The Shires Environmental Health Officer is processing a separate food registration application lodged by the applicant.
- (b) It is recommended that you liaise with your insurance company as residential public liability insurance policies may 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.

**7/0 CARRIED**

**BACKGROUND**

- *Existing Development*

Lot 224 Fry Court, Denham has been developed with three two storey grouped dwelling units.

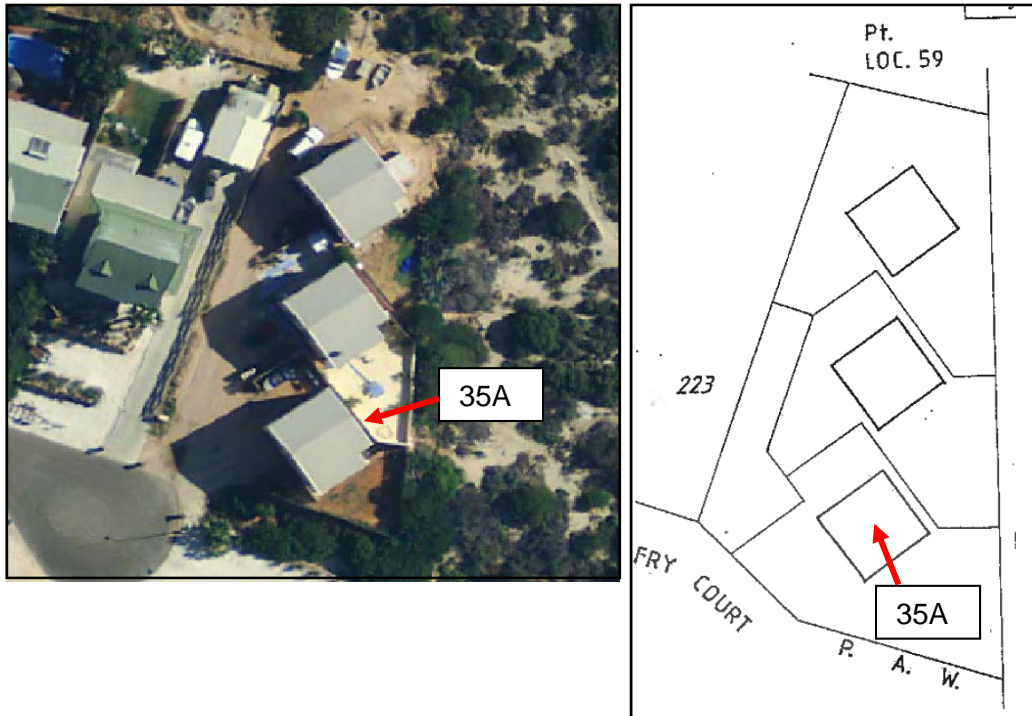
Each is contained on it's own strata lot, and the western driveway area is common property – refer aerial and strata plan overpage.

Relevant to this application, Council approved a Bed and Breakfast at 35C Fry Court in 2015. It allows for the ground floor to be used for a bed and breakfast, and includes a single double room.

The owners of 35A and 35B lodged letters of non-objection at the time that the application for 35C was processed.



19 DECEMBER 2018



- *Previous Council consideration*

A report on the application was referred to the October Council meeting, however at that time public advertising was still in process. On the 31 October 2018 Council resolved as follows:

*'That Council:*

1. *Note that an application has been lodged for a Bed and Breakfast on the ground floor of 35A Fry Court, Denham and the application is being advertised to neighbours for comment.*
2. *Pursuant to Clause 82(1) and 82(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the Bed and Breakfast application for 35A Fry Court Denham. '*

The application has not been determined under delegated authority as two written objections to the proposal have been received.

COMMENT

- *Scheme requirements*

The subject land is zoned 'Residential' under the Shire of Shark Bay Local Planning Scheme No 4 ('Scheme 4').

Under the Scheme a 'Bed and Breakfast' is defined as '*means a dwelling —*

19 DECEMBER 2018

- (a) *used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and*
- (b) *containing not more than 2 guest bedrooms.'*

A 'Bed and Breakfast' is designated as an 'A' use in the 'Residential' zone under 'Table 1: Zoning Table' of the Scheme.

The 'A' designation *'means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions'*.

Essentially Council has discretion to approve the use however advertising of the proposal is compulsory under the Scheme.

- *Description of Application*

The applicant lives in the upper storey of the existing dwelling unit and the entire ground floor is proposed to be available for guests.

The ground floor of the unit has one bedroom (with a double bed) and is self-contained with its own kitchen and bathroom facilities.

The applicant has advised as follows:

- a) The rental premise at 35A Fry court has one bedroom on the ground floor.
- b) Our plan is to operate the business as a Short Term Rental facility. This can include Air BnB and rental lease up to 3 months.
- c) The Property Manager / Owner reside in the upper storey at the same time as guests may use the lower floor.
- d) The apartment has a spacious bedroom with 1 queen size bed + 1 king single bed. Since lodgement of the application the applicant has confirmed it can accommodate up to 3 adult guests or a family with a maximum of 4 (2 adults / 2 children).
- e) The kitchen, living area is new, modern and fully equipped. It includes a shower room with toilet as well as a laundry.
- f) Hardwired smoke alarms have been installed on both upper and lower levels.
- g) Fire Safety equipment (fire blanket, fire extinguisher) will be prominently displayed for easy access with instructions for use).
- h) It is a non-smoking premise. Non-smoking signs are prominently displayed.
- i) Emergency Exit signs and an A3 template of the Fire Emergency Evacuation Plan will be clearly displayed in the premise.
- j) Document folder containing copies of the Management Plan, Code of Conduct, useful information such as Denham Police and Silver Chain phone number, local phone directory, brochures for tour operators will be provided.
- k) The premise is connected to sewer.
- l) There is an outside garden with hose (salt water and fresh water taps) for guest usage.
- m) The Property Manager / Owner will be there to greet guests, provide them with house keys and information as required.

Plans are available for viewing on Councillor request, however are not included in this report for protection of privacy.

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

A photograph showing the single bedroom is included below.



- *Objections to application*

Two objections have been received from the owners of adjacent Unit 35B and 35C Fry Court.

No	Submitter / submission	Town Planning Innovations Comment
1	Shane and Kerry Jones 35B Fry Court Denham WA 6537	
1a	We have, in the past when Brian and Liz have had tenants living in Unit A, had difficulty backing our vehicle down the less than straight driveway. Those tenants had several vehicles themselves and when friends and/or family visited it "clogged" the driveway considerably. Backing down that driveway is a bit tricky at the best of times and given that we do not have sufficient space on our (middle) property to turn our cars around, we are forced to reverse. We need to negotiate several "obstacles" so there is a lot to look out for. We are concerned that extra vehicular use would exacerbate this situation for us.	<p>There is no record of complaints to the Shire and long term rental is a different land use to a bed and breakfast.</p> <p>It is not likely that guests will travel in more than one car given that the bed and breakfast only includes one bedroom. There is sufficient area car parking within the 35A strata lot and the owner has catered for the 'worst case' scenario of 2 cars.</p> <p>There is a difference between long term rental and the proposal, as guests will only be booked in when the owner is also in attendance, so parking can be monitored and controlled by the operator.</p> <p>A condition is recommended to require all guest parking to occur within the designated visitor bays as proposed in the application.</p> <p>One or two additional cars on site is not considered to constitute a significant increase of traffic to the lot. The cars do not have to pass the other units on site as 35A is located to the front of the lot.</p>
1b	We noted when the property was leased there was a considerable increase in noise. We understand that the tenants had two older and one young child but it is our experience that	The submitter again refers to long term tenancy which is not proposed in this application.




MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

	<p>when people are on holiday their consideration for others seems to lessen. An attitude exists where the client is paying for the property, they do not have any long term relationship with neighbours to guard and are therefore generally far less considerate of those close by. We also believe that Brian and Liz will often not be residing at the property when it is leased and thereby there would be even less control over noise issues.</p>	<p>The owner / applicant has confirmed they will only book in guests when they are on site to clean the unit, meet and greet guests, and provide food to guests. This forms part of the management plan lodged with the application.</p> <p>It is in the interest of the owner / operator to ensure noise is controlled as they will be residing upstairs when guests are staying. A guest code of conduct forms part of the management plan.</p>
1c	<p>As is the case with our second point above, casual renters are often less considerate with general “mess” and we have seen evidence of the area off the driveway of the property being used as a temporary rubbish or discarded goods area which detracts from not only the use of but also the look of our property.</p>	<p>Guests will only be staying for short periods and the owner will be responsible for waste management.</p> <p>The only litter associated with guests staying is normal household rubbish which can be placed in the verge pick up bin by the owner.</p>
1d	<p>We are aware that we have, in the past, happily agreed to Unit C using their property for exactly the same purpose. For us, that has been a very happy venture. Derek and Patricia are almost always present when they have downstairs guests. They set strict rules with their guests and even when the rental includes children, we have not been disturbed by undue or inconsiderate noise. Derek and Patricia are extremely aware and considerate of our occupation and proximity. We are concerned that as Brian and Liz are infrequently at the address, there may not be enough supervision and control on the rental to ensure our continued enjoyment of our place. We will feel a bit “sandwiched in” and whilst having experienced no downside to the dual use of property C, we are concerned that we may not be able to accommodate the same/similar situation on either side of us.</p>	<p>Having regard that Council has already approved a bed and breakfast at 35C, it would difficult to justify refusal of the exactly same land use at 35A.</p> <p>The issues raised in the objection are subjective, and based on an assumption that the owner will not adequately manage the bed and breakfast.</p> <p>The owner will be required to occupy the site at any time that the bed and breakfast is being operated, and has clearly stated in their application that they will be providing services to guests such as food. Provision of food can only occur as the owners of 35A intend to be on site when they accept guest bookings.</p> <p>The owners have lodged a management plan in support of their application.</p>
1e	<p>With property C, there is considerably more land content at the rear of the property which can accommodate extra parking well away from the sometimes congested driveway. This is the complete opposite with property A where extra space for vehicles can only be configured at the very front of the property and therefore possibly impacting on our ability to use the full width of the driveway.</p>	<p>As per 1a.</p>
2.	<p>Patricia &amp; Derek Weston Shark Bay B&amp;B 35c Fry Court, Shark Bay Denham WA 6537, Australia</p>	
2a.	<p>As you are probably aware, we currently operate a short-term bed and breakfast from the premises of 35c Fry Court. Prior to starting this operation, almost three years ago, we had discussions with our direct neighbours, 35b (Mr &amp; Mrs Jones) and 35a (Mr &amp; Mrs Manning), to ascertain whether they had any objections to our venture. Neither had any real concerns, other than, potential noise and parking questions.</p>	<p>The Shire supported a bed and breakfast at 35c and it’s successful operation demonstrates that the same land use can operate at 35A as long as it is appropriately managed.</p> <p>The owner / applicant has lodged a detailed management plan with guest code of conduct.</p> <p>Town Planning Innovations is of the view that the concerns raised can be addressed through implementation of the owners management plan and conditions of approval.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

		<p>It is in the interest of the applicant to ensure there is no car parking or noise issues as they will be in attendance during guest stay period.</p> <p>Procedures for dealing with any issues are outlined in the management plan.</p>
2b	<p>At that point in time, 35a was being rented out for mid to long term stays, and our short-term proposition was not a problem. So, we went ahead with our BnB project knowing that we had a different market place and would not compromise anyone in the area.</p>	<p>Bed and breakfasts and holiday houses operate in a free open market.</p> <p>Commercial competition is not a planning consideration. Guests will book accommodation based on a range of factors such as price, quality, location, customer service, reviews etc.</p> <p>The fact that the owners of 35c operate a bed and breakfast does not preclude Council from supporting the same land use at 35A.</p>
2c	<p>Recently, however, Mr &amp; Mrs Manning (35a) have mentioned that they want to change their market to short term, their reason being that the “mid to long term rental market” is hard to come by and not sufficient for them. As we have had some driveway obstruction issues over the years, we decided to discuss these same questions with Mr &amp; Mrs Manning a couple of weeks ago (as they did with us originally). Unfortunately, the issue of obstruction of the common area continues to happen, one incident as recently as 4th November 2018 (please see photo below ).</p> 	<p>As per 1a.</p> <p>Town Planning Innovations has no information on the car in the photo provided by the objector. It is not in association with the proposed bed and breakfast as that is not operating yet.</p>
2d	<p>Here at 35c, we are in favour of attracting visitors to our region, but we also feel that this should be done in a way that does not interfere with the present standard and quality of life shared in the neighbourhood.</p> <p>It is with the facts outlined above in mind, that we herewith oppose the “Development Application” for 35a Fry Court to change their accommodation to a ‘B&amp;B Short-term rental’. We still have no objection to their mid to long term rental facility providing the parking issue can be policed.</p>	<p>Noted. Town Planning Innovations is of the views the concerns raised can be addressed through conditions.</p> <p>Noted. Planning approval is not required for long term rentals. The Shire has more control over bed and breakfast operations.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

- *Applicant response to objections*

Town Planning Innovations provided the applicant with advice on the nature of objections and a copy of the photograph lodged by the owners of 35C.

The applicant has requested that their response / comments be included in the report to Council as follows:

<b>Applicant Response to Objections</b>	
A	Shane Jones and Derek Weston deprive part of their income from short term accommodation in Denham. We think their objections are because they fear we will be competition to / or detract from their business. We feel insulted that they think any guests we may have will be antisocial and not act responsibly in paying heed to parking instructions or noise control.
B	Objection alleging noise from a previous tenant.  This is a very vague statement and has no relevance to future events. We have never been approached by either Shane or Derek about any incident involving noise. Shane Jones owns the "Old Pub" so he should be well skilled in coping with noise control. However he would not know how the people using his unit over the years have behaved, which we have dealt with and never complained.  Included in my management plan are procedures I will take to remind guests to respect their neighbours by limiting noise. I do not intend to accommodate unruly guests as I will be living upstairs and don't want to put up with unacceptable noise levels.
C	Objection relating to parking.  My management plan includes 2 parking bays close to the back door of the unit, adequate for the number of guests we expect to accommodate. With regard to the photo, I have no knowledge of this – do not know the vehicle or purpose of visit. I was working at Monkey Mia on 4 <sup>th</sup> November from 6.30am until after 2.00pm. If someone had come to visit me while I was at work, they would not have stopped there long. It appears in the photo that there is room for another vehicle to pass. We can't be held responsible for people parking who aren't our guests. As yet we haven't had any guests.  A simple solution is to display prominently a sign saying "Please keep driveway clear at all times".  Common sense and mutual respect for our neighbours should see small issues or concerns alleviated.
D	We fully supported Derek and Patricia's application for B&B and are disappointed that both Derek and Shane have objected to my application. As the front unit of 35 Fry Court we now have concerns regarding our security, privacy and noise from guests and visitors of the 2 units behind us. All vehicle and pedestrian traffic passes our place. We have unknown people walking around looking into our front and rear yards, cars accelerating up the drive etc.
E	If my application is denied I would want Council to consider whether any units at 35 Fry Court are suitable for operating B&B given our concerns. However, as responsible and mature people we should be able to overcome this apparent lack of cooperation and trust between unit owners.

- *Food provision*

The applicant has advised that basic pre-packaged foodstuffs will be provided to guests on arrival such as tea, coffee, sugar, long-life milk, packets of biscuits and small cartons of orange juice. The applicant will not be preparing any meals for guests.

The Shire's Environmental Health Officer has advised that they will need to register as a Food Premises under the *Health Act 1911*. The owner has lodged a food registration application which is being processed separately.

- *Parking*

19 DECEMBER 2018

The applicant proposes that 2 guest vehicles can be parked to the side of the premise. While guests are residing the owner's vehicle will be parked at the front area of the property.

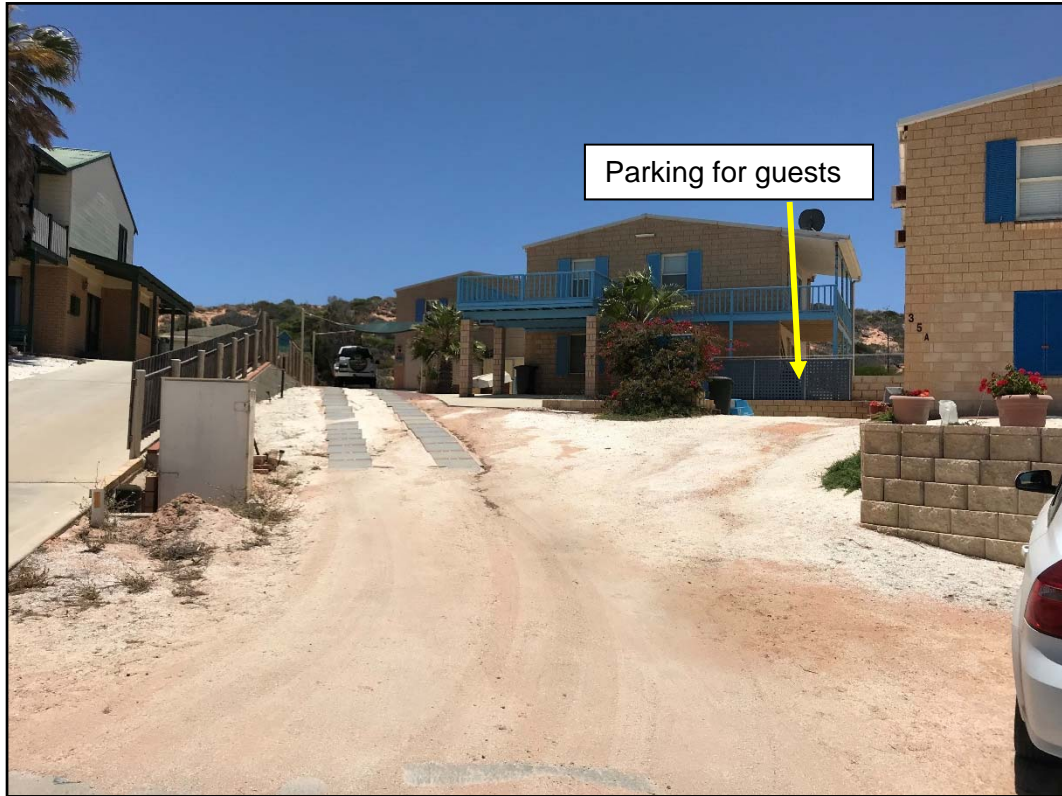


The site has been inspected by Shire Administration and the following photographs show parking areas:



*Above: Photograph provided by applicant*





*Above and Below: Photographs provided by Shire Administration*



As there is only one bedroom, Town Planning Innovations does not anticipate that there will be more than one guest car on site most of the time.

Council can impose a condition requiring the car parking bays to be sealed (concrete, bitumen or brick paving) and meet the specifications that the Shire applies for cross overs, however no such condition was placed on the Bed and Breakfast approval for 35C Fry Court within the same strata.

Conditions cannot be imposed in relation to the common property driveway as third party strata owner approvals would be needed for any upgrading.

- *Amenity and noise*

As the applicant lives in the upper storey of the existing dwelling and will be present when guests stay in the accommodation, it is their interest to effectively manage noise in a manner to protect neighbours residential amenity.

It is recognised that people on holidays may have different daily habits than local residents with a work routine. The owner has lodged a management plan as part of their application, and conditions are recommended to ensure the management plan is implemented.

- *Fire and Emergency Response Plan*

The Western Australian Planning Commission has guidelines for ‘Holiday Homes – Short stay use of residential dwellings’ (‘Western Australian Planning Commission Guidelines’). The Western Australian Planning Commission Guidelines only apply to standard and large holiday homes.

As occupiers of holiday homes are not familiar with the house layout, the Western Australian Planning Commission Guidelines recommend an emergency response plan be required.

Whilst these guidelines do not strictly apply to the ‘Bed and Breakfast’, Town Planning Innovations supports preparation of Emergency Response Plans as it maximises safety for guests that will be unfamiliar with the house layout.

An Emergency Response Plan has been lodged by the applicant which includes a fire escape route and emergency contact details.

- *Smoke alarms*

The Department of Fire and Emergency Services website has comprehensive information on smoke alarms for dwellings and other classes of buildings.

**Class 1a buildings (house, duplex, villa or town house)**  
**Class 2 (flat or apartment)**  
**Class 4 (residential unit inside a building of another class)**

Smoke alarms must be installed in a Class 1a building on or near the ceiling in:

- any storey containing bedrooms—
  - between each part of the dwelling containing bedrooms and the remainder of the dwelling; and
  - where bedrooms are served by a hallway, in that hallway, and;
- any other storey not containing bedrooms. (see Fig. 3 for multilevel)

**Figure 1 - Class 1a, Class 2 and Class 4 buildings**

Figure 1  
 Extracts from DFES website information sheet

**Class 1b (boarding/guest house or hostel where up to 12 persons can reside)**

In a Class 1b building, smoke alarms must be installed on or near the ceiling—

- in every bedroom; and
- in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and
- on each other storey. (see Fig. 3 for multilevel)

*(Source: Building Code of Australia, 2012)*

**Figure 2 – Class 1b buildings**

Figure 2

19 DECEMBER 2018

Town Planning Innovations has liaised with the Shire's Building Surveyor who has advised that:

- (a) If all bedrooms have access from one hallway, then the smoke alarm can be in the hallway.
- (b) If bedrooms are separated from each other than each occupant has to be protected with a smoke alarm in each bedroom.

The applicant has advised there is 1 hardwired smoke alarm upstairs, and one downstairs (located adjacent to the bedroom door in the adjacent living room).

Since lodgement of the application they have also installed a hard wired smoke alarm in the ground floor bedroom.

#### LEGAL IMPLICATIONS

##### *Planning and Development (Local Planning Schemes) Regulations 2015 -*

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

Regulations 67 (v) specifies that the local government may have due regard for 'the potential loss of any community service or benefit resulting from the development other than potential loss that may arise from economic

##### *Shire of Shark Bay Local Planning Scheme No 4 -*

Clause 16(2) outlines the following objectives for the Residential zone:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
- To provide for tourist development which is compatible with and complementary to residential development.

#### POLICY IMPLICATIONS

Council should note that provision of smoke alarms for holiday homes is being examined as part of preparation of a Draft Local Planning Policy which is included as a separate report in this agenda.

Any requirements may also be applied to Bed and Breakfast applications if desired by Council, or a separate Policy on Bed and Breakfast proposals can be developed.

MINUTES OF THE ORDINARY COUNCIL MEETING

---

19 DECEMBER 2018

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

6 December 2018



19 DECEMBER 2018

**11.0 ADMINISTRATION REPORT**

**11.1 PROPOSED LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2018 LE00011**

AUTHOR  
CHIEF EXECUTIVE OFFICER

DISCLOSURE OF ANY INTEREST  
Declaration of Interest: Cr Ridgley  
Nature of Interest: Financial Interest as works from the Monkey Mia Jetty

Cr Ridgley left the Council Chamber at 4.17 pm and has asked to return to Council Chamber for the discussion on information material.

Officer Recommendation

That Council consider and adopt the draft amendments to PART 7 - MONKEY MIA JETTIES AND BOAT RAMP Local Law and include the following in the Local Law for advertising

Amendment 1

That a clause 7.3 (a)(ii)

be amended to state that the vessel is moored for no longer than 30 minutes on the Western or Eastern face of the jetty or moored on the Northern face of the jetty for no longer than 15 minutes; and

that clause 7.3 (b)(iii) and (c)(iv)

be amended to state that the vessel is moored for no longer than 2 hours on the Western or Eastern face of the jetty or moored on the Northern face of the jetty for no longer than 15 minutes

the vessel is moored for no longer than 30 minutes on the western or eastern face of the jetty

(iii) the vessel is moored for no longer than 15 minutes on the northern face of the jetty; and

Amendment 2 – Clause 7.3 (c) (iii)

Option 1

The vessel is not moored between the times of sunset and sunrise the next day as published in a newspaper circulating generally throughout the district.

OR

Option 2

The vessel is not moored between the hours of 8pm on one day and 6am on the next day

Officer Recommendation

19 DECEMBER 2018

1. That in accordance with s3.12(3)(a)(b) and (3a) of the Local Government Act 1995, Council gives State-wide and local public notice stating that:
  - i. It proposes to make a Local Government Property Amendment Local Law, and a summary of its purpose and effect;
  - ii. Copies of the proposed local law may be inspected at the Shire offices;
  - iii. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;
2. That in accordance with s3.12(4), as soon as the notice is given, a copy be supplied to the Minister for Local Government;
3. That in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it; and
4. The results be presented to Council for consideration of any submissions received.

Moved            Cr Fenny  
Seconded       Cr Laundry

**Council Resolution**

**That Councillor Ridgley be allowed to return to the Council Chamber to discuss the information supplied to Councillors in regards to the 2 hour limit.**

**7/0 CARRIED**

Cr Ridgely returned to Council Chamber at 4.23pm.

Cr Ridgley left the Council Chamber at 4.25pm.

Moved            Cr Capewell  
Seconded       Cr Fenny

**Council Resolution**

**That Council lay the item of the table to incorporate suggested amendments and be presented to the February 2019 Ordinary Council meeting.**

**6/0 CARRIED**

Cr Ridgley returned to the Council Chamber at 4.56pm.

**BACKGROUND**

At the Ordinary Council meeting held on 28 February 2018, it was resolved to commence the process to amend the Shire of Shark Bay Local Government Property Local Law. The amendment is to repeal the whole of Part 7 – Monkey Mia Jetty, replace Part 7 with new provisions and update Schedule 1 Prescribed Offences.

The procedure for making local laws requires Council to advertise State-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

19 DECEMBER 2018

A report was put to the Council at the June 2018 meeting and following representation by a community member the Council resolved the following:

***That Council lay the item on the table and a community / stakeholder's workshop be undertaken to enable further submissions to the local law.***

**6/0 CARRIED**

The community workshop was held on Thursday 30 August and was well attended with a diverse range of community, Councillors and Council staff.

An extract from the report that was presented to the council meeting held in October 2018 follows;

There was discussion in regard to previous submissions and the wording of the local law, specifically the use of deemed in the law and the limitation on mooring as defined in obstruction of vessels at clause 7.5.

*There was also lengthy discussion requesting consideration of a variation to clause 7.5 obstruction by vessels requiring vessels approaching or departing the commercial jetty to contact vessels moored in the positions deemed to be obstructing at clause 7.5(2). In the event a vessel is contacted and does not move only then an offence would be considered to occur.*

The intent of this submission would appear to enable vessels to moor in any manner on the jetty and only move if a request is made from an approaching or departing vessel.

This proposal would require the Shire to investigate any complaint from a vessel that access to the jetty was denied and could require significant substantiation to support any punitive action that may be considered.

This may be problematic and give rise to a number of defences if an infringement was issued, including but not limited to unclear requests, requests not being received due to a number of issues with electronic equipment and vessels moored (in a manned deemed obstruction) to the jetty allowing access that they consider is sufficient which may conflict with the expectations of the vessel requesting access.

A clause of this nature would have to be clearly worded and consider requiring the moored vessel being requested to move to an area on the jetty that is not deemed obstruction in accordance with clause 7.5.

Given the degree of discussion at the community workshop and the new submissions received it may be advantageous for Council to conduct another Councillor workshop to further clarify the intent and purpose of the local law.

The Council can also fully consider the new submissions and outcomes of the workshop and consider incorporating amendments if any to the draft local law.

In the event the Council makes amendments that make the local law significantly different to what was originally proposed and advertised, there is a requirement to recommence the process including readvertising and inviting submissions.

19 DECEMBER 2018

The Council in considering the submissions and any amendments could also further consider the degree of resources that would be may be required to monitor and enforce its local laws.

Following consideration of the submissions and community forum the Council at the September 2018 meeting considered that a Councillor workshop was required to formulate a position on the Local Laws and resolved the following:

**That a Councillor workshop be convened to further discuss and consider the community submissions and proposed amendments to the Draft Monkey Mia Jetties and Boat Ramp Local Law.**

The Councillor workshop was conducted on 12 December 2018.

COMMENT

The Councillor workshop reviewed all submissions and comment from the community workshop and considered the following amendments should be made the the draft Local Laws previously advertised:

The Councillor workshop considered the berthing clause specifically the amount of time permitted at the jetty and considered that a separate time limit should be applied to the northern face of the jetty and included a clause for discussion that limits berthing on the northern face to 15 minutes only with the obstruction clauses being maintained at clause 7.5.

- 7.3 When vessels may be moored
- (1) Without the prior written authorisation of the local government, a person must not moor a vessel to the commercial jetty unless –
    - (a) the vessel is not a commercial vessel, and –
      - (i) the vessel is not deemed to be obstructing in accordance with clause 7.5(2);
      - (ii) *the vessel is moored for no longer than 30 minutes on the Western or Eastern face of the jetty and the vessel is moored for no longer than 15 minutes on the Northern face of the jetty; and*
      - (iii) a period of more than 30 minutes has passed since the vessel last departed the jetty;
    - (b) the vessel is a commercial vessel other than a fishing vessel, and –
      - (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;
      - (ii) the vessel is not deemed to be obstructing in accordance with clause 7.5(2);
      - (iii) *the vessel is moored for no longer than two hours on the Western or Eastern face of the jetty or the vessel is moored for no longer than 15 minutes on the Northern face of the jetty; and*
    - (iv) a period of more than one hour has passed since the vessel last departed the jetty.
  - (c) the vessel is a fishing vessel, and –
    - (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;
    - (ii) the vessel is not deemed to be obstructing in accordance with clause 7.5(2);

19 DECEMBER 2018

- (iii) the vessel is not moored between the hours of 6.00pm on one day and 6.00am on the next day;
- (iv) *the vessel is not moored for no longer than two hours on the Western or Eastern face of the jetty the vessel is moored for no longer than 15 minutes on the Northern face of the jetty;*
- (v) a period of more than one hour has passed since the vessel last departed the jetty.

The Council workshop also considered the public submission regarding Clause 7.3 (1)(c)(iii) which states:

the vessel is not moored between the hours of 6.00pm on one day and 6.00am on the next day;

and considered there could be a variation to this clause in line with the submission presented for Council to discuss while maintaining the safety of all users of the jetty.

The two variations the Council workshop considered are as follows and need to be resolved by Council for inclusion in the draft Local Law:

**Option 1**

The vessel is not moored between the hours of sunset and sunrise the next day as published in a newspaper circulating generally throughout the district.

**Option 2**

The vessel is not moored between the hours of 8pm on one day and 6am on the next day

Both the options discussed at the Councillor workshop are self-explanatory and restrict, without prior written authorisation the use of the jetty to predominantly daylight hours.

Any written authorisation that may be considered outside of the proposed hours could include clear demarcation signage or lighting by the operator to ensure any users of the jetty were aware of the commercial operations being undertaken.

Attachments –

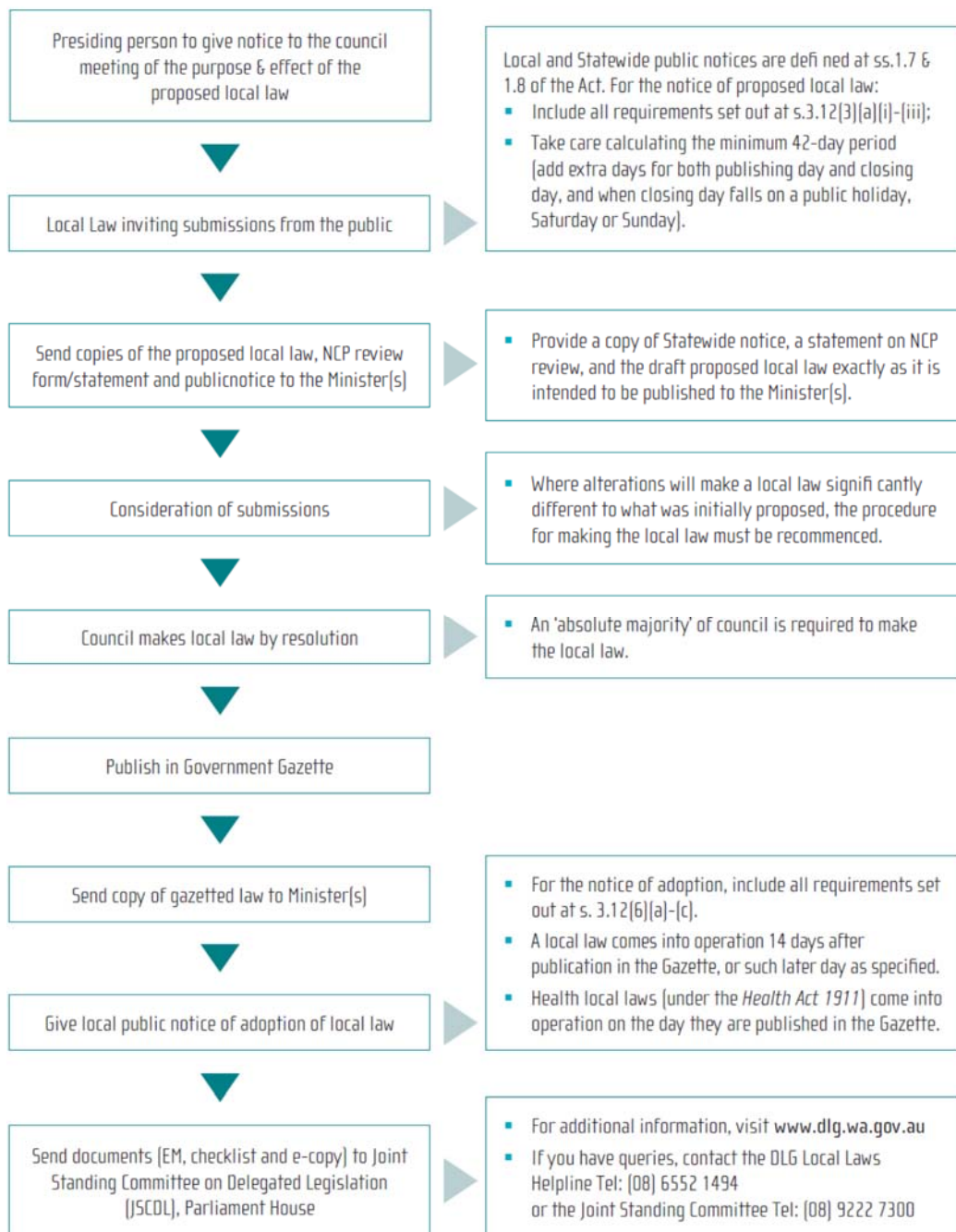
- Draft Shire of Shark Bay Local Government Property Amendments Local Law 2018
- Summary of submissions received
- Previous Public submissions received in full

LEGAL IMPLICATIONS

Amending a local law requires in itself an Amendment Local Law to be made, using the process set out in s3.12 of the *Local Government Act* and regulation 3 of the *Local Government (Functions & General) Regulations*:

# MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018



(Extract from Department of Local Government 'Operational Guidelines – Local Laws', November 2011)

The Act requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the agenda for the meeting and that the minutes of the meeting include the purpose and effect of the proposed local law.

### ***Purpose and effect***

**The purpose and effect of the proposed Local Government Property Amendment Local Law is to better regulate the use of the Monkey Mia Jetty by clarifying the manner in which vessels may be moored to the jetty**

19 DECEMBER 2018

**and the circumstances in which a vessel moored to the jetty will be obstructing other vessels approaching or departing the jetty.**

The process to amend or make a local law requires public consultation. In particular, the Local Government Act requires State wide advertising and local public notice of the proposed Local Laws for a period of 42 clear days.

The results and any submissions are then brought back to Council for consideration, after which the Council may then decide to make the Local Law, with or without amendments.

If as a result of public submissions, there are significant amendments to the proposed Local Law, then the advertising process must re-commence, and all additional submissions are to be considered by Council.

Amendment to the Shire of Shark Bay Local Government Property Local Law – Part 7 and Schedule of penalties

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

Cost of giving local public notice of final adoption and publication of amendment in the Government Gazette the administration time must also be taken into consideration in the drafting and management of the Local Laws.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

Addresses a number of risks identified in the use of the jetties and the area.

VOTING REQUIREMENTS

Absolute Majority Required

SIGNATURES

Chief Executive Officer

*P Anderson*

Date of Report

12 December 2018



Draft Local Law - **Amended Local Law following Advertising**

**PART 7 - MONKEY MIA JETTIES AND BOAT RAMP**

**Division 1 - Preliminary**

**7.1 Interpretation**

In this Part –

**boat ramp** means the place adjacent to Reserve 1686 where vehicles equipped with trailers launch and retrieve vessels;

**cargo** means bulk produce, such as grain, coal, oil or mineral ore and includes the catch of a fishing vessel;

**commercial jetty** means the western jetty, being a concrete and steel structure extending northwards for 55 metres, located adjacent to Reserve 1686, and includes the approaches to the jetty within 5 metres of built infrastructure;

**commercial vessel** means a vessel which is not used solely for pleasure or recreation and the use of which is in the course of any business or in connection with any commercial transaction, and includes any Government vessel other than one that belongs to an arm of the Defence Force;

**fish** means an aquatic organism of any species (whether alive or dead) and includes –

- (a) the eggs, spat, spawn, seeds, spores, fry, larva or other source of reproduction or offspring of an aquatic organism; and
- (b) a part only of an aquatic organism (including the shell or tail); and
- (c) live rock and live sand;

**fishing** or **fishing activity** means any of the following –

- (a) searching for fish;
- (b) attempting to take fish;
- (c) taking fish;
- (d) engaging in any other activity that can reasonably be expected to result in the taking of fish;

**fishing vessel** means a vessel used or intended to be used for catching fish for trading or manufacturing purposes;

**obstruct** means to slow, block or hinder the movement, progress or action of a vessel, vehicle or person

**moor** means to secure a vessel in place by cables or by lines, and if the context permits, includes a stationary vessel alongside a jetty, but not secured to the jetty, and positioned so as to restrict approach to or departure from the jetty;

**pleasure vessel** a vessel held wholly for the purpose of recreational or sporting activities and not for hire or reward;

**recreational jetty** means the eastern jetty located adjacent to Reserve 1686 and utilised for launching and retrieval of vessels, and includes the approaches to the jetty within 5 metres of built infrastructure;

**sign** includes any notice, mark, structure or device on which may be shown words, numbers, expressions, colours or symbols;



**vessel** means any kind of vessel used or capable of being used in navigation by water.

## 7.2 Application of this Part

This Part applies to the commercial jetty, the recreational jetty and the boat ramp located adjacent to Reserve 1686.

## Division 2 - Commercial jetty

### 7.3 When vessels may be moored

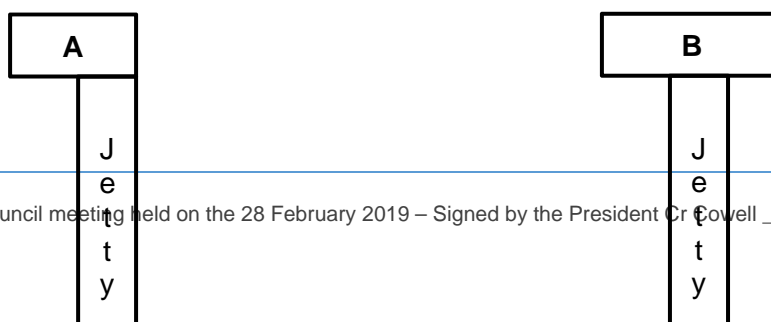
- (1) Without the prior written authorisation of the local government, a person must not moor a vessel to the commercial jetty unless –
- (a) the vessel is not a commercial vessel, and –
    - (i) the vessel is not deemed to be obstructing in accordance with clause 7.5(2);
    - (ii) the vessel is moored for no longer than 30 minutes; and
    - (iii) a period of more than 30 minutes has passed since the vessel last departed the jetty;
  - (b) the vessel is a commercial vessel other than a fishing vessel, and –
    - (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;
    - (ii) the vessel is not deemed to be obstructing in accordance with clause 7.5(2);
    - (iii) the vessel is moored for not more than two hours; and
    - (iv) a period of more than one hour has passed since the vessel last departed the jetty.
  - (c) the vessel is a fishing vessel, and –
    - (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;
    - (ii) the vessel is not deemed to be obstructing in accordance with clause 7.5(2);
    - (iii) the vessel is not moored between the hours of 6.00pm on one day and 6.00am on the next day;
    - (iv) the vessel is not moored for more than two hours; and
    - (v) a period of more than one hour has passed since the vessel last departed the jetty.
- (2) A person must not moor a vessel to the commercial jetty if the local government has suspended that person from mooring a vessel to the commercial jetty under clause 7.24(1)

### 7.4 Berthing fees

The local government may, in accordance with sections 6.16 to 6.19 of the Act, determine and impose fees for mooring at the commercial jetty.

### 7.5 Obstruction by vessels

- (1) A person must not moor a vessel to the commercial jetty in such a manner as to obstruct a vessel approaching the commercial jetty and intending to moor to the jetty or a vessel which is departing from the commercial jetty.
- (2) Without limiting the effect of subclause (1), a vessel moored to the commercial jetty will be deemed to obstruct a vessel approaching the commercial jetty and intending to moor to the jetty or a vessel which is departing the commercial jetty if –
- (a) when moored at the end of the commercial jetty, a portion of the vessel extends beyond the side of the jetty as shown by Vessels A – D in the diagrams below; or
  - (b) when moored to the side of the commercial jetty, a portion of the vessel extends beyond the end of the jetty as shown by Vessels E – H in the diagrams below.

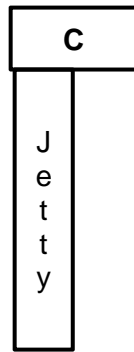


19 DECEMBER 2018

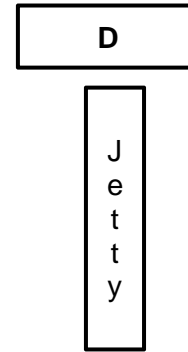
*Deemed obstruction  
by Vessel A to west  
side of jetty but not  
to east side of jetty*

*Deemed obstruction  
by Vessel B to both  
sides of jetty*

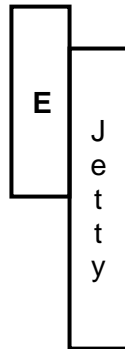
*Deemed obstruction  
by Vessel C to east  
side of jetty but not  
to west side of jetty*



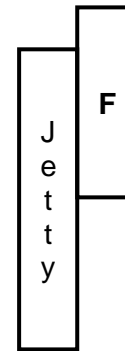
*Deemed obstruction  
by Vessel D to both  
sides of jetty*



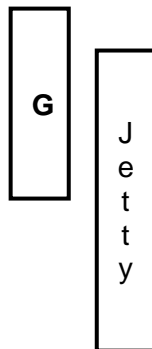
*Deemed obstruction  
by Vessel E to end  
of jetty but not to  
east side of jetty*



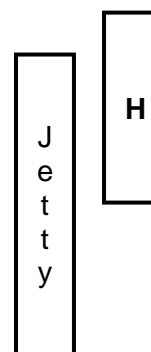
*Deemed obstruction  
by Vessel F to end  
of jetty but not to  
west side of jetty*



*Deemed obstruction  
by Vessel G to west  
side and end of jetty  
but not to east side  
of jetty*



*Deemed obstruction  
by Vessel H to east  
side and end of jetty  
but not to west side  
of jetty*



## 7.6 Vehicles on jetty

- (1) A person must not drive a vehicle of a gross vehicle mass exceeding ten tonnes on to the commercial jetty.
- (2) Only vehicles servicing vessels must be permitted on the commercial jetty immediately prior to and until completion of unloading and loading of vehicle with a maximum time of 30 minutes other than professional fishermen while loading or unloading.

## **7.7 Cargo**

- (1) A person in control of a vessel must not allow the vessel to be moored to the commercial jetty for the purpose of loading or discharging cargo or other goods –
  - (a) until the cargo or other goods are ready to be loaded or discharged; and
  - (b) without the written authorisation of the Local Government –
    - (i) for longer than two hours; and
    - (ii) unless a period of more than one hour has passed since the vessel last departed the jetty.
- (2) A person in control of cargo or other goods intended for loading on to a boat must –
  - (a) not allow the cargo to be stored or placed on the jetty unless and until the vessel is moored to the jetty; and
  - (b) load the cargo onto the boat as soon as practicable after the vessel is moored to the jetty.
- (3) Any person unloading cargo or other goods from a vessel on to the jetty must remove the cargo, or cause it to be removed from the jetty as soon as practicable.

## **7.8 Vessel moored is to be attended**

A vessel moored to the commercial jetty is to be attended at all times by a person licenced and authorised by the owner to operate the vessel.

# **Division 3 - Recreational jetty**

## **7.9 Use of recreational jetty**

Except with the prior written authorisation of the Local Government, use of the recreation jetty is limited to –

- (a) pleasure vessels;
- (b) launching and retrieving of vessels; or
- (c) a vessel in distress, and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere.

## **7.10 Vehicles on recreational jetty**

A person must not drive a vehicle on the recreational jetty.

# **Division 4 - Boat Ramp**

## **7.11 Obstruction**

The vehicle and boat trailer are permitted on the boat ramp for only such time as is required for the launching or retrieval of a vessel as quickly as practicable.

# **Division 5 - General**

## **7.12 Method of mooring vessel**

A person in control of a vessel must not moor the vessel to a jetty, or to any part of a jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

## **7.13 No private fixtures**

19 DECEMBER 2018

- (1) A person must not affix any private fenders, structure or item to a jetty.
- (2) Where private fixtures have been attached, the Local Government may give notice requiring the removal of the private fixtures within a specified period.
- (3) Should the private fixtures not be removed within the required period, the local government may undertake the work and recover the cost as a debt.

#### **7.14 Jetty may be closed**

When indicated by placement of appropriate warnings and relevant signage, unless the prior written authorisation of the Local Government has been obtained, a person must not moor, use or go on to any part of a jetty which is –

- (a) under construction or repair; or
- (b) closed.

#### **7.15 Nuisance on jetties or beach access to jetties**

- (1) A person must not place any object, sign, cargo or item of any nature or behave in such a manner as to cause any obstruction or impede the free passage of other persons –
  - (a) on a jetty; or
  - (b) within 5 metres of the approach to the built infrastructure of a jetty.
- (2) A vehicle must not be parked in a manner that obstructs access to or from the jetty.

#### **7.16 Authorised person may order removal of a vessel**

Notwithstanding anything to the contrary in this local law, a person must immediately remove a vessel moored to or standing alongside a jetty, upon being directed to do so by an authorised person.

#### **7.17 Authorised person may direct removal of obstruction**

An authorised person may direct a person who, in the opinion of the authorised person is in charge of cargo or other goods, or item which remains on a jetty contrary to any provision of this Part or creates an obstruction in any way, to remove the goods or items from the jetty.

#### **7.18 Bicycles on jetties**

A person must not ride or have a bicycle on a jetty.

#### **7.19 Rubbish from jetty**

- (1) A person must not throw or cause to be thrown any glass, stone or other missile, or any filth, dirt, rubbish or other matter of a similar nature from a jetty.
- (2) A person must not deposit any commercial rubbish from charter boats or offal into any rubbish bin located on a jetty.

#### **7.20 Liquor on boats**

A person must not sell alcoholic beverages from a boat while moored to, or alongside a jetty.

#### **7.21 Fishing from jetty**

Fishing from a jetty is prohibited.

#### **7.22 Swimming from a jetty**

19 DECEMBER 2018

Swimming, including diving, jumping and the like, from, under or within 5 metres of a jetty or vessel moored to the jetty, is prohibited.

### **7.23 Explosives on jetties**

Except with the prior written authorisation of the Local Government, a person must not land, place or handle on a jetty any explosives as defined in regulation 8 of the *Dangerous Goods Safety (Explosives) Regulations 2007*..

### **7.24 Penalties**

- (1) The local government may by notice in writing suspend a person from mooring a vessel to the commercial jetty where the person has been convicted, or has paid the modified penalty, within the last 12 months in respect of 2 or more offences under Part 7 of this local law.
- (2) The local government may by notice in writing cancel the suspension referred to in subclause (1) once a person has been convicted, or has paid the modified penalty, for only one offence under Part 7 of the local law within the last 12 months

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

Submitter	Submitter Comment	Officer Comment
<p>Mr Greg Ridgley Perfect Nature Cruises / Monkey Mia Yacht Charters Pty Ltd PO Box 46 Denham WA 6537</p>	<p>I am happy with the current Local Law of the Monkey Mia Jetty with the exception of the following:</p> <ol style="list-style-type: none"> <li>1. Refuelling some people drain through a valve the fuel into their boats, this can take some time if the tide is high and the fuel does not flow fast. I propose that we allow 45 minutes for refuelling when the fuel is running through a valve to the boat, with no mechanical assistance.</li> <li>2. Also if conditions result in a vessel having to use the end of the jetty to load or unload that it can do so in the quickest possible time. This could come about when conditions are not favourable for one side of the jetty, a vessel is already berthed on the other, In some cases we arrive at the jetty and cannot get on a side so we berth on the end unload then go straight to the mooring.</li> </ol>	<p>1. clause 7.6(2) allows for a maximum time of 30 minutes for service vehicles other than professional fishermen while loading or unloading. Consideration could be given to increasing this time frame</p> <p>2. This could be a variation to the local law as a drop off and pick up section at the end of the jetty only and/or reduced time frame i.e. 15 minutes, while maintaining the obstruction provisions at clause 7.5(2). This proposal Would also require cooperation between vessel operators in the event that a vessel approaching or departing the jetty would be deemed to be obstructed by the vessel on the end of the jetty..</p>
<p>Mr Harvey Raven Monkey Mia Wildsights Raven Multihulls Pty Ltd PO Box 22 Denham WA 6537</p>	<ol style="list-style-type: none"> <li>1. Clause 7.3 the word “deem” to be deleted from all Clauses/Subclauses and be replace with the word “considered”.</li> <li>2. Clause 7.3(1)( c)(iii) To be deleted</li> <li>3. Clause 7.3(2) Clarify or delete: “No other activity on the vessel is permitted during this time”</li> </ol>	<p>1. Deemed has legal standing, considered would create ambiguity and uncertainty as to whom considered the matter and by what standard the vessel was considered to be obstructing</p> <p>2. clause is for fishing vessels only and restricts overnight mooring</p> <p>3. agree clause 7.3(2) is unenforceable with the current wording as soon as practicable as it is open to interpretation. The two hour time limit in other clauses would suffice</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

	<p>4. Clause 7.5 Delete entirely and replace with:</p> <p>i. A vessel berthed as per the following diagrams (insert existing 7.5.2 Local Laws diagrams here) shall for the purposes of the Local Law be considered to be an obstruction to any other vessel requiring to berth at, or depart from the jetty.</p> <p>ii. Upon being asked to move by a vessel requiring to berth at, or depart from the jetty, an obstructing vessel shall move so that it is not obstructing as defined in the diagrams in Clause 1.</p> <p>iii. If a vessel intending to berth or depart does not request the obstructing vessel to move then the obstructing vessel will no longer be considered to be an obstruction to the vessel intending to berth or depart and there shall be no breach of the Local Law.</p> <p>iv. Upon the vessel that made the request for access having berthed or departed, the vessel which moved as requested is permitted to return to its original “obstructing” position subject to Clause 2.</p> <p>v. Although the permitted time period of 2 hours stipulated in Clause 7.3(b)(iii) has not elapsed since it berthed, a serviceable vessel that is not obstructing and not loading/unloading, shall, when requested, provide access to another vessel that has advised it would experience difficulty in safely using the jetty unless it gained access to the part of the jetty currently being occupied by the vessel not loading or unloading.</p> <p>vi.</p> <p>vii. A vessel that fails to move when requested shall be in breach of the Local Law</p>	<p>4.</p> <p>i. 7.5(1) a catch all clause (obstruction provision) should be retained and make the ‘deemed obstruction’ provisions in addition to this requirement by inserting the words “without limiting the effect of subclause (1)” at the start of clause 7.5(2). The reason for retaining the catch all obstruction provision is to ensure that an obstruction which is not a deemed obstruction is still caught. Consistent with the councils proposed clause 7.5(2)</p> <p>ii. creates uncertainty as to what is obstruction and would create difficulty with enforcement as it is reliant upon an operators ascendance to a request.</p> <p>iii. conflicts with proposed clause I and creates ambiguity and uncertainty as to what is deemed obstruction</p> <p>iv. noted may conflict with existing clauses contained with section 7.3 regarding interpretation of departure from the jetty. If no vessel is approaching or departing there is no deemed obstruction</p> <p>v. further limitation on berthing time periods could alleviate this issue. this would require the creation of another offence that would need to be further clarified and would be difficult to enforce given the reliance on evidence of one operator against the other and sufficient evidence in regard to the safety concerns.</p> <p>vi. conflicts with deemed obstruction clauses in part 7.5(2) and would be difficult to enforce given the</p>
--	---	--

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

	<p>5. Clause 7.24(2) Clarify the meaning, or delete.</p>	<p>reliance on evidence of one vessel operator against the other.</p> <p>Consideration could be given to introduction of a failure to move when requested clause, if a vessel is moored in a manner deemed to be obstruction in accordance with clause 7.5(2) or vessel in distress.</p> <p>5.this clause allows for one offence every 12 months without possible suspension, deletion would provide for harsher penalties.</p> <p>Could be clarified to refer to either a calendar year or financial year i.e. the council may by notice in writing suspend a person from mooring a vessel to the commercial jetty where the person has been convicted or paid the modified penalty for two or more offences in a calendar(or financial ) year.</p> <p>The council could also consider deleting the clause and rely on clause 7.3 in regard to authorisation to use of the jetty.</p>
--	--	--

New Submitter	Submitter Comment	Officer Comment
<p>Mr James Hewitt General Manager Strategy &amp; Development RAC Parks &amp; Resorts 832 Wellington Street WEST PERTH WA 6005</p>	<ul style="list-style-type: none"> <li>• No boats to have access to the western side of the jetty during morning dolphin interaction times.</li> <li>• Tour boats to have access to jetty ½ hour prior to scheduled wildlife /boat tours (This is for loading of the tour guests and time for their safety briefs).</li> <li>• Tour boats to operate at different times to allow for the above procedure. Boats then return to their moorings after they return from tours and the unloading of guests.</li> <li>• Servicing (Refuelling, stocking, repairs/maintenance) should be conducted in the afternoons to avoid the dolphin interaction experience and reduce risk to the dolphin particularly refuelling.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted restricts commercial utilisation of the jetty. Would need to be defined by time restrictions i.e. 7am – 11 am as specific dolphin feed times can vary.</li> <li>• Could be considered sufficient time for loading and unloading of passengers for tours. Tour times would have to be clearly scheduled and enforced to regulate with a local law. Could consider reducing allowable time on the jetty.</li> <li>• The shire does not control tour boat times and would need to incorporate into a local law separate access</li> </ul>



MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

	<ul style="list-style-type: none"> <li>• No Touting/soliciting on the jetty or beach area in front of jetty</li> <li>• Boats to be cleaned at their moorings.</li> <li>• Dolphin viewing to be encouraged from jetty</li> <li>• Consideration be given to not stirring the mud during low tides and affected the dolphin interaction experience.</li> </ul>	<p>times for authorised vessels may be problematic to implement given the impost on commercial activity, could raise issues regarding optimum times for conducting cruises.t .</p> <ul style="list-style-type: none"> <li>• Could be incorporated into local laws by consideration of variation to time frames from am to pm i.e. shorter periods in the morning longer in the afternoon, similar to clearways for traffic.</li> <li>• No Touting/soliciting on the jetty or beach area in front of jetty</li> <li>• Boats to be cleaned at their moorings.</li> <li>• Council has set aside an area for dolphin viewing from the jetty</li> </ul> <p>Would need to be a restriction in local laws on access to/from jetty during dolphin feed times.</p>
<p>Mr Mark Smith Brockman Street Denham WA 6537</p>	<ol style="list-style-type: none"> <li>1. Remove the 6am to 6pm to allow for the unloading of fresh produce to meet market time frames and allow truck and couriers to pick up goods. Also to reduce the possible damage to fish during the heat of summer.</li> <li>2. Consider lighting the end of the Jetty. Maybe worth looking into Maritime Requirement for unmarked objects and collusion regulation. Solar would be a good option.</li> <li>3. Introduce a Code of Conduct or a new section to the section 7.5 that allows vessel capable of entering and exiting the jetty</li> </ol>	<ol style="list-style-type: none"> <li>1. Could be considered for removal, however applicable only to produce and presents possible conflict with adjacent tourism operation.</li> <li>2. Not part of local laws and could be considered as part of budget process. There is no requirement under the Jetty Licence for the structure to be lit at night. I am also not aware of any specific legislation adminis by Coastal Infrastructure that would require the Shi Shark Bay to light the Monkey Mia Jetty during the hot darkness, notwithstanding there may be good reason to for both safe navigation and public safety reasons.</li> <li>3. A code of conduct to be enforceable would have to be part of the local law, any voluntary code of conduct</li> </ol>

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

	<p>when another vessel is deemed to be obstructing without the obstructing vessel being fined.</p> <p>4. 7.7 (3) allows the unloading of cargo beyond the 2 hour docking. Can it be worded differently to show this.</p>	<p>would rely on the individuals operators to comply and could be open to interpretation.</p> <p>Proposed new section conflicts with draft section 7.5 .</p> <p>4. Agreed clause 7.3 allows when a vessel may be moored, but does not refer to cargo. Clause 7.7 could be amended to remove the restrictions imposed under clause 7.3.ie two hour limit</p> <p>However the wording as soon as practicable is subjective and could extend well beyond the two hour limit imposed by clause 7.3 and 7.7(1)(b)(ii)</p> <p>The interpretation of cargo does not include passengers.</p>
	<p>1. 7.6(2) vehicles on jetty request to extend the time limit from the maximum of 30 minutes while servicing vessels.</p> <p>2.clause 7.8 vessel moored is to be attended request to review this clause The two hour limit allowed for mooring creates an issue in maintaining attendance on the vessel</p>	<p>1. an extension to the time frame could be considered to allow for vehicles servicing vessels to remain on the jetty for longer than 30 minutes.</p> <p>2. a reduction of the mooring time limit may alleviate this issue. The clause could also be amended to be attended if the vessel is moored in a manner that is deemed obstruction (clause 7.5(2)).</p> <p>There may also be an issue with the requirement to attend the vessel and the proposal to introduce a failure to move clause, specifically the requirement in contacting the licensed and authorised operator of the vessel if the communications were located on the vessel and could expose operators to claims of failure to move due to lack of contact.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

**From:** [gregridg@westnet.com.au](mailto:gregridg@westnet.com.au) <[gregridg@westnet.com.au](mailto:gregridg@westnet.com.au)>  
**Sent:** Thursday, 10 May 2018 11:30 AM  
**To:** Paul Anderson <[paul@sharkbay.wa.gov.au](mailto:paul@sharkbay.wa.gov.au)>  
**Subject:** jetty by law

Hi Paul

I am happy with the currant by law of the Monkey Mia Jetty.

There is a couple of things that could be done.

Refuelling some people drain through a valve the fuel into their boats, this can take some time if the tide is high and the fuel does not flow fast.

I prepose that we allow 45 minutes for refuelling when the fuel is running through a valve to the boat, with no mechanical assistance.

Also if conditions result in a vessel having to use the end of the jetty to load or unload that it can do so in the quickest possible time.

This could come about when conditions are not favourable for one side of the jetty, a vessel is already berthed on the other,

In some cases we arrive at the jetty and cannot get on a side so we berth on the end unload then go straight to the mooring.

Regards

Greg



Monkey Mia Yacht Charters Pty Ltd , PO Box 46, Denham WA 6537

**Local:** 1800 030 427 **International:** +61 (8) 9948 1446 **Email:**

[info@perfectnaturecruises.com.au](mailto:info@perfectnaturecruises.com.au)

[www.perfectnaturecruises.com.au](http://www.perfectnaturecruises.com.au)



19 DECEMBER 2018

**RECEIVED**

11 MAY 2018

SHIRE OF SHARK BAY



**MONKEY MIA  
WILDSIGHTS**

Cruises, Tours, Walks, Talks, Limos & Stars

10th May 2018.

Mr. Paul Anderson,  
CEO,  
Shark Bay Shire Council,  
Knight Terrace,  
Denham. WA 6537

Raven Multihulls Pty Ltd  
(ABN 62 010 881 562)

trading as Monkey Mia Wildsights

**Monkey Mia Jetty proposed amendments to the Local Law**

Previous disagreement between Jetty users regarding access to the jetty resulted in Local Laws being rewritten to define Jetty access rules. **Since the introduction of the current local laws, over 2 years ago, there has been no conflict between the users with regard to jetty access because of the jetty users interpretation of the Local Laws.** The only issue that has arisen was not as a result of a complaint by any user, but by the Shire administration's effort to prosecute alleged breaches that all of the users agreed were non-existent.

Mail to: PO Box 22,  
Denham, WA 6537 Australia

Ph: (08) 99 481 481  
Intl: (61 8) 99 481 481  
Fax: (08) 99 481 471  
Intl: (61 8) 99 481 471

Bookings  
Freecall: 1800 241 481  
Freefax: 1800 241 480

[bookings@monkeymiawildsights.com.au](mailto:bookings@monkeymiawildsights.com.au)

The users' interpretation was subsequently tested in the local Magistrate's Court and found to have merit, in that the Shire's prosecution of our Company for the deemed Local Law breaches alleged by the Shire failed and we were acquitted.

After 2 years, it shows that the users' interpretation is working and has enabled harmonious and safe usage. It therefore doesn't warrant change, in fact the opposite is the case, it should be supported. The users' interpretation, previously advised to the Shire, is repeated here:

- Unless there is signage to the contrary, a boat may moor to the jetty wherever it wants whenever no other vessel is tied to the jetty.
- The by-laws provide diagrams of situations in which a vessel is considered to obstruct another vessel's access to the jetty.
- If requested by a vessel intending to use the jetty, a vessel tied to the jetty, and potentially obstructing the other vessel's access as described in the diagrams, shall move so as to no longer create an obstruction to the section of the jetty where access is requested.
- A vessel potentially obstructing shall not be considered to be obstructing unless it is asked to move and fails to do so.

The Shire's proposed amendments to the current local laws for the jetty are that if a vessel remains tied to the jetty in such a manner as is **deemed** to be obstructing and although not



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

2001 Responsible  
Tourism Showcase (USA):  
Honoured for Australia  
FACET Golden Guide Award  
Finalist 2006

Western Australia  
Tourism Awards -  
Ecotourism:  
Silver Medallist 2006  
Finalist 2001 Finalist 2000



19 DECEMBER 2018

asked to move, it will be obstructing, even if the approaching vessel has previously instructed the “obstructing” vessel that it does not require the vessel to move (which was the crux of the Shire’s aforementioned prosecution).

This situation is made possible through the device of “deeming”, which, in legalese, creates a “legal fiction” or “false truth”. Effectively it is an untruth. Because of this devious “false truth” a person can be prosecuted for having done something they, in the real world, actually didn’t do. That is they can be prosecuted by the Shire for a “deemed obstruction” when in fact no fellow jetty user considered an actual obstruction to exist (as happened to us).

To avoid prosecution of a “deemed” obstruction will impose the unnecessary inconvenience of having to needlessly move vessels that are, in the real world, actually not obstructing, but by moving may create an actual and greater obstruction in the position to where moved.

It is doubted that the present jetty users understand the ramifications of the use of the word “deem” in the Local Law. The proposed Local Law with its “false truth” would be completely misunderstood by any lay person using the jetty. A visiting boat will be a sitting duck. One should not need a lawyer to interpret the Local Law or be sent to the Court for arbitration/definition of the Local Law.

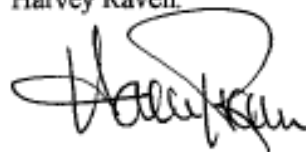
It is disappointing, that having taken the matter to court and having had a discussion with the CEO that the stakeholders be consulted before amending the Local Laws, that no consultation was done and, if alterations are to be made to the proposed Local Laws, that once again the Shire faces unnecessary procedure and expense. Especially since there are no grounds for introducing the deeming precedent, which will add unnecessary complication for jetty users.

The Local Law must speak clearly to everyone that reads it. It should say what is truthful and factual. Laws should be just, appropriate and equitable. It is neither just, appropriate nor equitable to apply the law, simply for the sake of being able to, when there has been no wrongdoing done to any person, except for the contravening of a law, which then permits the injustice of penalty to occur.

The purpose of the Local Law should be to acknowledge and confirm in plain, simple, everyday language, the basic maritime courtesy, that a vessel shall move, if asked by another vessel to provide reasonable access to, or egress from the jetty.

The following submission is intended to ensure that the Local Law contains no deeming provision and that it clearly states in simple terms the jetty users’ interpretation of the Local Laws presently in force. It is submitted in substitution of the relevant proposed Local Laws.

Thank you in advance for a positive response. Harvey Raven.



MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

**From:** James Hewitt <[James.Hewitt@rac.com.au](mailto:James.Hewitt@rac.com.au)>  
**Sent:** Thursday, 30 August 2018 11:57 AM  
**To:** Paul Anderson <[paul@sharkbay.wa.gov.au](mailto:paul@sharkbay.wa.gov.au)>  
**Cc:** RAC Monkey Mia. Dolphin Resort <[manager@racmonkeymia.com.au](mailto:manager@racmonkeymia.com.au)>; Dean Massie <[Dean.Massie@rac.com.au](mailto:Dean.Massie@rac.com.au)>  
**Subject:** RE: Monkey Mia

Hi Paul

Further to your invitation to the workshop on the jetty local laws, RAC Parks & Resorts position on this matter relates to the visitor experience of the dolphin interaction. Protecting and enhancing this is the key outcome we would like to see achieved in the use of the jetty. Whilst it is not our role to determine the specific controls on the jetty, we believe the following points would assist in achieving this outcome without unduly compromising other activities the jetty services.

- No boats to have access to the western side of the jetty during morning dolphin interaction times.
- Tour boats to have access to jetty ½ hour prior to scheduled wildlife /boat tours ( This is for loading of the tour guests and time for their safety briefs).
- Tour boats to operate at different times to allow for the above procedure. Boats then return to their moorings after they return from tours and the unloading of guests.
- Servicing (Refuelling, stocking, repairs/maintenance) should be conducted in the afternoons to avoid the dolphin interaction experience and reduce risk to the dolphin particularly refuelling.
- No Touting/soliciting on the jetty or beach area in front of jetty
- Boats to be cleaned at their moorings.
- Dolphin viewing to be encouraged from jetty
- Consideration be given to not stirring the mud during low tides and affected the dolphin interaction experience.

Regards  
James



**James Hewitt**

General Manager Strategy & Development  
RAC Parks & Resorts

Royal Automobile Club of WA (Inc.)  
832 Wellington Street, West Perth, WA 6005  
T 08 9436 4765 M 0403 125 137  
E [james.hewitt@rac.com.au](mailto:james.hewitt@rac.com.au)



MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

**From:** Mark Smith <[mark\\_smith\\_690@outlook.com](mailto:mark_smith_690@outlook.com)>  
**Sent:** Friday, 31 August 2018 10:10 AM  
**To:** Paul Anderson <[paul@sharkbay.wa.gov.au](mailto:paul@sharkbay.wa.gov.au)>  
**Subject:** Stakeholders Workshop Mark Smith 30 Aug 18

Hi Paul,

Thanks for last night's workshop, great to get a better understand of the commercial jetty use and laws.

Listed the items below as discussed and request, please let me know if I've missed anything.

1. Remove the 6am to 6pm to allow for the unload of fresh produce to meet market time frames and allow truck and couriers to pick up goods. Also to reduce the possible damage to fish during the heat of summer.
2. Consider lighting the end of the Jetty. Maybe worth looking into Maritime Requirement for unmarked objects and collusion regulation. Solar would be a good option.
3. Introduce a Code of Conduct or a new section to the section 7.5 that allows vessel capable of entering and exiting the jetty when another vessel is deemed to be obstructing without the obstructing vessel being fined.
4. 7.7 (3) allows the unloading of cargo beyond the 2 hour docking. Can it be worded differently to show this.

Cheers Mark Smith



19 DECEMBER 2018

**12.0 FINANCE REPORT**

**12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED**  
CM00017

Author

Finance Officer / Accounts Payable

Disclosure of any Interest

Declaration of Interest:

Nature of Interest:

Moved            Cr Capewell

Seconded       Cr Fenny

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$434,860.24 be accepted.**

**7/0 CARRIED**

Comment

The schedules of accounts for payment covering -

Municipal fund credit card direct debits for the month of November 2018 totalling \$3,094.93

Municipal fund account cheque number 26891 totalling \$64.41

Municipal fund direct debits to Council for the month of November 2018 totalling \$20,401.96

Municipal fund account electronic payment numbers MUNI 24188 to 24205, 24427 to 24251, 24253 to 24272, 24273 to 24292, 24295 and 24320 to 24330 totalling \$251,070.48

Municipal fund account for November 2018 payroll totalling \$116,105.61

No Trust fund account cheque numbers were issued for November 2018

Trust fund Police Licensing for November 2018 transaction number 181905 totalling \$20,510.05 and

Trust fund account electronic payment numbers 24252, 24293 to 24319 totalling \$23,612.80

The schedule of accounts submitted to each member of Council on 14 December 2018 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.

MINUTES OF THE ORDINARY COUNCIL MEETING

---

19 DECEMBER 2018

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The payments listed have been disbursed throughout the month.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

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

Voting Requirements

Simple Majority Required

Signature

Author

*A Pears*

Chief Executive Officer

*P Anderson*

Date of Report

11 December 2018

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

**SHIRE OF SHARK BAY – CREDIT CARD PERIOD  
NOVEMBER 2018**

**CREDIT CARD TOTAL \$3,094.93**

**CEO**

DATE	NAME	DESCRIPTION	AMOUNT
13/11/18	IBIS GERALDTON	ACCOMMODATION – TRIP TO PERTH TO INSPECT BUILDING FOR DEPOT	217.10
			<b>\$217.10</b>

**EMFA**

DATE	NAME	DESCRIPTION	AMOUNT
14/10/18	CATABY ROADHOUSE	FUEL – P170	43.96
17/10/18	REX	AIRFARE LGIS OHS REVIEW – PO 7905 - LLOYD SOUNNESS	703.08
19/10/18	SHARK BAY FUEL	FUEL – P170	74.17
20/10/18	CATABY ROADHOUSE	FUEL – P170	71.62
5/11/18	BILLABONG ROADHOUSE	FUEL – P170	69.98
12/11/18	PAYPAL *WANGHEMU	EMCD SAMSUNG GALAXY MOBILE PHONE COVER	14.99
12/11/18	PAYPAL *JB HIFI	EMCD SAMSUNG GALAXY MOBILE PHONE REPLACEMENT (INSURANCE CLAIM)	1,003.99
			<b>\$1,981.79</b>

**EMCD**

DATE	NAME	DESCRIPTION	AMOUNT
17/10/18	NATIONAL FILM & SOUND	SBDC MERCHANDISE PO 7910	389.10
26/10/18	SHARK BAY FUEL	FUEL – P186	21.71
2/11/18	POST OFFICE GERALDTON	FAREWELL GIFTS REBECCA AND MICHAEL STANLEY	399.90
3/11/18	GULL 440 ROADHOUSE	FUEL – P186	41.33
8/11/18	SHARK BAY BAKERY	FAREWELL MORNING TEA – REBECCA STANLEY	44.00
			<b>\$896.04</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

**SHIRE OF SHARK BAY – MUNI CHQ  
NOVEMBER 2018**

**CHEQUE # 26891**

<b>CHQ/EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
26891	27/11/2018	WATER CORPORATION - OSBORNE PARK	WATER CHARGES FISH CLEANING FACILITY	-64.41
<b>TOTAL</b>				<b>\$64.41</b>

**SHIRE OF SHARK BAY – DIRECT DEBITS  
NOVEMBER 2018**

<b>DD #</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
DD14679.1	11/11/2018	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	Payroll deductions	-3038.76
DD14679.2	11/11/2018	MACQUARIE SUPER ACCUMULATOR	Payroll deductions	-422.65
DD14679.3	11/11/2018	PRIME SUPERANNUATION	Superannuation contributions	-248.68
DD14679.4	11/11/2018	AMP SUPERANNUATION	Payroll deductions	-415.01
DD14679.5	11/11/2018	CBUS SUPER	Superannuation contributions	-208.08
DD14679.6	11/11/2018	SUN SUPERANNUATION	Payroll deductions	-394.27
DD14679.7	11/11/2018	MTAA SUPERANNUATION	Superannuation contributions	-380.38
DD14679.8	11/11/2018	BT SUPER FOR LIFE	Superannuation contributions	-1120.82
DD14679.9	11/11/2018	AUSTRALIAN SUPER	Payroll deductions	-1350.74
DD14688.1	21/11/2018	VIVA ENERGY AUSTRALIA	Shell Fuel Card Expenditure - October 2018	-372.52
DD14693.1	25/11/2018	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	Payroll deductions	-2641.16
DD14693.2	25/11/2018	MACQUARIE SUPER ACCUMULATOR	Payroll deductions	-422.65
DD14693.3	25/11/2018	PRIME SUPERANNUATION	Superannuation contributions	-248.68

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD14693.4	25/11/2018	AMP SUPERANNUATION	Payroll deductions	-415.01
DD14693.5	25/11/2018	CBUS SUPER	Superannuation contributions	-208.08
DD14693.6	25/11/2018	SUN SUPERANNUATION	Payroll deductions	-394.27
DD14693.7	25/11/2018	MTAA SUPERANNUATION	Superannuation contributions	-382.66
DD14693.8	25/11/2018	BT SUPER FOR LIFE	Superannuation contributions	-1127.73
DD14693.9	25/11/2018	HOSTPLUS PTY LTD	Payroll deductions	-642.80
DD14679.10	11/11/2018	HOSTPLUS PTY LTD	Superannuation contributions	-577.50
DD14679.11	11/11/2018	GUILD SUPER	Superannuation contributions	-219.37
DD14679.12	11/11/2018	AMP SUPERLEADER	Superannuation contributions	-75.73
DD14679.13	11/11/2018	ESSENTIAL SUPER	Superannuation contributions	-355.63
DD14679.14	11/11/2018	WESTPAC SECURITIES ADMINISTRATION LTD	Superannuation contributions	-208.09
DD14693.10	25/11/2018	AUSTRALIAN SUPER	Superannuation contributions	-1320.26
DD14693.11	25/11/2018	GUILD SUPER	Superannuation contributions	-219.37
DD14693.12	25/11/2018	AMP SUPERLEADER	Superannuation contributions	-75.73
DD14693.13	25/11/2018	ESSENTIAL SUPER	Superannuation contributions	-355.63
DD14693.14	25/11/2018	WESTPAC SECURITIES ADMINISTRATION LTD	Superannuation contributions	-208.08
<b>TOTAL</b>				<b>\$20,401.96</b>

SHIRE OF SHARK BAY – MUNI EFT  
NOVEMBER 2018

EFT 24188-24205, 24227-24251, 24253-24272, 24273-24292, 24295, 24320-24330

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24188	01/11/2018	DONNA LOUISE SMITH	DOG STERILISATION REFUND	-30.00
EFT24189	01/11/2018	AUSTRALIAN WILDFLOWER SEEDS	SBDC MERCHANDISE	-319.00

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24190	01/11/2018	CONTROLLED IRRIGATION	VALVE FOR TOWN PARKS	-150.00
		SUPPLIES AUSTRALIA		
EFT24191	01/11/2018	JOMAC SANDALWOOD	SBDC MERCHANDISE	-286.88
EFT24192	01/11/2018	JANINE ANN STANDEN	DOG STERILISATION REFUND	-150.00
EFT24193	01/11/2018	PETER JAMES CHALMERS	DOG STERILISATION REFUND	-60.00
EFT24194	01/11/2018	PAULS TYRES	TYRES FOR P179, P168 AND ROLLER TYRES	-1305.00
EFT24195	01/11/2018	RED DUST HOLDINGS PTY LTD	SEMI SIDETIPPER HIRE – MRWA SHARK BAY ROAD	-14525.50
EFT24196	01/11/2018	G & J ROBINS	DOG REGISTRATION REFUND	-38.75
EFT24197	01/11/2018	WINC AUSTRALIA PTY LIMITED	SHIRE MONTHLY MAINTENANCE AGREEMENT	-684.32
EFT24198	01/11/2018	STATEWIDE BEARINGS	PP124 OIL SEAL	-11.00
EFT24199	01/11/2018	SHARK BAY MECHANICAL & TOWING SERVICES	PUMP OUT SEPTICS AT LITTLE LAGOON	-710.00
EFT24200	01/11/2018	SHARK BAY CLEANING SERVICE	OCTOBER CLEANING SHIRE PROPERTIES	-20587.04
EFT24201	01/11/2018	SHARK BAY SKIPS	MAIN ROADS PICK UP SKIP BINS	-3850.00
EFT24202	01/11/2018	MCKELL FAMILY TRUST	MONTHLY- RUBBISH COLLECTION	-11366.28
EFT24203	01/11/2018	TELSTRA CORPORATION LTD	COMMUNITY SMS MESSAGES	-64.74
EFT24204	01/11/2018	LAURA TOMLINSON	DOG STERILISATION REFUND	-150.00
EFT24205	01/11/2018	TOTAL UNIFORMS	SBDC UNIFORMS	-148.65
EFT24227	09/11/2018	ATC MIDWEST APPRENTICE & TRAINEESHIP	TRAINEE WAGES - THOMAS MORONEY WEEK 29 OCT 2018	-112.73
EFT24228	09/11/2018	BOOEASY AUSTRALIA PTY LTD	COMMISSION OCTOBER 2018	-771.58
EFT24229	09/11/2018	CONTROLLED IRRIGATION	VALVES FOR TOWN OVAL AND SHIRE PARKS AND GARDENS	-1079.80
		SUPPLIES AUSTRALIA		
EFT24230	09/11/2018	DENHAM IGA X-PRESS	SHIRE MONTHLY ACCOUNT – OCTOBER 2018	-350.66
EFT24231	09/11/2018	SHARK BAY SUPERMARKET	SHIRE MONTHLY ACCOUNT – OCTOBER 2018	-16.25
EFT24232	09/11/2018	REFUEL AUSTRALIA (formerly GERALDTON FUEL COMPANY)	BULK FUEL 15599 LITRES, BULK HYDRAULIC OIL, BULK KERO, BULK ENGINE OIL, CALTEX FUEL CARDS P077 AND P176	-27293.82
EFT24233	09/11/2018	HORIZON POWER	DENHAM STREET LIGHTS	-3403.04
EFT24234	09/11/2018	HERITAGE RESORT	STAFF FUNCTION – REFRESHMENTS FOR MICK AND REBECCA STANLEY FAREWELL	-285.95
EFT24235	09/11/2018	ILLION SOLUTIONS	COMMISSION ON COLLECTIONS - RATES	-5.50
EFT24236	09/11/2018	J & T FREIGHT	FREIGHT - TOTAL UNIFORMS	-35.80

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24237	09/11/2018	TRUE VALUE HARDWARE	SHIRE MONTHLY ACCOUNT – OCTOBER 2018	-542.69
EFT24238	09/11/2018	MARKETFORCE PTY LTD	ADVERTISING PUBLIC NOTICE - LOCAL PLANNING SCHEME NUMBER 4	-216.46
EFT24239	09/11/2018	MOORE STEPHENS	AUDIT FEES FOR 30 JUNE 2018 – PROGRESS PAYMENT	-8879.39
EFT24240	09/11/2018	LYONS ENTERPRISES-SHARK BAY CAR HIRE	CAR HIRE MEDICAL STAFF OCTOBER 2018	-799.62
EFT24241	09/11/2018	WINC AUSTRALIA PTY LIMITED	SHIRE ENVELOPES	-1068.11
EFT24242	09/11/2018	SHARK BAY HOTEL MOTEL	STAFF FUNCTION REFRESHMENTS FOR MICK AND REBECCA STANLEY FAREWELL	-220.00
EFT24243	09/11/2018	SHARK BAY NEWSAGENCY	NEWSPAPERS AND STATIONERY SEPTEMBER 2018	-616.69
EFT24244	09/11/2018	SHARK BAY COMMUNITY RESOURCE CENTRE	MANAGEMENT OF RECREATION CENTRE – OCTOBER 2018	-8689.90
EFT24245	09/11/2018	SHARK BAY CLEANING SERVICE	REPLACEMENT OF TOILET HOLDERS – PUBLIC CONVENIENCES	-567.60
EFT24246	09/11/2018	ST JOHN AMBULANCE ASSOC. - SHARK BAY SUB CENTRE	SBDC DEFIB PADS	-175.20
EFT24247	09/11/2018	SANTALEUCA SANDLEWOOD	SBDC MERCHANDISE	-149.70
EFT24248	09/11/2018	TELSTRA CORPORATION LTD	SMS TO PUBLIC WITH COMMUNITY MESSAGES	-95.40
EFT24249	09/11/2018	TPG TELECOM PTY LTD	SBDC INTERNET CHARGES	-108.90
EFT24250	09/11/2018	WELLARD CONTRACTING & PLANT HIRE SERVICE	MRWA SHARK BAY ROAD HIRE OF PRIME MOVER	-8316.00
EFT24251	09/11/2018	WREN OIL	OIL WASTE DISPOSAL ADMINISTRATION & COMPLIANCE FEES	-16.50
EFT24253	16/11/2018	ASHLEY BYRNES	GYM CARD REFUND - TRUST T830 – FROM MUNICIPAL AS PREVIOUSLY FORFEITED	-20.00
EFT24254	16/11/2018	AUSTRALIA POST	STATIONERY AND MAIL – OCTOBER 2018	-520.76
EFT24255	16/11/2018	APE PRODUCTIONS	COMMUNITY HALL LIGHTING AND SOUND SYSTEM UPGRADE	-23485.00
EFT24256	16/11/2018	CHERYL SIMPSON	GYM FAMILY MEMBERSHIP REFUND	-228.75
EFT24257	16/11/2018	EMU TRACKS	SBDC MERCHANDISE	-1168.21
EFT24258	16/11/2018	HORIZON POWER	ELECTRICITY FOR SHIRE PREMISES - OCTOBER 2018	-5550.52
EFT24259	16/11/2018	HERITAGE RESORT	ACCOMMODATION MR L.SOUNESS - LGIS OHS VISIT	-486.00
EFT24260	16/11/2018	TOLL IPEC PTY LTD	FREIGHT - PATHWEST	-77.66



MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

<b>CHQ/EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT24261	16/11/2018	JODY BARTON	GYM CARD REFUND - TRUST T933 – FROM MUNICIPAL AS PREVIOUSLY FORFEITED	-20.00
EFT24262	16/11/2018	MCLEODS BARRISTERS AND SOLICITORS	LEGAL COSTS – MONKEY MIA AQUACULTURE, MONTHLY LEGAL COSTS AND DOG ACT PROSECUTION	-2399.10
EFT24263	16/11/2018	N-COM PTY LTD	6 MONTHLY MAINTENANCE VISIT FOR TELEVISION BROADCASTING SERVICES	-3502.40
EFT24264	16/11/2018	OAKLEY EARTHWORKS PTY LTD	TO SUPPLY 4M3 CONCRETE IGA CROSSOVER	-2310.00
EFT24265	16/11/2018	PLUMB ARTSWORKSHOP	FINAL PAYMENT FOR COMMUNITY HALL UPGRADE	-13477.75
EFT24266	16/11/2018	PROFESSIONAL PC SUPPORT	MICROSOFT SOFTWARE LICENCES	-9617.84
EFT24267	16/11/2018	SCIENCE AND NATURE PTY LTD	SBDC MERCHANDISE	-804.63
EFT24268	16/11/2018	STATROLLS (SCRIBAL GROUP P/L)	SBDC STATIONERY	-192.50
EFT24269	16/11/2018	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES OCTOBER 2018	-8167.50
EFT24270	16/11/2018	WA MUSEUM	SBDC MERCHANDISE	-944.00
EFT24271	16/11/2018	HOLIDAY GUIDE PTY LTD (FORMERLY WEST-OZ WEB SERVICES)	WA HOLIDAY GUIDE COMMISSION FEE – OCTOBER 2018	-201.00
EFT24272	16/11/2018	WATER TECHNOLOGY PTY LTD	DENHAM TOWNSITE COASTAL HAZARD RISK - OCTOBER 2018	-4087.60
EFT24273	20/11/2018	AUSTRALIAN TAXATION OFFICE	PAYROLL DEDUCTIONS – OCTOBER 2018	-33839.00
EFT24274	23/11/2018	SHIRLEY MAY GERATY	REIMBURSEMENT FOR SENIORS WEEK BBQ PURCHASES	-267.48
EFT24275	23/11/2018	ANDREA PEARS	REIMBURSEMENT STAFF AMENITIES	-9.00
EFT24276	23/11/2018	ATC MIDWEST APPRENTICE & TRAINEESHIP	TRAINEE WAGES - THOMAS MORONEY WEEK BEGINNING 5 NOV 2018	-112.73
EFT24277	23/11/2018	BLACKWOODS ATKINS	DEPOT SAFETY CLOTHING	-276.35
EFT24278	23/11/2018	DAVRIC AUSTRALIA PTY LTD	SBDC MERCHANDISE	-442.75
EFT24279	23/11/2018	ELGAS LIMITED	REFUSE SITE GAS	-171.00
EFT24280	23/11/2018	FAR WEST ELECTRICAL	PENSIONER UNITS ELECTRICAL REPAIRS – UNIT 3 - NEW CEILING FAN, REATTACH WALL PLUG AND INSPECT AND QUOTE ON NEW ELEMENTS ON STOVE TOP, UNIT 10 – REPLACE COVER ON EXHAUST FAN, REPLACE ALL MISSING LIGHT SWITCH COVERS, CHECKING HOT WATER THERMOSTAT	-629.75

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24281	23/11/2018	TOLL IPEC PTY LTD	AND LIGHT ISSUES, UNIT 11 – CHECK ALIGNMENT OF SATELLITE DISH (SBS NOT WORKING) SHIRE FREIGHT FOR LIBRARY BOOKS, ENGINE OIL AND IRRIGATION PARTS FOR USELESS LOOP ROAD MAINTENANCE AND TOWN OVAL	-126.00
EFT24282	23/11/2018	OUTBACK COAST AUTOMOTIVES AND RADIATORS	P177 SUPPLY AND FIT TYRES	-1324.40
EFT24283	23/11/2018	PATRICA ANDREW	SBDC MERCHANDISE	-405.00
EFT24284	23/11/2018	PURCHER INTERNATIONAL PTY LTD	P146 WATER PUMP	-282.43
EFT24285	23/11/2018	PROFESSIONAL PC SUPPORT	AGREEMENT PPS IRONPORT SERVICE RENEWAL	-2337.50
EFT24286	23/11/2018	REECE PTY LTD	TOWN PARKS GARDEN MATERIALS	-93.11
EFT24287	23/11/2018	STATEWIDE BEARINGS	WORKSHOP CONSUMABLES	-66.97
EFT24288	23/11/2018	SHARK BAY CLEANING SERVICE	CLEANING OF 16B SUNTER PLACE PRIOR TO NEW TENANT	-407.00
EFT24289	23/11/2018	1616 SALT CO. PTY LTD	SBDC MERCHANDISE	-1124.40
EFT24290	23/11/2018	SUNPRINTS CLOTHING COMPANY	SBDC MERCHANDISE	-2808.30
EFT24291	23/11/2018	SUN CITY BATTERIES	PP124 BATTERY	-262.65
EFT24292	23/11/2018	TELSTRA CORPORATION LTD	CDO AND REFUSE MOBILE PHONE CHARGES	-50.00
EFT24295	29/11/2018	JAMES KENNETH ARMSTRONG	RATES REFUND FOR ASSESSMENT A1184 35 DURLACHER STREET DENHAM 6537	-1378.52
EFT24320	30/11/2018	ATC MIDWEST APPRENTICE & TRAINEESHIP	TRAINEE WAGES - THOMAS MORONEY WEEK 19 NOVEMBER 2018	-112.73
EFT24321	30/11/2018	SHARK BAY AVIATION	RETURN CHARTER FLIGHT WALGA ZONE CONFERENCE - EXMOUTH – 23 NOVEMBER 2018	-2300.00
EFT24322	30/11/2018	SHARK BAY SCHOOL	END OF YEAR BOOK AWARDS DONATION - SHARK BAY SCHOOL	-95.17
EFT24323	30/11/2018	COVS AUTOMOTIVE, MINING & INDUSTRIAL SUPPLIES	P177 & P179 RYCO SERVICE KITS	-198.90
EFT24324	30/11/2018	PASCAL PRESS	SBDC MERCHANDISE	-458.71
EFT24325	30/11/2018	PAULS TYRES	P179 - 3 TYRES FITTED AND BALANCED	-849.90

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24326	30/11/2018	RAY WHITE REAL ESTATE SHARK BAY	RENT AND WATER CHARGES FOR UNIT 6/34 HUGHES ST	-138.67
EFT24327	30/11/2018	WINC AUSTRALIA PTY LIMITED	SHIRE PHOTOCOPYING NOVEMBER 2018	-1934.05
EFT24328	30/11/2018	SHARK BAY FISHING CLUB INC	RENDEZVOUS FESTIVAL HIRE OF PORTABLE TOILETS	-1000.00
EFT24329	30/11/2018	TELSTRA CORPORATION LTD	SHIRE GROUP PLAN AND MOBILE PHONES	-1962.94
EFT24330	30/11/2018	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	2019 DESKPADS FOR COUNCILLORS AND OFFICE STAFF	-89.40
<b>TOTAL</b>				<b>\$251.070.48</b>

**SHIRE OF SHARK BAY – TRUST TRANSACTION  
NOVEMBER 2018  
TRUST POLICE LICENSING TRANSACTION # 181905**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
181905	30/11/2018	COMMISSIONER OF POLICE	POLICE LICENSING NOVEMBER 2018	-20510.05
<b>TOTAL</b>				<b>\$20,510.05</b>

**SHIRE OF SHARK BAY – TRUST EFT  
NOVEMBER 2018**

**EFT 24252, 24293-24319**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24252	14/11/2018	CHERYL SIMPSON	GYM CARD DEPOSIT REFUND	-20.00
EFT24293	28/11/2018	SHIRE OF SHARK BAY - MUNI ACC	LOST GYM CARD DEPOSIT FORFEIT	-20.00
EFT24294	28/11/2018	TEKIRA FRENCH	GYM CARD DEPOSIT REFUND	-20.00

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24296	29/11/2018	MAC ATTACK FISHING CHARTERS	BOOKEASY NOVEMBER 2018	-157.25
EFT24297	29/11/2018	SHARK BAY AVIATION	BOOKEASY NOVEMBER 2018	-3401.20
EFT24298	29/11/2018	SHARK BAY B&B	BOOKEASY NOVEMBER 2018	-147.90
EFT24299	29/11/2018	BLUE DOLPHIN CARAVAN PARK	BOOKEASY NOVEMBER 2018	-824.50
EFT24300	29/11/2018	BAY LODGE MIDWEST OASIS	BOOKEASY NOVEMBER 2018	-176.00
EFT24301	29/11/2018	HOWARD COCK	BOOKEASY NOVEMBER 2018	-99.84
EFT24302	29/11/2018	SHARK BAY COASTAL TOURS	BOOKEASY NOVEMBER 2018	-1504.80
EFT24303	29/11/2018	DENHAM SEASIDE CARAVAN PARK	BOOKEASY NOVEMBER 2018	-264.00
EFT24304	29/11/2018	HARTOG COTTAGES	BOOKEASY NOVEMBER 2018	-331.70
EFT24305	29/11/2018	HAMELIN POOL CARAVAN PARK AND TOURIST CENTRE	BOOKEASY NOVEMBER 2018	-62.05
EFT24306	29/11/2018	INTEGRITY COACH LINES (AUST) P/L	BOOKEASY NOVEMBER 2018	-313.65
EFT24307	29/11/2018	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	BOOKEASY NOVEMBER 2018	-2845.92
EFT24308	29/11/2018	MONKEYMIA WILDSIGHTS	WILDSIGHTS NOVEMBER 2018	-5351.72
EFT24309	29/11/2018	DENHAM NATURETIME - 4WD TOURS/PHOTOGRAPHY TOURS	BOOKEASY NOVEMBER 2018	-26.40
EFT24310	29/11/2018	PATRICA ANDREW	BOOKEASY NOVEMBER 2018	-240.00
EFT24311	29/11/2018	SHARK BAY SCENIC QUAD BIKE TOURS	BOOKEASY NOVEMBER 2018	-969.00
EFT24312	29/11/2018	RAC TOURISM ASSETS P/L T/A MONKEY MIA DOLPHIN RESORT	BOOKEASY NOVEMBER 2018	-485.76
EFT24313	29/11/2018	SHARK BAY DIVE AND MARINE SAFARIS	BOOKEASY NOVEMBER 2018	-1063.70
EFT24314	29/11/2018	SHARK BAY 4WD TOURS	BOOKEASY NOVEMBER 2018	-1443.20
EFT24315	29/11/2018	SHARK BAY COTTAGES	BOOKEASY NOVEMBER 2018	-333.00
EFT24316	29/11/2018	SHIRE OF SHARK BAY - MUNI ACCOUNT	SBDC BOOKING COMMISSION NOVEMBER 2018	-2936.97
EFT24317	29/11/2018	JOHN MCDONALD -SUNSET VIEW ACCOMMODATION	BOOKEASY NOVEMBER 2018	-204.00
EFT24318	29/11/2018	WULA GURA NYINDA ECO ADVENTURES	BOOKEASY NOVEMBER 2018	-350.24
EFT24319	29/11/2018	JOHN GARNER	GYM CARD DEPOSIT REFUND	-20.00
<b>TOTAL</b>				<b>\$23,612.80</b>

19 DECEMBER 2018

12.2 FINANCIAL REPORTS TO 30 NOVEMBER 2018  
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved            Cr Cowell  
Seconded       Cr Laundry

**Council Resolution**

**That the monthly financial report to 30 November 2018 as attached be received.  
7/0 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 November 2018** are attached.

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The financial report shows that the finances of the Shire are in line with its adopted budget.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

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

Voting Requirements

Simple Majority Required

Signature

Author  
Chief Executive Officer  
Date of Report

*A Pears*  
*P Anderson*  
12 December 2018

19 DECEMBER 2018

<b>SHIRE OF SHARK BAY</b>	
<b>MONTHLY FINANCIAL REPORT</b>	
<b>For the Period Ended 30 November 2018</b>	
<b>LOCAL GOVERNMENT ACT 1995</b>	
<b>LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996</b>	
<b><u>TABLE OF CONTENTS</u></b>	
Compilation Report	
Monthly Summary Information	
Statement of Financial Activity by Program	
Statement of Financial Activity By Nature or Type	
Statement of Capital Acquisitions and Capital Funding	
Note 1	Significant Accounting Policies
Note 2	Explanation of Material Variances
Note 3	Net Current Funding Position
Note 4	Cash and Investments
Note 6	Receivables
Note 7	Cash Backed Reserves
Note 8	Capital Disposals
Note 9	Rating Information
Note 10	Information on Borrowings
Note 11	Grants and Contributions
Note 12	Trust
Note 13	Capital Acquisitions

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 30 November 2018							
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
<b>Operating Revenues</b>		\$	\$	\$	\$	%	
Governance		58,800	58,040	53,283	(4,757)	(8.20%)	▼
General Purpose Funding - Rates	9	1,303,336	1,293,252	1,318,808	25,557	1.98%	▲
General Purpose Funding - Other		1,005,532	499,720	502,717	2,997	0.6%	▲
Law, Order and Public Safety		84,987	50,953	25,033	(25,919)	(51%)	▼
Health		1,550	650	1,899	1,249	192.12%	▲
Housing		102,610	42,810	49,148	6,338	14.8%	▲
Community Amenities		308,548	249,651	254,571	4,920	1.97%	▲
Recreation and Culture		235,476	98,863	162,435	63,572	64.3%	▲
Transport		470,644	225,793	320,923	95,130	42.1%	▲
Economic Services		796,087	382,795	577,679	194,884	50.9%	▲
Other Property and Services		35,000	14,585	16,266	1,681	11.5%	▲
<b>Total Operating Revenue</b>		<b>4,402,570</b>	<b>2,917,111</b>	<b>3,282,762</b>	<b>365,651</b>	<b>12.53%</b>	
<b>Operating Expense</b>							
Governance		(323,208)	(278,858)	(130,623)	148,235	(53.2%)	▲
General Purpose Funding		(122,234)	(51,115)	(50,422)	693	(1.4%)	▲
Law, Order and Public Safety		(385,432)	(222,422)	(155,071)	67,351	(30.3%)	▲
Health		(76,922)	(32,255)	(20,990)	11,265	(34.9%)	▲
Housing		(196,115)	(89,642)	(118,375)	(28,733)	32.1%	▼
Community Amenities		(748,751)	(320,621)	(305,369)	15,252	(4.8%)	▲
Recreation and Culture		(2,244,626)	(988,060)	(866,962)	121,098	(12.3%)	▲
Transport		(1,777,877)	(828,608)	(607,278)	221,330	(26.7%)	▲
Economic Services		(1,191,491)	(589,778)	(634,758)	(44,980)	7.6%	▼
Other Property and Services		(34,750)	(39,335)	(22,862)	16,473	(41.9%)	▲
<b>Total Operating Expenditure</b>		<b>(7,101,406)</b>	<b>(3,440,694)</b>	<b>(2,912,712)</b>	<b>527,982</b>	<b>(15.3%)</b>	
<b>Funding Balance Adjustments</b>							
Add back Depreciation		2,018,120	845,927	794,125	(51,802)		
Adjust (Profit)/Loss on Asset Disposal	8	112,389	0	(2,273)	(2,273)		
Adjust Provisions and Accruals		10,000	0	0			
<b>Net Cash from Operations</b>		<b>(558,327)</b>	<b>322,344</b>	<b>1,161,902</b>	<b>839,558</b>		
<b>Capital Revenues</b>							
Grants, Subsidies and Contributions	11	481,298	153,437	171,812	18,375	12.0%	▲
Proceeds from Disposal of Assets	8	288,636	22,273	22,273	0	0.0%	
<b>Total Capital Revenues</b>		<b>769,934</b>	<b>175,710</b>	<b>194,085</b>	<b>18,375</b>	<b>10.5%</b>	
<b>Capital Expenses</b>							
Land Held for Resale							
Land and Buildings	13	(141,355)	(89,682)	(47,146)	42,536	47.43%	▲
Infrastructure - Roads	13	(555,227)	(347,948)	(80,776)	267,172	76.8%	▲
Infrastructure - Public Facilities	13	(804,066)	(4,066)	(7,412)	(3,346)	(82.3%)	▼
Infrastructure - Streetscapes	13	0	0	0	0	0.0%	▲
Infrastructure - Footpaths	13	(50,000)	(50,000)	(46,980)	3,020	6.0%	▲
Infrastructure - Drainage	13	0	0	0	0		▲
Plant and Equipment	13	(766,138)	(754,473)	(25,515)	728,958	96.6%	▲
Furniture and Equipment	13	(15,000)	(15,000)	0	15,000	0.0%	▲
<b>Total Capital Expenditure</b>		<b>(2,331,786)</b>	<b>(1,261,169)</b>	<b>(207,829)</b>	<b>1,053,340</b>	<b>83.5%</b>	
<b>Net Cash from Capital Activities</b>		<b>(1,561,852)</b>	<b>(1,085,459)</b>	<b>(13,744)</b>	<b>1,071,715</b>	<b>98.73%</b>	
<b>Financing</b>							
Proceeds from Loans		800,000	0	0	0		
Transfer from Reserves	7	680,745	680,744	680,744	0	0.0%	
Repayment of Debentures	10	(84,414)	(34,837)	(34,837)	0	0.0%	
Transfer to Reserves	7	(769,544)	(541,291)	(541,291)	0	0.0%	
LSL Proceeds from Other Shires		0	0	2,892	2,892	0.0%	
<b>Net Cash from Financing Activities</b>		<b>626,787</b>	<b>104,616</b>	<b>107,508</b>	<b>0</b>	<b>(2.8%)</b>	
<b>Net Operations, Capital and Financing</b>		<b>(1,493,392)</b>	<b>(658,499)</b>	<b>1,255,666</b>	<b>1,914,165</b>	<b>290.69%</b>	<b>▲</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>1,493,392</b>	<b>1,493,392</b>	<b>1,493,392</b>	<b>0</b>		
<b>Closing Funding Surplus(Deficit)</b>	3	<b>0</b>	<b>834,893</b>	<b>2,749,058</b>	<b>1,914,165</b>	<b>229.27%</b>	<b>▲</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 OF THE ORDINARY COUNCIL MEETING

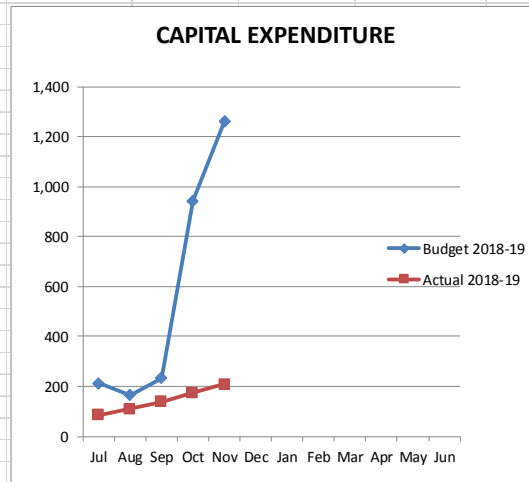
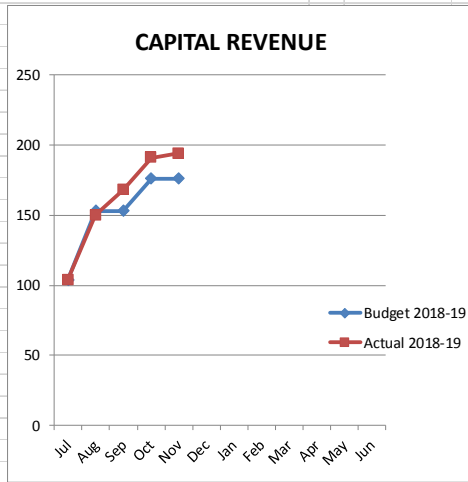
19 DECEMBER 2018

SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 30 November 2018				
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)
<b>Operating Revenues</b>		\$	\$	\$
Rates	9	1,303,336	1,293,252	1,318,808
Operating Grants, Subsidies and Contributions	11	1,411,893	710,693	729,728
Fees and Charges		1,462,040	782,888	1,030,853
Interest Earnings		49,155	21,014	20,432
Other Revenue		161,146	94,265	180,668
Profit on Disposal of Assets	8	15,000	15,000	2,273
<b>Total Operating Revenue</b>		<b>4,402,570</b>	<b>2,917,111</b>	<b>3,282,762</b>
<b>Operating Expense</b>				
Employee Costs		(2,243,191)	(975,031)	(983,258)
Materials and Contracts		(2,142,455)	(1,137,226)	(820,571)
Utility Charges		(190,175)	(80,507)	(46,968)
Depreciation on Non-Current Assets		(2,018,120)	(845,927)	(794,125)
Interest Expenses		(24,755)	(2,827)	(2,577)
Insurance Expenses		(156,026)	(156,026)	(151,277)
Other Expenditure		(199,295)	(125,873)	(113,936)
Loss on Disposal of Assets	8	(127,389)	(117,278)	0
<b>Total Operating Expenditure</b>		<b>(7,101,406)</b>	<b>(3,440,694)</b>	<b>(2,912,712)</b>
<b>Funding Balance Adjustments</b>				
Add back Depreciation		2,018,120	845,927	794,125
Adjust (Profit)/Loss on Asset Disposal	8	112,389	0	(2,273)
Adjust Provisions and Accruals		10,000	0	0
<b>Net Cash from Operations</b>		<b>(558,327)</b>	<b>322,344</b>	<b>1,161,902</b>
<b>Capital Revenues</b>				
Grants, Subsidies and Contributions	11	481,298	153,437	171,812
Proceeds from Disposal of Assets	8	288,636	22,273	22,273
<b>Total Capital Revenues</b>		<b>769,934</b>	<b>175,710</b>	<b>194,085</b>
<b>Capital Expenses</b>				
Land Held for Resale				
Land and Buildings	13	(141,355)	(89,682)	(47,146)
Infrastructure - Roads	13	(555,227)	(347,948)	(80,776)
Infrastructure - Public Facilities	13	(804,066)	(4,066)	(7,412)
Infrastructure - Streetscapes	13	0	0	0
Infrastructure - Footpaths	13	(50,000)	(50,000)	(46,980)
Infrastructure - Drainage	13	0	0	0
Plant and Equipment	13	(766,138)	(754,473)	(25,515)
Furniture and Equipment	13	(15,000)	(15,000)	0
<b>Total Capital Expenditure</b>		<b>(2,331,786)</b>	<b>(1,261,169)</b>	<b>(207,829)</b>
<b>Net Cash from Capital Activities</b>		<b>(1,561,852)</b>	<b>(1,085,459)</b>	<b>(13,744)</b>
<b>Financing</b>				
Proceeds from Loans		800,000	0	0
Transfer from Reserves	7	680,745	680,744	680,744
Repayment of Debentures	10	(84,414)	(34,837)	(34,837)
Transfer to Reserves	7	(769,544)	(541,291)	(541,291)
LSL Proceeds from Other Shires		0	0	2,892
<b>Net Cash from Financing Activities</b>		<b>626,787</b>	<b>104,616</b>	<b>107,508</b>
<b>Net Operations, Capital and Financing</b>		<b>(1,493,392)</b>	<b>(658,499)</b>	<b>1,255,666</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>1,493,392</b>	<b>1,493,392</b>	<b>1,493,392</b>
<b>Closing Funding Surplus(Deficit)</b>	3	<b>0</b>	<b>834,893</b>	<b>2,749,058</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

SHIRE OF SHARK BAY								
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING								
For the Period Ended 30 November 2018								
Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Amended Annual Budget	Variance (d) - (c)	
Land and Buildings	13	\$ 45,982	\$ 1,164	\$ 47,146	\$ 89,682	\$ 141,355	\$ 42,536	
Infrastructure Assets - Roads	13	0	80,776	80,776	347,948	555,227	267,172	
Infrastructure Assets - Public Facilities	13	7,412	0	7,412	4,066	804,066	(3,346)	
Infrastructure Assets - Footpaths	13	46,980	0	46,980	50,000	50,000	3,020	
Infrastructure Assets - Drainage	13	0	0	0	0	0	0	
Infrastructure Assets - Streetscapes	13	0	0	0	0	0	0	
Plant and Equipment	13	0	25,515	25,515	754,473	766,138	728,958	
Furniture and Equipment	13	0	0	0	15,000	15,000	15,000	
<b>Capital Expenditure Totals</b>		<b>100,374</b>	<b>107,455</b>	<b>207,829</b>	<b>1,261,169</b>	<b>2,331,786</b>	<b>1,053,340</b>	



MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

<b>SHIRE OF SHARK BAY</b>	
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>	
<b>For the Period Ended 30 November 2018</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.

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 November 2018					
<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.					

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 November 2018					
<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.					

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 November 2018					
<b>1. 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 Methodology</b> 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.					

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 November 2018				
<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				10 to 50 years
Furniture and Equipment				5 to 10 years
Plant and Equipment				5 to 10 years
Heritage				25 to 100 years
Sealed Roads and Streets				
- Subgrade				Not Depreciated
- Pavement				80 to 100 years
- Seal	Bituminous Seals			15 to 22 years
	Asphalt Surfaces			30 years
Formed Roads (Unsealed)				
- Subgrade				Not Depreciated
- Pavement				18 years
Footpaths				40 to 80 years
Drainage Systems				
- Drains and Kerbs				20 to 60 years
- Culverts				60 years
- Pipes				80 years
- Pits				60 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.				



MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

<b>SHIRE OF SHARK BAY</b>					
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>					
<b>For the Period Ended 30 November 2018</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>Fair Value Hierarchy</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>Valuation techniques</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.					

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

<b>SHIRE OF SHARK BAY</b>					
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>					
<b>For the Period Ended 30 November 2018</b>					
<b>1. 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.					

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 November 2018				
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
<b>(I) Financial Instruments (Continued)</b>				
<p>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.</p>				
<i>(i) Financial assets at fair value through profit and loss</i>				
<p>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.</p>				
<i>(ii) Loans and receivables</i>				
<p>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.</p>				
<p>Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.</p>				
<i>(iii) Held-to-maturity investments</i>				
<p>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.</p>				
<p>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.</p>				
<i>(iv) Available-for-sale financial assets</i>				
<p>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.</p>				
<p>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.</p>				
<p>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.</p>				
<i>(v) Financial liabilities</i>				
<p>Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.</p>				

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 November 2018				
<b>1.</b>	<b>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.			

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

<b>SHIRE OF SHARK BAY</b>				
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>				
<b>For the Period Ended 30 November 2018</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.			

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 November 2018					
<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 OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 30 November 2018					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
Governance	(4,757)	(8.2%)	▼	Timing	Insurance Reimbursement and Timing of Sale of Assets to occur later than budget timing
General Purpose Funding - Rates	25,557	2.0%	▲	Timing	Various Concessions have not been applied for le Yadgalah and MRAC and Interim Rates of \$20K not included in budget
General Purpose Funding - Other	2,997	0.6%	▲	Timing	No Reportable Variance
Law, Order and Public Safety	(25,919)	(50.9%)	▼	Timing	CHRMAP Grant Funding budgeted to be received earlier
Health	1,249	192.1%	▲	Timing	No Reportable Variance
Housing	6,338	14.8%	▲	Timing	Pensioner and 16A Sunter Rent Received in Advance
Community Amenities	4,920	2.0%	▲	Timing	No Reportable Variance
Recreation and Culture	63,572	64.3%	▲	Permanent	Increase in SBDC Sales and Entrance Fees compared to budget
Transport	95,130	42.1%	▲	Permanent	Additional Road Preservation Grant received and Insurance Proceeds for Storm Damage to Depot Building
Economic Services	194,884	50.9%	▲	Timing	Variance due to MRWA Private Works budget timing and increase in Caravan Park Leases
Other Property and Services	1,681	11.5%	▲	Timing	No Reportable Variance
<b>Operating Expense</b>					
Governance	148,235	(53.2%)	▲	Timing	Overall underspend in expenses compared to budget
General Purpose Funding	693	(1.4%)	▲	Permanent	No reportable variance.
Law, Order and Public Safety	67,351	(30.3%)	▲	Timing	Overall underspend in expenses compared to budget
Health	11,265	(34.9%)	▲	Timing	Overall underspend in expenses compared to budget
Housing	(28,733)	32.1%	▼	Timing	Pensioner Unit YTD budgeted expenses not in line with actual
Community Amenities	15,252	(4.8%)	▲	Timing	Overall underspend in expenses compared to budget
Recreation and Culture	121,098	(12.3%)	▲	Timing	Overall underspend in expenses compared to budget
Transport	221,330	(26.7%)	▲	Timing	Decrease in Depreciation for Non Town Roads compared to Budget plus overall underspend in expenses compared to budget
Economic Services	(44,980)	7.6%	▼	Timing	Private Work Expenditure in advance of budgeted YTD figures
Other Property and Services	16,473	(41.9%)	▲	Timing	Overall underspend in expenses compared to budget
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	18,375	12.0%	▲	Timing	Grant for CCTV not included in budget 18K
Proceeds from Disposal of Assets	0	0.0%	▲	Timing	No Reportable Variance
<b>Capital Expenses</b>					
Land and Buildings	42,536	47.4%	▲	Timing	No Housing or Depot Building Projects have commenced
Infrastructure - Roads	267,172	76.8%	▲	Timing	Eagle Bluff Road commenced earlier than anticipated in budget offset by Useless Loop Road yet to commence in addition to R2R budget in advance of expenditure
Infrastructure - Public Facilities	(3,346)	(82.3%)	▼	Timing	No Reportable Variance
Infrastructure - Footpaths	3,020	0.0%	▲	Timing	No Reportable Variance
Plant and Equipment	728,958	96.6%	▲	Timing	Major Capital Plant purchases have not commenced
<b>Financing</b>					
Loan Principal	0	0.0%	▼	Timing	No reportable variance.

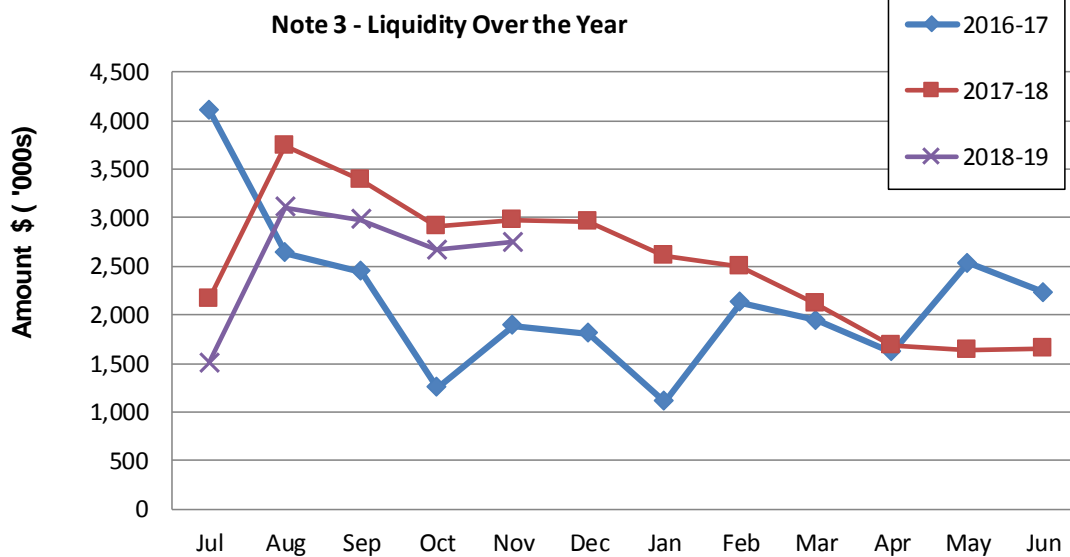
Note: YTD budgets are an estimation at the time of preparing the annual budget.



MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

Shire of Shark Bay			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 30 November 2018			
<b>Note 3: NET CURRENT FUNDING POSITION</b>			
		Positive=Surplus (Negative=Deficit)	
	Note	30 November 2018	30 November 2017
		\$	\$
<b>Current Assets</b>			
Cash Unrestricted	4	2,250,288	2,591,276
Cash Restricted	4	1,561,082	1,196,830
Receivables - Rates	6	564,476	446,646
Receivables -Other	6	172,448	227,696
Interest / ATO Receivable		13,548	13,896
Inventories		125,216	187,603
		<b>4,687,057</b>	<b>4,663,947</b>
<b>Less: Current Liabilities</b>			
Payables		(124,486)	(288,514)
Provisions		(252,431)	(203,734)
Royalties for Regions Funding		0	
		<b>(376,917)</b>	<b>(492,248)</b>
Less: Cash Reserves	7	(1,561,082)	(1,196,830)
<b>Net Current Funding Position</b>		<b>2,749,058</b>	<b>2,974,869</b>



**Comments - Net Current Funding Position**

MINUTES OF THE ORDINARY COUNCIL MEETING

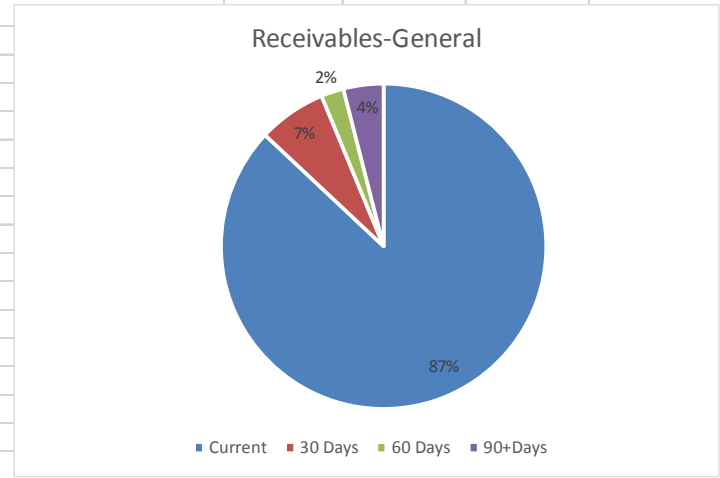
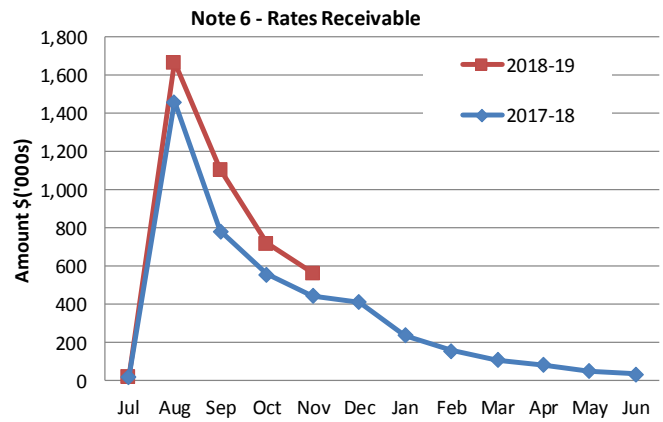
19 DECEMBER 2018

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 30 November 2018							
<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%	194,548			194,548	Bankwest	At Call
Reserve Bank Account	0.00%		6,082		6,082	Bankwest	At Call
Telenet Saver	1.10%	1,054,939			1,054,939	Bankwest	At Call
Trust Bank Account	0.00%			14,458	14,458	Bankwest	At Call
Cash On Hand		800			800		On Hand
<b>(b) Term Deposits</b>							
Municipal Investment	2.35%	400,000			400,000	Bankwest	25/02/2019
Municipal Investment	2.35%	600,000			600,000	Bankwest	27/12/2018
Reserve Investment	2.35%		1,555,000		1,555,000	Bankwest	21/12/2018
<b>Total</b>		<b>2,250,288</b>	<b>1,561,082</b>	<b>14,458</b>	<b>3,825,828</b>		
<b>Comments/Notes - Investments</b>							
Surplus funds invested for terms conducive to cashflow requirements.							

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 November 2018				
<b>Note 6: RECEIVABLES</b>				
<b>Receivables - Rates Receivable</b>	<b>30 November 2018</b>	<b>30 June 2018</b>	<b>Receivables - General</b>	<b>Current    30 Days    60 Days    90+Days</b>
	\$	\$	\$	\$
Opening Arrears Previous Years	36,578	25,814	Receivables - General	149,978    11,675    3,857    6,882
Levied this year	1,724,910	1,288,212	<b>Total Receivables General Outstanding</b>	<b>172,392</b>
Less Collections to date	(1,197,012)	(1,277,448)	<b>Amounts shown above include GST (where applicable)</b>	
Equals Current Outstanding	<b>564,476</b>	<b>36,578</b>		
<b>Net Rates Collectable</b>	<b>564,476</b>	<b>36,578</b>		
% Collected	67.95%	97.22%		



**Comments/Notes - Receivables Rates**

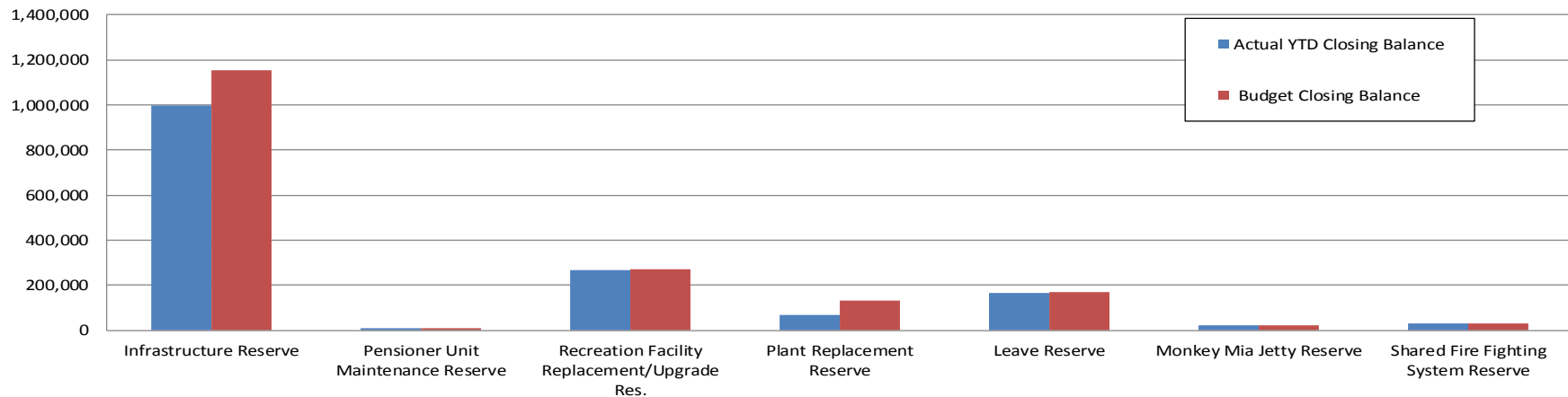
No major issues at this time

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 30 November 2018									
<u>Note 7: Cash Backed Reserve</u>									
2018-19									
Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
Infrastructure Reserve	\$ 1,035,753	\$ 13,500	\$ 1,791	\$ 218,577	\$ 74,606	\$ (114,606)	\$ (114,606)	\$ 1,153,224	\$ 997,544
Pensioner Unit Maintenance Reserve	10,748	15	2	25,000	25,000	(25,000)	(25,000)	10,763	10,750
Recreation Facility Replacement/Upgrade Res.	264,546	6,250	827	0	0	0	0	270,796	265,373
Plant Replacement Reserve	205,608	1,100	172	468,227	404,591	(541,139)	(541,138)	133,796	69,233
Leave Reserve	133,402	2,000	269	33,900	33,900	0	0	169,302	167,571
Monkey Mia Jetty Reserve	21,587	400	57	0	0	0	0	21,987	21,643
Shared Fire Fighting System Reserve	28,891	575	76	0	0	0	0	29,466	28,967
	<b>1,700,535</b>	<b>23,840</b>	<b>3,194</b>	<b>745,704</b>	<b>538,097</b>	<b>(680,745)</b>	<b>(680,744)</b>	<b>1,789,334</b>	<b>1,561,082</b>

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



MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 30 November 2018							
Note 8 CAPITAL DISPOSALS							
Actual YTD Profit/(Loss) of Asset Disposal					Annual Budget		
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 30 11 2018		
\$	\$	\$	\$		Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance
				<b>Plant and Equipment</b>	\$	\$	\$
				<b>Governance</b>			
			0	CEO Vehicle	(10,111)	0	10,111
37,866	(17,866)	22,273	2,273	EMFA Vehicle	9,000	2,273	(6,727)
				EMCD Vehicle	6,000	0	(6,000)
37,866	(17,866)	22,273	2,273		4,889	2,273	(2,616)
				<b>Transport</b>			
				Dual Cab Ute Works Manager	(8,262)		8,262
				Dual Cab Ute Town	(10,568)		10,568
				Dual Cab Ute Country	(11,046)		11,046
				Ride on Lawn Mower	1,025		(1,025)
				Town Loader	(65,885)		65,885
				Multi Tyred Rubber Roller	0		0
				Vibration Roller	(22,542)		22,542
0	0	0	0		(117,278)	0	117,278
37,866	(17,866)	22,273	2,273		(112,389)	2,273	114,662
<b>Comments - Capital Disposal/Replacements</b>							

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 30 November 2018											
Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2018/19 Budget Rate Revenue \$	2018/19 Budget Interim Rate \$	2018/19 Budget Back Rate \$	2018/19 Budget Total Revenue \$	
NOTE 9: RATING INFORMATION											
RATE TYPE											
<b>Differential General Rate</b>											
GRV Residential	0.098885	309	3,681,102	365,446		365,446	364,005			364,005	
GRV Commercial	0.101620	43	2,123,918	214,353	528	215,007	215,832			215,832	
GRV Vacant	0.098885	17	331,334	32,764	1,848	34,612	32,763			32,763	
GRV Rural Commercial	0.102773	5	304,200	31,264	214	31,528	31,264			31,264	
GRV Industrial/Residential	0.109426	45	619,128	67,749	334	68,086	67,749			67,749	
GRV Industrial/Residential Vacant	0.098885	2	17,100	1,691		1,691	1,691			1,691	
GRV Rural Resort	0.108482	2	1,112,800	120,719	1,866	122,585	120,719			120,719	
UV General	0.200085	7	1,150,738	238,613	-68,851	169,762	230,245			230,245	
UV Pastoral	0.137028	11	617,360	84,596		84,596	84,596			84,596	
UV Mining	0.272901	1	6,990	1,969		1,969	1,908			1,908	
UV Exploration	0.262395	8	601,023	162,797	15,471	179,302	157,705			157,705	
<b>Sub-Totals</b>		450	10,565,693	1,321,960	(48,590)	1,274,585	1,308,477	0	0	1,308,477	
<b>Minimum Payment</b>											
GRV Residential	850.00	59	443,150	51,000		51,000	50,150			50,150	
GRV Commercial	850.00	17	93,832	14,450		14,450	14,450			14,450	
GRV Vacant	850.00	84	274,870	70,550		70,550	71,400			71,400	
GRV Rural Commercial	850.00	0	0	0		0	0			0	
GRV Industrial/Residential	850.00	3	19,760	2,550		2,550	2,550			2,550	
GRV Industrial/Residential Vacant	530.00	0	0	0		0	0			0	
GRV Rural Resort	850.00	0	0	0		0	0			0	
UV General	890.00	7	23,060	6,230		6,230	6,230			6,230	
UV Pastoral	890.00	0	0	0		0	0			0	
UV Mining	890.00	1	596	890		890	890			890	
UV Exploration	890.00	1	1,941	890		890	890			890	
<b>Sub-Totals</b>		172	857,209	146,560	0	146,560	146,560	0	0	146,560	
<b>Excess Rates 17/18 and 18/19 Impact</b>											
Concessions							(20,084)				(10,000)
							(118,176)				(179,221)
<b>Amount from General Rates</b>							<b>1,282,884</b>				<b>1,265,816</b>
Specified Area Rates							35,924				37,520
<b>Totals</b>							<b>1,318,808</b>				<b>1,303,336</b>
Comments - Rating Information											

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 30 November 2018								
10. INFORMATION ON BORROWINGS								
(a) Debenture Repayments								
Particulars	Principal 1-Jul-18	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			2018/19 Actual \$	2018/19 Budget \$	2018/19 Actual \$	2018/19 Budget \$	2018/19 Actual \$	2018/19 Budget \$
Loan 57 Monkey Mia Bore	165,022	0	15,050	30,406	149,972	134,616	1,493	7,114
Loan 53 - Staff Housing	22,333	0	10,988	22,333	11,345	0	35	440
Loan 56 - Staff Housing	46,707	0	8,798	17,860	37,909	28,847	1,049	2,758
Loan - Town Oval Bore	0	800,000	0	13,815	0	786,185	0	14,440
	234,062	800,000	34,837	84,414	199,225	949,648	2,577	24,752

All debenture repayments are financed by general purpose revenue except Loan 57 which is funded through a Specified Area Rate.



MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 30 November 2018								
Note 11: GRANTS AND CONTRIBUTIONS								
Program/Details	Grant Provider	Approval	2018-19 Original Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received/Invoiced	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
<b>GENERAL PURPOSE FUNDING</b>								
Grants Commission - General	WALGGC	Y	719,551	0	719,551	0	359,776	359,776
Grants Commission - Roads	WALGGC	Y	215,001	0	215,001	0	107,501	107,501
<b>LAW, ORDER, PUBLIC SAFETY</b>								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Y	6,248	0	6,248	0	5,465	784
Grant FESA - SES	Dept. of Fire & Emergency Serv.	Y	34,740	0	34,740	0	12,154	22,586
Coastal Hazard Risk Management & Adaption Plan	WA Planning Commission	Y	32,500	0	32,500	0	0	32,500
<b>RECREATION AND CULTURE</b>								
Upgrade Town Hall Stage	Shark Bay Entertainers Contribution	Y	3,500	0	0	3,500	3,500	0
Upgrade Town Hall Stage	Lotteries Commission	Y	45,855	0	0	45,855	45,855	0
Contributions - HMAS Sydney Exhibit	Visitors to Discovery Centre	Y	0	0	0	0	142	0
<b>TRANSPORT</b>								
Road Preservation Grant	State Initiative - Main Roads WA	Y	65,254	0	65,254	0	106,056	(40,802)
Useless Loop Road - Mtce	Main Roads WA	Y	330,000	0	330,000	0	132,000	198,000
Contributions - Road Projects	Pipeline	Y	8,600	0	8,600	0	0	8,600
Roads To Recovery Grant - Cap	Roads to Recovery	Y	199,878	0	0	199,878	0	199,878
RRG Grants - Capital Projects	Regional Road Group	Y	232,065	0	0	232,065	104,082	127,983
CCTV - Depot	Dept. of Industry, Innovation & Science	Y	0	0	0	0	6,125	(6,125)
CCTV - Monkey Mia	Dept. of Industry, Innovation & Science	Y	0	0	0	0	6,125	(6,125)
<b>ECONOMIC SERVICES</b>								
Support for Local Road Safety Activities	WALGA	Y	0	0	0	0	1,500	(1,500)
CCTV Foreshore	Dept. of Industry, Innovation & Science	Y	0	0	0	0	6,125	(6,125)
Destination Shark Bay Brand Development	Shark Bay Tourism Association	Y	0	0	0	0	3,000	(3,000)
Reusable Rubbish Bags	Keep Australia Beautiful Western Australia	Y	0	0	0	0	2,136	(2,136)
<b>TOTALS</b>			<b>1,893,192</b>	<b>0</b>	<b>1,411,894</b>	<b>481,298</b>	<b>901,540</b>	<b>991,794</b>
			Operating		1,411,894		727,592	
			Non-operating		481,298		171,812	
					1,893,192		899,404	
<b>Comments - Operating and Non Operating Grants</b>								

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 November 2018				
<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 18	Amount Received	Amount Paid	Closing Balance 30-Nov-18
	\$	\$	\$	\$
CITF Levy	0	2,469	(1,690)	779
Library Card Bond	50	100	(100)	50
Bookeasy- Sales	0	237,311	(234,576)	2,735
Kerb/Footpath Deposit	4,300	0	0	4,300
Bond Key	2,300	900	(600)	2,600
Hall Bond	0	675	(200)	475
Police Licensing	2,063	124,046	(125,700)	409
Election Deposit	0			0
Marquee Deposit	0			0
Building Licence Levy	0	1,818	(1,215)	603
Road Reserve - Hughes Street	2,298	0		2,298
Tour Sales	0			0
Property Rental Bonds	1,820		(1,820)	0
Rates Unidentified Deposit	210			210
	<b>13,041</b>	<b>367,319</b>	<b>(365,901)</b>	<b>14,458</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

CAPITAL WORKS PROGRAM 2018/19								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Land and Buildings</b>								
<b>Housing</b>								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	1.1.2	CEO	(10,000)	(4,165)	0	4,165	0	
Staff Housing - 65 Brockman St	1.1.2	EMCD	(10,000)	(4,165)	0	4,165	0	
Staff Housing - 51 Durlacher St	1.1.2	EMFA	(10,000)	(4,165)	0	4,165	0	
Staff Housing - 80 Durlacher St	1.1.2	EMCD	(10,000)	(4,165)	0	4,165	0	
Pensioner Units Capital	1.1.3	EMCD	(25,000)	(8,332)	(1,164)	7,168	1,164	
<b>Housing Total</b>			<b>(65,000)</b>	<b>(24,992)</b>	<b>(1,164)</b>	<b>23,828</b>	<b>1,164</b>	
<b>Recreation and Culture</b>								
Denham Town Hall Stage Upgrade	2.2.1	EMCD	(56,355)	(56,355)	(45,982)	10,373	0	
<b>Recreation and Culture Total</b>			<b>(56,355)</b>	<b>(56,355)</b>	<b>(45,982)</b>	<b>10,373</b>	<b>0</b>	
<b>Transport</b>								
Depot- New Ablution	2.2.1	WKM	(20,000)	(8,335)	0	8,335	0	
<b>Transport Total</b>			<b>(20,000)</b>	<b>(8,335)</b>	<b>0</b>	<b>8,335</b>	<b>0</b>	
<b>Land and Buildings Total</b>			<b>(141,355)</b>	<b>(89,682)</b>	<b>(47,146)</b>	<b>42,536</b>	<b>1,164</b>	
<b>Footpaths</b>								
<b>Transport</b>								
Footpath Construction-Denham Footpath Plan	1.1.2	WKM	(50,000)	(50,000)	(46,980)	3,020	0	
<b>Transport Total</b>			<b>(50,000)</b>	<b>(50,000)</b>	<b>(46,980)</b>	<b>3,020</b>	<b>0</b>	
<b>Footpaths Total</b>			<b>(50,000)</b>	<b>(50,000)</b>	<b>(46,980)</b>	<b>3,020</b>	<b>0</b>	

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

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>								
New IP Phone System	1.1.2	EMFA	(15,000)	(15,000)	0	15,000		
<b>Governance Total</b>			(15,000)	(15,000)	0	15,000	0	
<b>Furniture &amp; Office Equip. Total</b>			(15,000)	(15,000)	0	15,000	0	
<b>Plant , Equipment and Vehicles</b>								
<b>Governance</b>								
CEO Vehicle	1.1.2	CEO	(70,000)	(70,000)	0	70,000		
EMFA Vehicle	1.1.2	EMFA	(35,000)	(35,000)	0	35,000		
EMCD Vehicle	1.1.2	EMCD	(35,000)	(35,000)	(23,282)	11,718	23,282	
<b>Total Governance</b>			(140,000)	(140,000)	(23,282)	116,718	23,282	
<b>Transport</b>								
Major Plant Items	1.1.2	WKM	(20,000)	(8,335)	0	8,335	0	
Dual Cab Ute - Works Manager	1.1.2	WKM	(55,000)	(55,000)	0	55,000	0	
Dual Cab Ute - Town	1.1.2	WKM	(45,000)	(45,000)	0	45,000	0	
Excavator	1.1.2	WKM	(31,138)	(31,138)	(2,233)	28,905	2,233	
Multi Tyred Rubber Roller	1.1.2	WKM	(170,000)	(170,000)	0	170,000	0	
Town Loader	1.1.2	WKM	(195,000)	(195,000)	0	195,000	0	
Ride on Lawn Mower	1.1.2	WKM	(45,000)	(45,000)	0	45,000	0	
Dual Cab Ute - Country	1.1.2	WKM	(45,000)	(45,000)	0	45,000	0	
<b>Transport Total</b>			(606,138)	(594,473)	(2,233)	592,240	2,233	
<b>Denham Marine Facilities</b>								
Boat Jinker Brake System Upgrade	1.1.2	WKM	(20,000)	(20,000)	0	20,000	0	
<b>Denham Marine Facilities Total</b>			(20,000)	(20,000)	0	20,000	0	
<b>Plant , Equipment and Vehicles Total</b>			(766,138)	(754,473)	(25,515)	728,958	25,515	

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

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>								
Refuse Tip and Recycling	2.1.1	WKM	(4,066)	(4,066)	(7,412)	(3,346)		
<b>Community Amenities Total</b>			<b>(4,066)</b>	<b>(4,066)</b>	<b>(7,412)</b>	<b>(3,346)</b>	<b>0</b>	
<b>Recreation And Culture</b>								
Town Oval Bore	2.2.1	WKM	(800,000)	0	0	0	0	
<b>Recreation And Culture Total</b>			<b>(800,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Public Facilities Total</b>			<b>(804,066)</b>	<b>(4,066)</b>	<b>(7,412)</b>	<b>(3,346)</b>	<b>0</b>	

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

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>								
R2R Projects 18/19	1.1.1	WKM	(199,878)	(199,878)	0	199,878	0	
Useless Loop Road - RRG 18-19	1.1.1	WKM	(229,958)	(95,820)	0	95,820	0	
Eagle Bluff Road - RRG 17-18 C/F	1.1.1	WKM	(35,391)	(14,745)	(36,389)	(21,644)	36,389	
Eagle Bluff Road - RRG 18-19	1.1.1	WKM	(90,000)	(37,505)	(44,387)	(6,882)	44,387	
						0	0	
<b>Transport Total</b>			<b>(555,227)</b>	<b>(347,948)</b>	<b>(80,776)</b>	<b>267,172</b>	<b>80,776</b>	
<b>Roads (Non Town) Total</b>			<b>(555,227)</b>	<b>(347,948)</b>	<b>(80,776)</b>	<b>267,172</b>	<b>80,776</b>	
<b>Capital Expenditure Total</b>			<b>(2,331,786)</b>	<b>(1,261,169)</b>	<b>(207,829)</b>	<b>1,053,340</b>	<b>107,455</b>	

19 DECEMBER 2018

12.3 ANNUAL REPORT 2017/2018  
FM00009

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved            Cr Laundry  
Seconded       Cr Burton

**Council Resolution**

**That Council –**

- 1. Receive and Accept the Annual Report for the 2017/2018 financial year.**
- 2. Receive and Accept the Annual Financial and Auditors reports for the 2017/2018 financial year and note the comment on ratios.**
- 3. Set the date for the Annual General Meeting of electors for Wednesday 13 February 2019 commencing at 5.00pm at the Shark Bay Recreation Centre in accordance with section 5.27(2) of the *Local Government Act 1995*.**

**7/0 CARRIED**

Background

The 2017/2018 Annual Report, which includes the annual financial statements and auditor's report, has been prepared in accordance with section 5.53 of the *Local Government Act 1995* and is attached under separate cover.

The Annual Report highlights the Shire's achievements in 2017/2018 under the outcomes in the Strategic Community Plan.

Following the acceptance of the Annual Report the Council must have a meeting of electors not more than 56 days after the acceptance of the Annual Report for the previous financial year. This means that the last day that the Council can hold an electors' meeting is 13 February 2019.

Comment

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

The audit management report comments on the financial ratios which local government is now required to report on in the annual financial statements and in particular highlights the significant adverse trend in surplus ratio and their comments are inserted below. As you will note the auditors have acknowledged Council and Managements efforts in addressing this issue to date. A full copy of the Management Letter is attached to this agenda item for your information.



19 DECEMBER 2018

The auditor's comments follow:

**SIGNIFICANT ADVERSE TREND IN OPERATING SURPLUS RATIO**

As highlighted in our audit report this year, the significant adverse trend in the financial position of the Shire reported last year has continued.

This trend is evidenced by:

1. A significant structural deficit in the operating result for the year ended 30 June 2018 as evidenced by the Operating Surplus Ratio being below DLGSCI standard for the past 3 years

The Operating Surplus Ratio represents the percentage by which the operating surplus (or deficit) differs from the Shire's own source revenue which includes rates and operating grants. The Shire's operating result (ignoring non-operating grants, subsidies, and contributions) for the year ended

30 June 2018 recorded a net deficit of \$1,229,667 (2017: \$355,330). We consider the Shire has a significant structural deficit in its operations evidenced by the Operating Surplus Ratio being negative for the past 3 years.

A negative ratio indicates the local government is experiencing an operation deficit. A sustained period of deficits will erode the Shire's ability to service debt and maintain both its operational service level and asset base over the longer term.

Whilst we acknowledge the Shire has commenced addressing the issue through its budgeting process, both Council and Management will need to continue to monitor and consider ways to improve the operating position in order to initially increase the ratio to a positive number.

We noted no other matters we wish to draw to your attention.

**Auditors Management Letter Review**

**i A significant deficit in the operating result for the year ended 30 June 2018**

The shire's operating result, (ignoring non-operating grants, subsidies and contributions) for the year ended 30 June 2018 recorded a net deficit (before other comprehensive income) of \$1,229,667.

In addition we have received the following 2018/2019 Operating Grants in Advance:

1. Financial Assistance Grants 2018/19	\$1,003,940
2. Less Financial Assistance Grant Received in 2016/17 for 2017/18	\$( 986,341)
3. Fire and Emergency Service Authority Operating Grant 2017/2018	\$ 12,873
4. Horizon Power 2018/2019 Shark Bay Freycinet Festival	\$ 2,000
	<u>\$ 32,472</u>

Removing these grants increases our deficit to \$1,262,139.

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

The loss above also takes into account non cash depreciation expense of \$2,004,034.

<b>Summary of Operating Loss</b>	<b>\$1,229,667</b>
<b>Add Back 2018/2019 Operating Grants</b>	<b><u>\$ 32,472</u></b>
<b>Operating Loss</b>	<b>\$1,262,139</b>
<b>Add back Non-Cash Depreciation</b>	<b><u>\$2,004,034</u></b>
<b>Surplus After Depreciation</b>	<b><u>\$ 741,895</u></b>

This report highlights that we are cash positive however reinforces the ongoing issue that we are not able to contribute yearly to our reserves to support our future asset replacement/maintenance program.

The operating deficit for 2017/2018 of \$2,460,010 is mentioned in the management letter. However taking into account 2017/2018 Operating Grants received in 2016/2017 reduces this deficit to \$1,454,695 which is in line with the Operating Loss above. Budgeted depreciation is \$1,689,050 and when removed from this loss reflects a budget operating surplus of \$234,355.

The auditor also commented that Council and management will need to consider ways to improve the operating position either by increasing own source revenue or by decreasing expenditure. Hence it is imperative that Council and management review the financial position and ratios in future years to strive to manage the scarce resources of the Shire.

The budgets presented over the past have indicated the reliance upon external funding, escalating operational costs due to maintaining ageing assets and the importance of establishing whole of life costs when considering the procurement of additional assets.

It is important that the Council and management review all areas of service delivery in each budget and ensure all new asset proposals have the ongoing operational requirements fully assessed against the community's willingness to fund the ongoing expense

Legal Implications

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

Policy Implications

There are no policy implications associated with this report.

Financial Implications

The annual report includes the Shire's audited annual financial statements, which present the Shire's financial position as at 30 June 2017 and is a useful tool for evaluating the Shire's operations.



19 DECEMBER 2018

## MOORE STEPHENS

Level 13, Exchange Tower,  
2 The Esplanade, Perth, WA 6000  
PO Box 5785, St Georges Terrace,  
WA 6831

T +61 (0)8 9225 5335  
F +61 (0)8 9225 6181

[www.moorestephens.com.au](http://www.moorestephens.com.au)

12 December 2018

Cr C Cowell  
The Shire President  
Shire of Shark Bay  
65 Knight Terrace  
DENHAM WA 6537

Dear Cr Cowell

### MANAGEMENT REPORT FOR THE YEAR ENDED 30 JUNE 2018

We advise that we have completed our audit procedures for the year ended 30 June 2018.

We are required under the Local Government Audit Regulations to report certain compliance matters in our audit report. Other matters which arise during the course of our audit that we wish to bring to Council's attention are raised in this management report.

It should be appreciated that our audit procedures are designed primarily to enable us to form an opinion on the financial statements and therefore may not bring to light all weaknesses in systems and procedures which may exist. However, we aim to use our knowledge of the Shire's organisation gained during our work to make comments and suggestions which, we hope, will be useful to you.

We noted no matters we wish to draw to your attention, except the following:

### SIGNIFICANT ADVERSE TREND IN OPERATING SURPLUS RATIO

As highlighted in our audit report this year, the significant adverse trend in the financial position of the Shire reported last year has continued.

This trend is evidenced by:

1. **A significant structural deficit in the operating result for the year ended 30 June 2018 as evidenced by the Operating Surplus Ratio being below DLGSCI standard for the past 3 years**

The Operating Surplus Ratio represents the percentage by which the operating surplus (or deficit) differs from the Shire's own source revenue which includes rates and operating grants. The Shire's operating result (ignoring non-operating grants, subsidies, and contributions) for the year ended 30 June 2018 recorded a net deficit of \$1,229,667 (2017: \$355,330). We consider the Shire has a significant structural deficit in its operations evidenced by the Operating Surplus Ratio being negative for the past 3 years.

A negative ratio indicates the local government is experiencing an operation deficit. A sustained period of deficits will erode the Shire's ability to service debt and maintain both its operational service level and asset base over the longer term.

Whilst we acknowledge the Shire has commenced addressing the issue through its budgeting process, both Council and Management will need to continue to monitor and consider ways to improve the operating position in order to initially increase the ratio to a positive number.

We noted no other matters we wish to draw to your attention.

19 DECEMBER 2018

**MOORE STEPHENS**

**UNCORRECTED MISSTATEMENTS**

We advise there were no uncorrected misstatements noted during the course of the audit.

We take this opportunity to thank the Shire for their assistance provided during the audit.

Should you wish to discuss any matter relating to the audit or any other matter, please do not hesitate to contact us.

Yours faithfully



Greg Godwin

Partner

Moore Stephens

Encl.

19 DECEMBER 2018

**13.0 TOWN PLANNING REPORT**

**13.1 DRAFT LOCAL PLANNING POLICY ON HOLIDAY HOUSES**  
LP00014

This item was dealt with earlier in the minutes refer to page 12

**13.2 PROPOSED BED AND BREAKFAST – LOT 224 (35A) FRY COURT, DENHAM**  
P1442

This item was dealt with earlier in the minutes refer to page 42

**13.3 PROPOSED TELSTRA WORKS AND EASEMENT – MONKEY MIA**  
P2035 / RES1686

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Town Planning Innovations

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

Moved            Cr Fenny  
Seconded       Cr Ridgley

**Council Resolution**

**That Council:**

1. **Pursue Option 1 outlined in this report and authorise the Chief Executive Officer to advise Service Stream Network Construction (acting on behalf of Telstra) that the Shire of Shark Bay has no objections to electrical cabling and a future easement within Reserve 1686 conditional on the following:**
  - (i) **The proponent obtaining separate written approval by the Department of Biodiversity, Conservation and Attractions prior to commencing works as they are also party to the Management Order over the reserve land.**
  - (ii) **A formal request for an easement to be lodged to the Department of Planning, Lands and Heritage within 21 days.**
  - (iii) **Clearing to be minimised and the remainder of Reserve 1686 (outside of the proposed easement) to be restored to pre-development condition following completion of works.**
  
2. **Note that Town Planning Innovations advised Service Stream Network Construction on the 11 December 2018 that they need to consult directly with the Department of Biodiversity, Conservation and Attractions. A copy of the email was also sent to the Department of Biodiversity, Conservation and Attractions.**

**7/0 CARRIED**

19 DECEMBER 2018

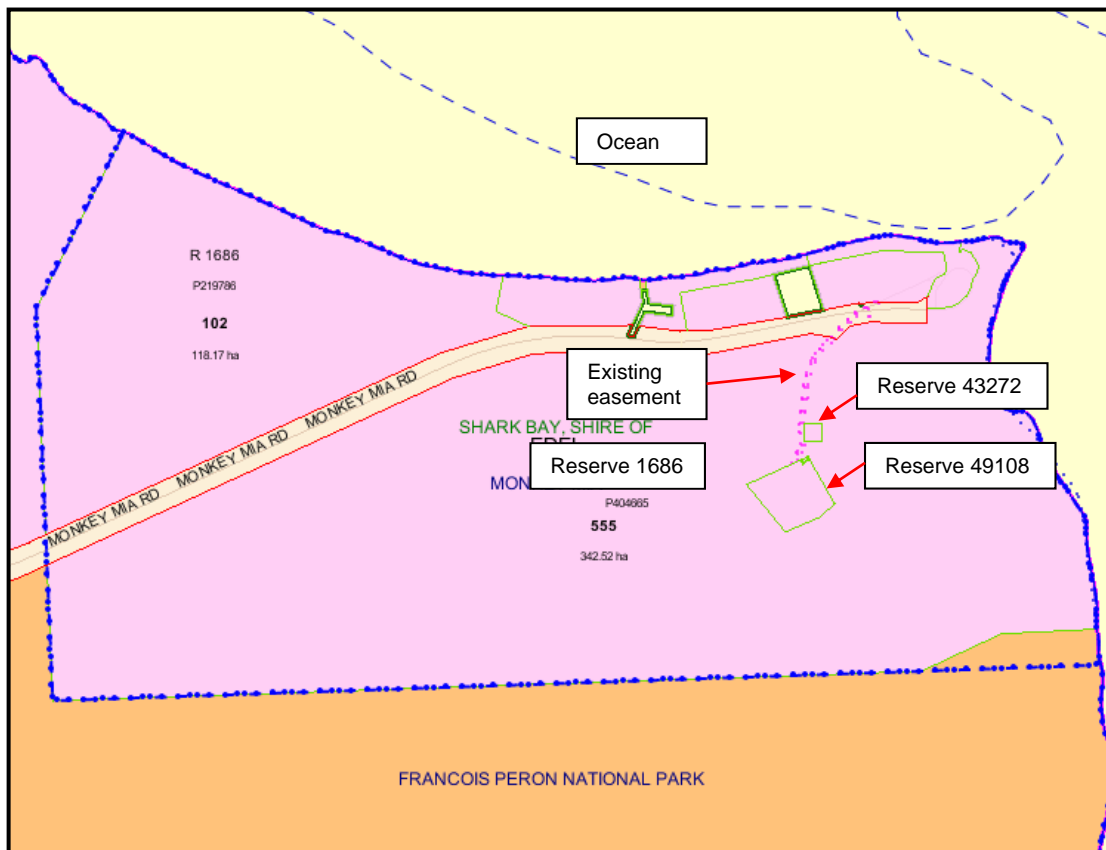
BACKGROUND

The Shire has granted planning approval for 'telecommunications infrastructure' on Lot 86 (known as Reserve 43272) in Monkey Mia. A report on the application was considered by Council on the 25 July 2018.

Nearby Reserve 49108 contains a treatment plant associated with the Monkey Mia Dolphin Resort.

Both Reserve 43272 and 49108 are surrounded by a larger Reserve 1686. There is a management order over Reserve 1686 to both the Shire of Shark Bay and Department of Biodiversity, Conservation and Attractions.

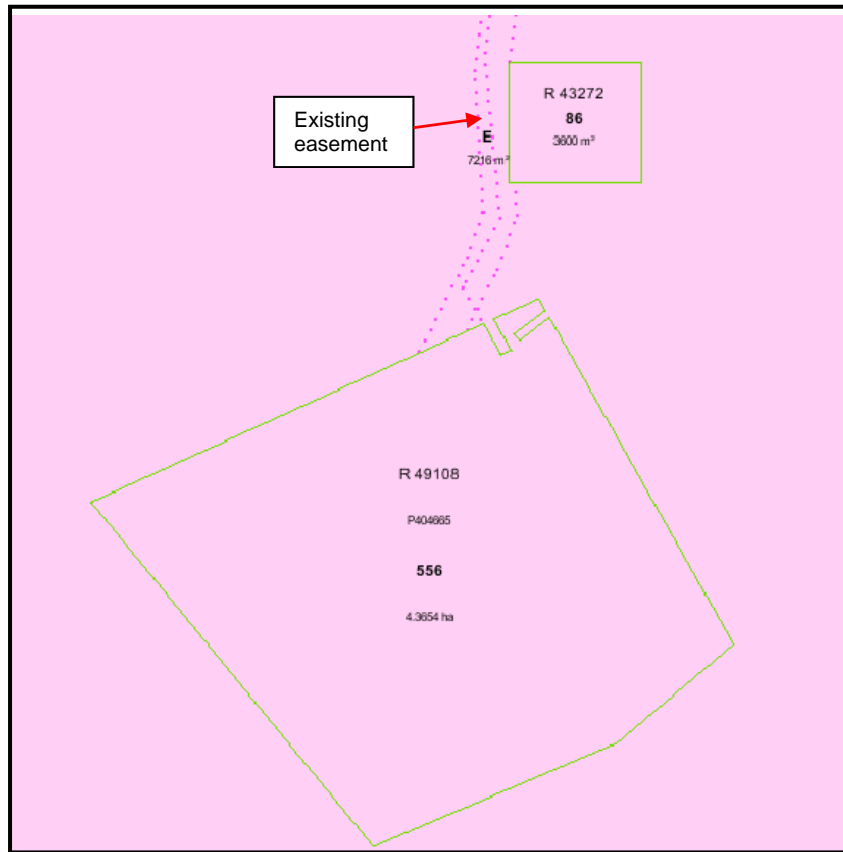
There is an existing easement over Reserve 1686 for installation and maintenance of utility services.



Location Plan – General



19 DECEMBER 2018



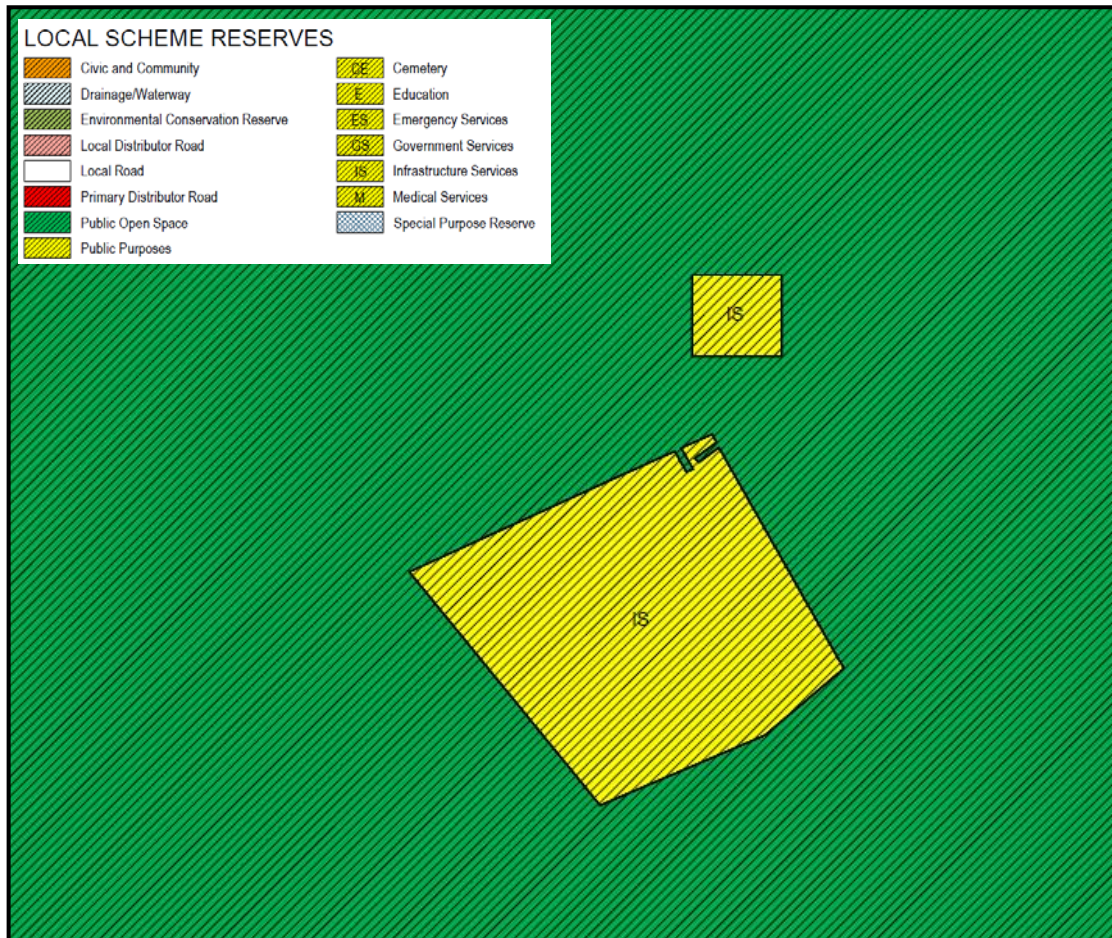
Location Plan – Enlargement showing Reserve 49108 and 43272

- **Zoning**

Reserve 49108 and Reserve 43272 are reserved 'Public Purposes' for Infrastructure Services under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme').

Reserve 1686 is reserved for 'Public Open Space' consistent with the existing Management Order which is for Recreation.

19 DECEMBER 2018



Extract Shire of Shark Bay Local Planning Scheme No 4

#### COMMENT

- ***Description of Proposed Development***

Service Stream Network Construction has written to the Shire seeking permission to allow Telstra to install electrical cable via a new proposed underground easement in the interim, and also make formal submission retrospective for such an easement to the Department of Planning, Lands and Heritage in the near future.

By way of background they advise as follows:

- Reserve 43272 is administrated by Telstra and Reserve 49108 administrated by the Shire of Shark Bay and which is leased to RAC Tourism Assets Pty Ltd. Both Reserve 43272 and 49108 are located within the surrounding Reserve 1686 which is administrated by the Shire of Shark Bay.
- Reserve 1686 has an easement burden N095911 against it favour of the RAC for the installation and maintenance of utility services and related access purpose.
- Telstra and RAC are in agreement with regarding to use of the RAC power.
- Unfortunately RAC and Telstra has stuck a slight problem in that part of the planned underground electrical power route from the RAC reserve via the existing RAC easement to the Telstra reserve is full congested.

19 DECEMBER 2018

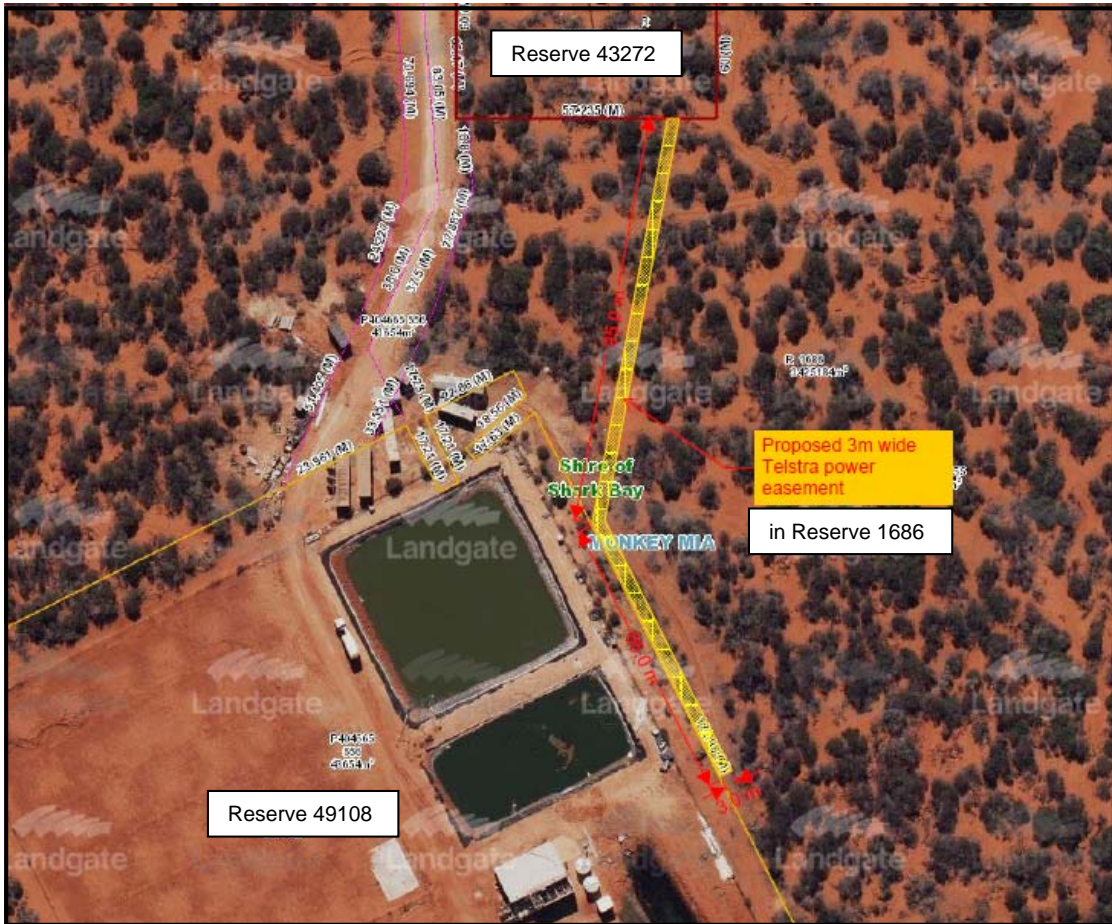
- e) The section of the easement congested is the section the from RAC compound gate back to the Telstra site.
- f) Both RAC and Telstra acknowledge that there is a high risk damaging the existing RAC underground services if we try to install any additional underground electrical cable through this section of the track.
- g) Our only practical solution is to create a new underground electrical easement outside the existing Easement N095911 between Telstra Reserve 43272 and RAC Reserve 49108 direct - see proposed new underground easement (overpage).
- h) We seek permission from the Shire of Shark Bay to allow Telstra to install the electrical cable via the proposed new underground electrical easement in the interim and also make formal submission retrospective for such an easement to the Department of Planning, Land and Heritage at some point in the near future.
- i) Further on this matter, Dave Foster of Department of Planning, Lands and Heritage has advised that the Shire as administrator of Reserve 1686 can provide the approval for the underground power as proposed with the understanding that Telstra will do a retrospective application following if they so choose.
- j) The reason for the urgent request is that we have our installation staff on site right that this moment and it seems sensible to allow them to do the proposed electrical works and provide Monkey Mia the additional mobile black spot mobile telecommunication service.
- k) Both Telstra and Optus will use the upgraded site.

An aerial showing the proposed easement is included overpage.

The Shire Chief Executive officer has advised the applicant that the matter will be referred to Council.



19 DECEMBER 2018



Council has two options in regards to this matter:

**Option 1 – Agree to installation of electrical cabling and future easement**

Option 1 will allow installation works to be completed now and Telstra can apply retrospectively to the Department of Planning, Lands and Heritage for a new easement over Reserve 1686.

Town Planning Innovations recommends Option 1, however includes all options for Council consideration.

Option 1 will allow telecommunication services to be available as quickly as possible at Monkey Mia. As long as both the Shire and the Department of Biodiversity, Conservation and Attractions are agreeable, it is considered likely that obtaining an easement will be achievable in the medium to long term.

If Council supports option 1 it is recommended that it be conditional on support from the Department of Biodiversity, Conservation and Attractions, and that an easement request be submitted to Department of Planning, Lands and Heritage within 21 days.

19 DECEMBER 2018

**Option 2 – Not Agree to installation of electrical cabling and agree to future easement location**

The Shire may oppose installation of electrical cabling until such time as a formal easement is in place as the easement has to be approved by a third party being the Department of Planning, Lands and Heritage.

**Option 3 – Deferral**

The Shire may defer the matter to allow for consultation with the Department of Planning, Lands and Heritage prior to agreeing to any electrical installation, and to obtain information on the easement process.

• ***World Heritage***

The land is within the Special Control Area under the Scheme applicable to the Shark Bay World Heritage Property.

The application has not been referred to the Shark Bay World Heritage Advisory Committee or the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) due to time constraints, and having regard that the road falls under Main Roads jurisdiction.

**LEGAL IMPLICATIONS**

**Planning and Development (Local Planning Schemes) Regulations 2015**

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

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Shark Bay Local Planning Scheme No 3.

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

**Shire of Shark Bay Local Planning Scheme No 3 –**

The objectives of the Public Open Space reserve under the Scheme are:

- (i) To set aside areas for public open space, particularly those established under the *Planning and Development Act 2005* s.152.
- (ii) To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
- (iii) Accommodate a wide range of development including and not limited to buildings, structures, landscaping, amenities, carparks, caravan parks, campsites, or other activities for the general enjoyment, relaxation, exercise, play or entertainment of the local community, visitors, tourists and the general public.

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

---

POLICY IMPLICATIONS

There are no known policy implications associated with this matter.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no known strategic implications.

RISK MANAGEMENT

There are no known high risks associated with the proposed development.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

11 December 2018

19 DECEMBER 2018

13.4 INITIATE ADVERTISING OF PEDESTRIAN ACCESS WAY CLOSURE – LOT 155 HUGHES STREET, DENHAM  
P1077

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Gray and Lewis

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

Moved           Cr Capewell  
Seconded       Cr Burton

**Council Resolution**

**That Council:**

1.     **Resolve to initiate procedures to advertise potential closure of a Pedestrian Access Way known as Lot 155 Hughes Street on Plan 12666 pursuant to Section 58 of the *Land Administration Act 1997*.**

**Advertising shall be for a minimum of 35 days and shall include a:**

- i)     **Notice in a local newspaper;**
  - ii)    **Notice on Shire Public Noticeboard;**
  - iii)   **An A3 advertising sign visible from Hughes Street;**
  - iv)    **Letters to relevant service authorities; and**
  - v)     **Letters to nearby and adjacent landowners.**
2.     **Authorise the Chief Executive Officer to write to Sylvia Prior being the owner of Lots 55 and 56 Hughes Street, Denham as part of formal advertising to establish:**
    - (a)    **If the owner has any interest in purchasing half or a full width of the Pedestrian Access Way; and/ or**
    - (b)    **Whether they will provide written commitment to paying reasonable costs associated with the Pedestrian Access Way closure process which would include survey costs, purchase of the land, and fees payable to the Department of Planning, Lands and Heritage.**

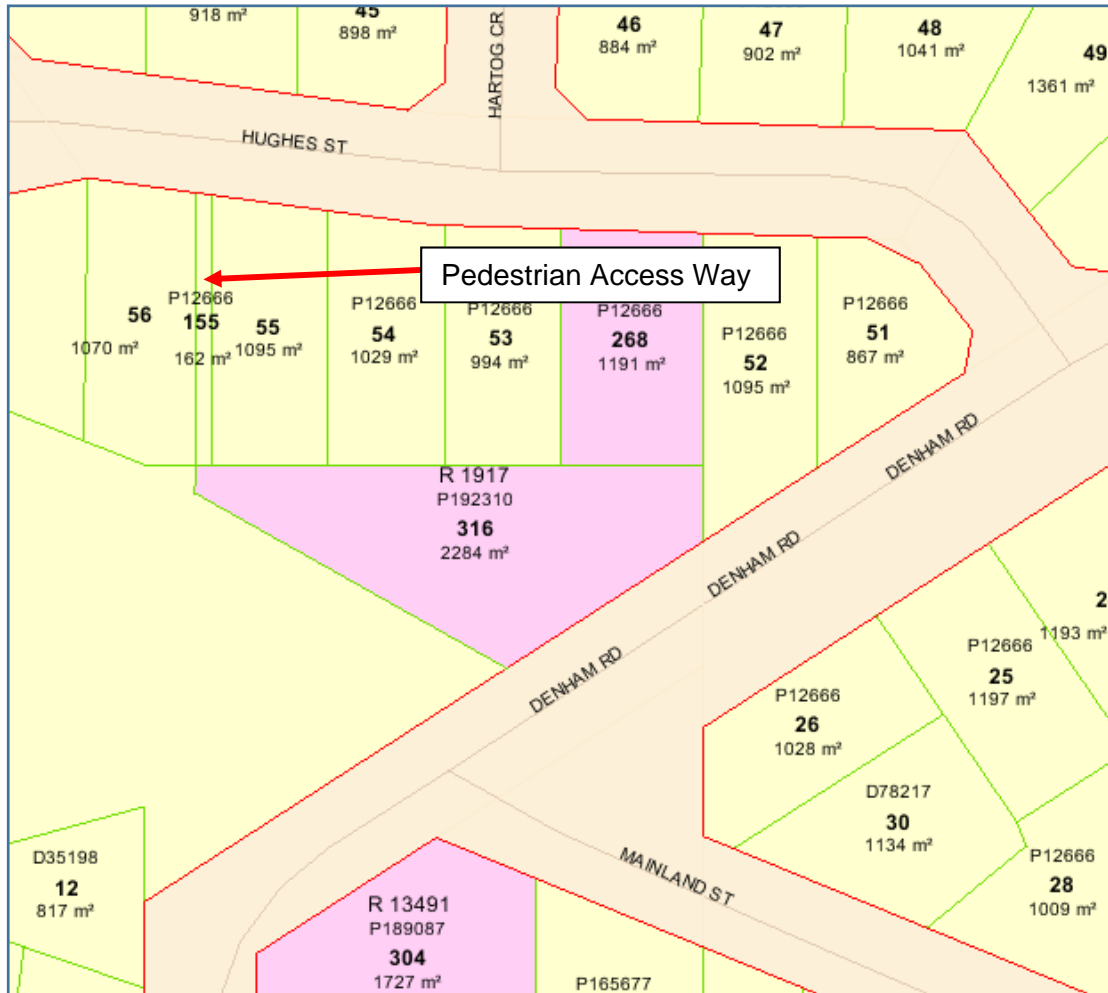
**7/0 CARRIED**

BACKGROUND

On the 5 March 2014, the then Department of Lands wrote to the Shire advising that the Pedestrian Access Way on Lot 155 is unmanaged, and sought advice as to whether the Shire would accept a management order for the Pedestrian Access Way, whether the Pedestrian Access Way was required, and if the Shire was agreeable to disposal of the Pedestrian Access Way into adjacent Lots 55 and 56.

19 DECEMBER 2018

A report on the matter was considered by Council on the 26 March 2014. Council resolved 'that the Department of Lands be advised that Lot 155 on plan 12666 comprising of a Pedestrian Access Way is not required by the Shire of Shark Bay and the Shire has no objection to the sale of the land to adjoining property owners.'



Location Plan : Lot 155 – Pedestrian Access Way

COMMENT

A recent enquiry on the Pedestrian Access Way was lodged to the Department of Planning, Lands and Heritage by Mr Ray Prior. Sylvia Prior owns Lots 55 and 56 Hughes Street which are adjacent to the Pedestrian Access Way.

The Department of Planning, Lands and Heritage advised Mr Prior that:

- a) Pedestrian Access Ways in the name of the State of Western Australia, are for all intents and purposes, considered the same as a dedicated road.
- b) In order to close and amalgamate this Pedestrian Access Way the Shire will be required to meet the statutory obligations under Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administrative Regulations 1998*.



## MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

- c) Costs vary however may include document preparation fee, document lodgement fee, and survey costs.

The Department of Planning, Lands and Heritage advice was also sent to the Shire, which has triggered this report to Council to commence formal Pedestrian Access Way closure procedures.

The closure procedure includes:

1. Initiation of advertising and formal procedures by the local government to comply with the *Land Administrative Act 1997* and *Land Administration Regulations 1998*.
2. Advertising for 35 days including a newspaper advert and letters to service authorities.

Although not compulsory, Town Planning Innovations recommends that an advertising sign be erected on site, to allow for comprehensive consultation.

It is also recommended that the Shire write to the owner of Lots 55 and 56 to establish if Sylvia Prior seeks to purchase the Pedestrian Access Way and if she is agreeable to payment of the costs to the Department of Planning, Lands and Heritage as associated with that process.

3. Report to Council to consider submissions and determine whether to proceed to lodge a Pedestrian Access Way closure request to the Department of Planning, Lands and Heritage for formal consideration of the Minister of Lands.
4. Consideration by Department of Planning, Lands and Heritage and consideration of a purchase price. If the owner of Lots 55 and 56 does not wish to purchase the Pedestrian Access Way it may alternatively be able to be converted into Unallocated Crown Land.
5. Acceptance by the proponent and payment of purchase price and other costs associated with the proposal (if the Pedestrian Access Way to be purchased).
6. Completion of the Pedestrian Access Way closure and disposal actions (if applicable). The Pedestrian Access Way closure area may need to be surveyed.

### LEGAL IMPLICATIONS

*Land Administrative Act 1997* – Part 5 deals with matters relating to public roads. The procedures for road closures are set out under Section 52.

*Land Administration Regulations 1998* – Regulation 9 outlines information required to be lodged with a road closure request to the Minister for Lands. It includes copies of Council resolutions, advertising details, submissions and the local government comments on submissions.

### POLICY IMPLICATIONS

There are no Local Planning Policy implications associated with this report.

MINUTES OF THE ORDINARY COUNCIL MEETING

---

19 DECEMBER 2018

FINANCIAL IMPLICATIONS

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

If the owner of Lots 55 and 56 does not wish to purchase the PAW, then the Shire may be responsible for costs associated with the closure process including survey costs and document costs payable to the Department of Planning, Lands and Heritage.

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report.

RISK MANAGEMENT

There are no known risks associated with this report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

11 December 2018

19 DECEMBER 2018

13.5 UNAUTHORISED BUILDINGS – SEVERAL LOTS IN DENHAM TOWNSITE  
LP00017 / P1416 / P1110 / P1461

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Laundry

Nature of Interest: Proximity Interest as one of the mentioned properties is a Neighbouring property

Moved Cr Ridgley

Seconded Cr Cowell

Cr Laundry left the Council Chamber at 5.27pm

**Council Resolution**

**That Council note that:**

1. **Structures have been placed on several lots in Denham without approval and the Shire Chief Executive Officer has written to relevant owners seeking advice on the intended use, size and setbacks of the structures by the 31 December 2018.**
2. **If the situation remains unresolved a separate report will be referred to a future Council meeting to consider all available legal options.**

**6/0 CARRIED**

Cr Laundry returned at 5.32pm

BACKGROUND

Shire Administration has identified that a number of second hand structures have been placed on lots in Denham townsite including:

- Lot 178 (46) Capewell Drive, Denham
- Lot 128 (4) Mainland Street, Denham
- Lot 90 Monkey Mia Road, Denham

The Shire Chief Executive Officer wrote to the owners (copy of correspondence and attachment at the end of this report) of the abovementioned lots on the 29 October 2018 to advise:

- a) The zoning of the land and that development requires approval unless it is specifically exempt under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- b) Requested details on the size of the structure(s), setbacks and intended use;
- c) Advised that the Shire can provide more detailed advice on planning and building requirements once information is provided by owners;
- d) Explained that placement of the structures constitutes 'building work' and a Building Permit is required.

## MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

A written response from each owner was requested by the 31 December 2018. To date the Shire has received the following information:

1. An email from Jamie Morgan which only included photographs of the buildings on Lot 90 Monkey Mia Road (refer below);
2. An email from Leon Deschamps disputing that the structure at 4 Mainland Street is a building and stating that it is a 'transportable building component' as it has an axle and is on wheels – refer Attachment 1 (includes Town Planning Innovations response to email).

Below: Photographs supplied by Jamie Morgan of structures on Lot 90 Monkey Mia Road, Denham





COMMENT

- *Current situation*

The owners have been requested to provide detailed advice to the Shire by the 31 December 2018, so that the Shire will be in an informed position to advise each owner of the planning requirements based on the intended use of the structures.

The purpose of this report is to bring the matter to the attention of Council and ensure Council is kept apprised of the situation.

At this stage the Shire Administration has taken an amicable approach to encourage owners to work with the Shire to meet any necessary planning application and building permit requirements.

If the situation remains unresolved, then a further report will be referred to a future Council meeting to explore options available to resolve any ongoing unauthorised development.

The Shire Administration may consult with its solicitor in regards to the available options. One option may be to issue a Written Direction requiring owners to remove the structures.

LEGAL IMPLICATIONS

*Planning and Development Act 2005* –

Clause 162 outlines that no development can occur without approval and states:

19 DECEMBER 2018

- (1) *Subject to this Act, where a planning scheme or interim development order provides that development referred to in the planning scheme or interim development order is not to be commenced or carried out without approval being obtained upon the making of a development application, a person must not commence or carry out that development on land to which the planning scheme or interim development order applies unless —*
- (a) *the approval has been obtained and is in force under the planning scheme or interim development order; and*
  - (b) *the development is carried out in accordance with the conditions subject to which the approval was granted.'*

Clause 214 outlines matters relation to Illegal development and the responsible authority's powers.

Clause 214(3) provides Council with the power to issue a Written Direction to the owner who undertook the development —

- (a) *to remove, pull down, take up, or alter the development; and*
- (b) *to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.'*

Under Clause 214(7) any person who fails to comply with a Written Direction commits an offence.

Clause 223 outlines general penalties and states:

*'Unless otherwise provided, a person who commits an offence under this Act is liable to a fine of \$200 000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.'*

It should be noted that any planning fines would be determined by a Magistrate.

Clause 225 deals with vehicle offences *which* means an offence of which the parking, standing or leaving of a vehicle is an element. Town Planning Innovations is of the view that the structures are 'buildings' however there are provisions in the Act to also deal with vehicles.

*Planning and Development (Local Planning Schemes) Regulations 2015 –*

Clause 69, Schedule 2, Part 7 outlines that a person must not commence or carry out works on, or use, land in the Scheme area unless (a) the person has obtained the development approval of the local government or (b) the development is of the type referred to in Clause 61.

Clause 61 outlines development for which no planning approval is required. The exemptions are limited and include, for example, a single house in a residential zone that complies with the 'deemed to comply' requirements of the Residential Design Codes.

Clause 79(2) allows an authorised officer to enter any land or building within the Scheme area for the purposes of monitoring whether the local planning scheme is being complied with.



19 DECEMBER 2018

Shire of Shark Bay Local Planning Scheme No 3 – Building Definition

Under Clause 32 (2) of the Scheme it states that ‘A word or expression that is not defined in this Scheme —

- (a) has the meaning it has in the Planning and Development Act 2005; or
- (b) if it is not defined in that Act — has the same meaning as it has in the R-Codes.’

The term ‘building’ is defined in the Residential Design Codes as:

*‘any structure whether fixed or moveable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls but excludes boundary fences, pergolas and swimming pools.’*

Building Act 2011 - The term ‘building work’ under Part 1, Section 3 includes:

- (a) the construction, erection, assembly or placement of a building or an incidental structure’

The Shires Building Surveyor has advised that the structures require a Building Permit.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

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

If any owner lodges a planning application there will be payable fees to the Shire.

The Shires 2018/2019 adopted fees and charges state ‘if the development has been commenced or been carried out, an additional amount, by way of penalty, that is twice the amount of the maximum fee payable for determination of the application under paragraph (a), (b), (c), (d), (e) or (f), PLUS the initial maximum application fee.’

STRATEGIC IMPLICATIONS

Proliferation of unauthorised development may have amenity or streetscape implications, depending on location and visibility. There are safety issues as structures need to meet engineering and cyclone requirements through the Building Permit process.

RISK MANAGEMENT

Risk is being minimised as the Shire is taking action in regards to unauthorised development, and owners have been advised that a Building Permit is required.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

12 December 2018



# MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

## ATTACHMENT 1

**From:** liz  
**To:** "leondeschamps"  
**Cc:** ceo@sharkbay.wa.gov.au; "building (building@northampton.wa.gov.au)"  
**Subject:** General - Structures placed on Lot 128 Mainland Street Denham - TPI  
**Date:** Friday, 7 December 2018 1:24:00 PM  
**Attachments:** 20181203152737020.pdf

---

Dear Leon,

Thank you for your enquiry. From a planning perspective I can advise that the term 'building' is not defined in the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

Under Clause 32 (2) of the Scheme it states that '*A word or expression that is not defined in this Scheme*

*—*  
(a) *has the meaning it has in the Planning and Development Act 2005; or*  
(b) *if it is not defined in that Act — has the same meaning as it has in the R-Codes.'*

The term 'building' is defined in the Residential Design Codes as:

*'any structure whether fixed or moveable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls but excludes boundary fences, pergolas and swimming pools.'*

In the context of the R Codes definition, the fact that a structure is not 'fixed' to the land does not by itself exclude it as a 'building' – this is captured by reference to the terms '*fixed or moveable*' '*temporary or permanent*' and '*placed..on the land*'.

I cannot provide you with legal advice in regards to building legislation, however I can confirm that I have discussed the matter previously with the Shires Building Surveyor and he confirmed his view that the structure requires a Building Permit and is 'building work'.

I am aware that the term 'building work' under Part 1, Section 3 of the Building Act 2011 (**Building Act**) includes:

*'(a) the construction, erection, assembly or placement of a building or an incidental structure'*.

If you require further clarification you are welcome to liaise with the Shires Building Surveyor, Glenn Bangay.

If you have obtained independent legal advice or counsel then you will need to decide whether to rely on that advice or not – I cannot provide you with any view. If you provide the Shire with a legal opinion they may refer it to their solicitors, McLeods, for legal advice. The Shire has it's own solicitors who specialise in planning law and dealing with building legislation. Any legal advice provided to the Shire is confidential.

I can only reaffirm that based on the attached correspondence the Shire has simply requested more detailed advice from you so that they are in a better position to advise you further on any relevant exemptions, planning and/ or building requirements. I would encourage you to provide additional written advice to the Shire as per their request, so that they can assist and provide you with further guidance.

I hope that this information is of assistance.

Regards  
**Liz Bushby**

MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

Town Planning Innovations  
PO Box 223  
Guildford WA 6935  
T 0488910869 (Tuesday to Friday)

This email and any attachments may be confidential. Please notify the sender immediately if you have received this message in error. Please do not alter or delete this advice.

**From:** Leon Deschamps  
**Sent:** Friday, 7 December 2018 10:32 AM  
**To:** liz <[liz@tpiplanning.com.au](mailto:liz@tpiplanning.com.au)>  
**Cc:** Marielle Boersma  
**Subject:** Transportable Building Components

Greetings from Shark Bay Liz,

I hope your 2018 has been a great one and you are getting close to some well deserved time off with your loved ones this festive season. I am in a bit of a quandary and was hoping you may be able to help. I was wondering if you would be able to provide some clarity for our CEO, Mr Paul Anderson in regards to the legislative requirements and associated protocols for "Transportable Building Components" as per the definition in the "Building Act of 2011".

In the above attached correspondence he has stated that:

**Unauthorised Development - Lot 128 (4) Mainland Street, Denham**

The Shire has recently become aware that second hand buildings have been placed on the abovementioned lot.

No buildings under the definitions provided in the Act have been placed at Lot 128 (4) Mainland Street. Two Transportable building components with caravan axles and wheels have been. It is our understanding under the act that:

**Transportable building components**

Transportable buildings are manufactured off-site and then transported to their desired location and fixed to the land. These are not considered to be buildings while they are being built in the factory, and can be termed as transportable building components. They become a building when they are first fixed to a site. Fixing a transportable building component to a site for the first time will create a new building, and this will normally require a building permit. The building thus created must comply with applicable building standards that apply to a new building, so that each of the transportable building components should comply with those standards.

The two transportable building components will not be "fixed" on site and as such will not trigger the Acts definition of either "Development, Building, or Building Works". They will not be permanently

MINUTES OF THE ORDINARY COUNCIL MEETING

---

19 DECEMBER 2018

plumbed or ever hard wired to mains electricity. I reiterate, they will NOT at any stage in the future be "Fixed".

They are not a "Re-purposed Dwelling" or a "Second hand dwelling" under the definitions of the Act and at no stage are intended for use as "Ancillary Dwellings"

The above correspondence furthermore requests before the 31st of December 2018 that:

**The Shire requests that you lodge written advice on the building use, setbacks, floor area, height and intended use within 2 months of the date of this letter.**

As we have no buildings on the site and only "Transportable building components" we are unsure as to what advice (if any) we can provide.

Can you please at your soonest convenience confirm that the advice we have received from our legal counsel in regards to the definitions above are in fact accurate and that we are presently compliant under the Western Australian Building Act of 2011?

Kind regards,

Leon

Leon.W.Deschamps

19 DECEMBER 2018

---

Correspondence sent to identified owners or unauthorised buildings within the townsite

29 October 2018

Dear

**Unauthorised Development – (Property Address), Denham**

The Shire has recently become aware that a second hand building has been placed on the abovementioned lot.

As you are the registered proprietors of Lot \*\*\* the Shire would like to advise you of the relevant planning requirements and provide you with an opportunity to rectify the existing situation.

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

I attach relevant extracts of the Scheme outlining the objectives for the Residential zone, development requirements and information on Repurposed Dwelling or Second Hand Dwellings.

Under Clause 60 of the 'deemed provisions for local planning schemes' under the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, all development requires planning approval unless otherwise exempt under Clause 61.

The Shire has no information about the floor area, wall/roof height, setbacks of the building to the lot boundaries or the intended use. Without this information the Shire cannot confirm if the development is exempt from the need for planning approval under Clause 61(1)(d) of the Planning and Development (Local Planning Schemes) Regulations 2015 or requires planning approval.

I therefore invite you to email plans and/ or information to the Shire's Planning Consultant for further detailed advice - [liz@tخطيط.com.au](mailto:liz@tخطيط.com.au)

Please be advised that if the intended use of the building is for an ancillary dwelling it would require planning approval in accordance with Schedule A of the Shire of Shark Bay Local Planning Scheme No 4.

I also wish to make you aware that the placement of buildings on the lot also constitutes 'building work' under Part 1, Section 3 of the Building Act 2011.

A Building Permit should have been obtained prior to placement of any buildings on the lot and the Shire has not issued any building permits.

As the buildings exist, you will need to lodge an application for a Building Approval Certificate - BA13. Information on unlawful building work is available on the Shires website - [www.sharkbay.wa.gov.au/property/building/unlawful-building-work.aspx](http://www.sharkbay.wa.gov.au/property/building/unlawful-building-work.aspx)

19 DECEMBER 2018

**The Shire requests that you lodge written advice on the building use, setbacks, floor area, height and intended use within 2 months of the date of this letter.**

Your written response to this letter is requested to be lodged no later than close of business on **31 December 2018**

Please contact Liz Bushby (Town Planning Innovations) on 0488910868 or [liz@tخطيط.com.au](mailto:liz@tخطيط.com.au) if you have any planning queries.

Alternatively please contact the Shires Building Surveyor, Glenn Bangay, on 0429 341 201 if you have building queries.

Yours sincerely

Paul Anderson  
**Chief Executive Officer**

**PART 3 - ZONES AND USE OF LAND**

**16. Zones**

(1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.

(2) The objectives of each zone are as follows –

Zone name	Zone Objectives
Residential	<ul style="list-style-type: none"> <li>• To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>• To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>• To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> <li>• To provide for tourist development which is compatible with and complementary to residential development.</li> </ul>
Urban Development	<ul style="list-style-type: none"> <li>• To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.</li> <li>• To provide for a range of residential densities to encourage a variety of residential accommodation.</li> <li>• To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.</li> <li>• To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</li> <li>• To encourage new quality buildings / redevelopment that is not constrained by the characteristics of older developments in the locality and that will positively improve streetscape variation, add interest to the streetscape or introduce landmark features.</li> </ul>

17. Zoning Table

The zoning table for this Scheme is as follows -

USE AND DEVELOPMENT CLASS							
	Commercial	Tourism	Residential	Urban Development	General Industry	Rural	Special use
Abattoir	X	X	X		X	A	
Agriculture - extensive	X	X	X		X	P	
Agriculture - intensive	X	X	X		X	D	
Amusement parlour	D	D	X		D	X	
Ancillary dwelling	D	D	P		X	D	
Animal establishment	X	X	X		A	A	
Animal husbandry - intensive	X	X	X		X	D	
Bed and breakfast	A	D	A		X	D	
Betting agency	D	D	X		X	X	
Bulky goods showroom	D	X	X		D	X	
Camping ground	D	D	X		X	D	
Caravan park	D	D	X		X	A	
Caretaker's dwelling	X	X	X		D	X	
Car park	P	P	X		P	D	
Child care premises	D	X	A		X	D	
Cinema / theatre	D	A	X		X	X	
Civic use	P	D	A		A	A	
Club premises	D	X	X		A	D	
Community purpose	A	A	X		D	D	
Consulting rooms	D	X	X		X	X	
Convenience store	P	A	X		D	X	
Education establishment	D	A	A		A	X	
Exhibition centre	D	D	X		X	X	
Family day care	D	A	A		X	X	
Fast food outlet	D	D	X		D	X	
Fuel depot	X	X	X		D	I	
Garden centre	D	X	A		D	D	
Grouped dwelling	A	A	D		X	X	
Holiday accommodation	A	D	A		X	X	
Holiday house	A	A	D		X	X	
Home business	D	D	D		X	D	
Home occupation	P	P	P		X	D	
Home office	P	P	P		X	P	
Hospital	D	A	A		X	X	
Hotel	D	D	X		X	X	
Industry - cottage	A	X	X		X	D	
Industry - extractive	X	X	X		A	A	
Industry	X	X	X		P	X	

REFER TO CLAUSE 32.2

REFER TO CLAUSE 21 AND SCHEDULE B



MINUTES OF THE ORDINARY COUNCIL MEETING

19 DECEMBER 2018

USE AND DEVELOPMENT CLASS							
	Commercial	Tourism	Residential	Urban Development	General Industry	Rural	Special use
Industry - light	A	X	X	REFER TO CLAUSE 32.2	P	D	REFER TO CLAUSE 21 AND SCHEDULE B
Liquor store – small	D	D	X		X	X	
Liquor store - large	D	D	X		X	X	
Lunch bar	P	D	X		P	X	
Marine filling station	D	D	X		X	A	
Market	D	D	X		D	D	
Medical centre	P	A	A		X	X	
Mining operations*	X	X	X		X	D	
Motel	D	D	X		X	X	
Motor vehicle, boat or caravan sales	D	X	X		P	X	
Motor vehicle repair	A	X	X		D	X	
Motor vehicle wash	D	X	X		D	X	
Multiple dwelling	A	A	D		X	X	
Nightclub	D	A	X		X	X	
Office	D	D	X		I	X	
Park home park	A	D	X		X	X	
Place of worship	A	X	A		X	X	
Reception centre	D	A	X		X	A	
Recreation - private	D	D	X		D	A	
Repurposed dwelling	X	A	A		X	D	
Residential building	A	A	A		X	X	
Restaurant/café	D	A	X		X	X	
Restricted premises	A	X	X		D	X	
Road house	D	X	X		D	X	
Rural home business	X	X	X		X	D	
Rural pursuit/ hobby farm	X	X	X		X	D	
Salvage yard	X	X	X		D	X	
Second hand dwelling	X	A	A		X	D	
Single house	A	A	P		X	P	
Serviced apartment	A	A	A		X	X	
Service station	A	X	X		D	X	
Shop	P	A	X		I	X	
Tavern	D	A	X		X	X	
Telecommunications infrastructure	D	D	A		D	D	
Tourist development	A	D	A		X	X	
Trade display	D	I	X		D	X	
Transport depot	X	X	X		D	X	
Tree farm	X	X	X		X	D	
Veterinary centre	A	X	X		D	D	
Warehouse/storage	D	I	X		P	X	
Waste disposal facility	X	X	X	A	A		

19 DECEMBER 2018

USE AND DEVELOPMENT CLASS							
	Commercial	Tourism	Residential	Urban Development	General Industry	Rural	Special use
Waste storage facility	X	X	X	REFER TO CLAUSE 32.2	D	A	REFER TO CLAUSE 21 & SCHEDULE B
Winery	X	X	X		X	A	
Workforce accommodation	I	I	A		I	I	

\* NOTE: Mining operations covered by the Mining Act 1978 are exempt from the requirement for development approval in accordance with the Mining Act 1978.

18. Interpreting zoning table

(1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

(2) The symbols used in the zoning table have the following meanings -

P means that the use is permitted if it complies with all relevant development standards or requirements of this Scheme;

I means that the use is permitted if it is incidental, ancillary or subordinate to the predominate use of the land and it complies with all relevant development standards or requirements of this Scheme;

D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions;

X means that the use is not permitted by this Scheme.

Note:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.

2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.

## PART 4 - GENERAL DEVELOPMENT REQUIREMENTS

### 25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government —
  - (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
  - (b) may publish a copy of the R-Codes on the website of the local government.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

### 26. Modification of R-Codes

- (1) Within areas that are dual coded on the Scheme Map, the local government may permit development in accordance with the higher code if such development can be connected to reticulated sewerage or the Health Department of Western Australia forms the view that there are exceptional circumstances to warrant a variation of the requirement for reticulated sewerage.
- (2) The Council may permit grouped dwelling development of an existing corner lot zoned 'Residential' to a maximum density of R40 provided:
  - (a) The lot has frontage to two constructed roads; and
  - (b) The minimum site areas for each dwelling are not of an irregular shape; and
  - (c) Any residence to be retained is of a good quality in the opinion of Council; and
  - (d) The development can be connected to reticulated sewerage; and
  - (e) The development complies with any relevant Local Planning Policy.
- (3) The Council may recommend support of survey strata subdivision (with or without common property) of an existing corner lot zoned 'Residential' to a maximum density of R40 provided:
  - (a) The lot has frontage to two constructed roads; and
  - (b) The created lots are not of an irregular shape; and
  - (c) Development approval has been issued for grouped dwellings on the lot; and
  - (d) The lots can be connected to reticulated sewerage; and
  - (e) Construction of development has substantially commenced to the satisfaction of Council.
- (4) With the exception of minor boundary realignments, the amalgamation of abutting lots with an existing corner lot in order to create a larger lot for the purpose of development and / or re-subdivision at a higher R40 density is not consistent with the intent of the provisions and the R Code as depicted on the Scheme map shall apply to the amalgamated lot.

- (ii) Approval of the development is consistent with variations allowable under the relevant State Coastal Planning Policy; and /or
- (iii) The proposed development only involves refurbishment of an existing building or a minor extension to an existing development.

**32.2 Residential and Urban Development Zone**

- (a) It is the intention of the local government to ensure that the subdivision and development of land within Urban Development zones takes place only after comprehensive planning ensures the maximum possible benefits of urban design and servicing through preparation of a Structure Plan.
- (b) In the Urban Development zone, a Structure Plan, endorsed by the Western Australian Planning Commission in accordance with Part 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, is required prior to the subdivision or development of land.
- (c) In the Residential zone, the local government has discretion to request the Western Australian Planning Commission to consider requiring the preparation of a Structure Plan prior to any the subdivision or development of land for the purposes of orderly and proper planning in accordance with Clause 15(c), Part 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (d) Notwithstanding Clause 32.2(b) the local government may approve the development of land within the Urban Development zone prior to a structure plan, prepared in accordance with Part 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the future structure planning in the area.

**32.3 Commercial Zone**

**32.3.1 Conditions and Standards**

The local government shall apply the following standards for development within the Commercial zone.

Uses	Setbacks			Site Coverage	Landscaping
	Front	Rear	Side		
Residential	In accordance with the Residential Design Codes				
Motel, hotel, tavern, caravan parks, short-term accommodation	Standards to be determined by the local government, having due regard to the Building Code of Australia and other relevant regulations			80%	10%
Shops, offices and other commercial	Nil	Nil	Nil	80%	10%

19 DECEMBER 2018

**14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

There are no motions of which previous notice have been given.

**15.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

Moved Cr Capewell  
Seconded Cr Burton

**Council Resolution**

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

**16.3 Confidential Urgent Business - Australia Day Awards Nomination**

**16.4 Depot Administration Buildings**

**7/0 CARRIED**

**16.0 MATTERS BEHIND CLOSED DOORS**

Moved Cr Fenny  
Seconded Cr Burton

**Council Resolution**

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

**7/0 CARRIED**

**16.1 KNIGHT TERRACE UPGRADES  
RD00019**

Author  
Works Manager

Disclosure of Any Interest  
Nil

Moved Cr Ridgley  
Seconded Cr Capewell

**Council Resolution**

**That Council consider the officers recommendation as contained within the confidential report.**

**7/0 CARRIED**



19 DECEMBER 2018

Moved            Cr Capewell  
Seconded       Cr Fenny

**Council Resolution**

1. **That the Council note that there was only one response from the Western Australian Local Government preferred suppliers list for RFQ 2018/2019-03**
2. **The Evaluation Panel recommends the appointment of Griffin Civil for the supply of Knight Terrace Upgrades 2018/2019 for the contract price submitted of \$135,200.00 has provided the most advantageous Quote and best value for money to the Shire of Shark Bay based on the assessment of the compliance criteria, qualitative criteria and pricing structures offered under Knight Terrace Upgrades 2018/2019.**
3. **That Westline Contracting be engaged to remark the road line marking for the submitted price of \$7,488.00 and the Shire works staff prepare the carpark located next to the toilet to facilitate sealing.**

**7/0 CARRIED**

16.2 MONKEY MIA DOLPHIN MANAGEMENT REVIEW  
P4342

Author  
Chief Executive Officer

Disclosure of Any Interest  
Disclosure of Interest: Cr Cowell  
Nature of Interest: Impartiality Interest as Employee of the Department of Biodiversity, Conservation and Attractions – Shark Bay World Heritage Advisory Committee Response  
Disclosure of Interest: Cr Ridgley  
Nature of Interest: Impartiality Interest as work at Monkey Mia

Moved            Cr Bellottie  
Seconded       Cr Capewell

**Council Resolution**

**That the Council consider and provide comment on the confidential report by the Chief Executive Officer regarding the review of the management of the Monkey Mia provision programme undertaken by the Department of Biodiversity, Conservation and Attractions.**

**7/0 CARRIED**

Cr Cowell left council chamber at 5.53pm

Cr Laundry assumed the Chair.

19 DECEMBER 2018

Moved Cr Capewell  
Seconded Cr Bellottie

**Council Resolution**

**That the Council acknowledge and advise the Parks and Wildlife Service Shark Bay District Manager, that there are positive aspects to the report but the overall emphasis and recommendations if adopted may have a detrimental effect on the economic viability of the Shark Bay economy and the Shire Council does not support the report in its entirety.**

**6/0 CARRIED**

Cr Cowell returned to the Council Chamber at 5.56pm and assumed the Chair.

16.3 AUSTRALIA DAY AWARDS NOMINATIONS – TO BE PRESENTED AT URGENT BUSINESS  
CR00001

Author

Executive Manager Community & Economic Development

Disclosure of Any Interest

Disclosure of Interest: Cr Burton

Nature of Interest: Impartiality Interest as Parents have been nominated.

Disclosure of Interest: Cr Laundry

Nature of Interest: Impartiality Interest as Men's shed has a nomination.

Moved Cr Capewell  
Seconded Cr Bellottie

**Council Resolution**

**1) That this reported be noted.**

**2) Council nominate individuals or groups for the awards if any are suitable**

**3) The Australia Day Citizen of the Year (for a person of 25 years or older) is presented to Roger Hewitt;**

**4) The Australia Day Citizen of the Year - Youth (for a person under 25 years) is presented to Molly McAuliffe;**

**5) The Australia Day Citizen of the Year - Senior (for a person over 65 years) is presented to Joe McLaughlin;**

Cr Laundry left the Council chamber at 6.12pm

**6) The Australia Day Active Citizen Award (for a community group or event) is presented to the Denham Crafters; and**

**7) That the Council resolution be embargoed until the 26 January 2019.**

**6/0 CARRIED**



19 DECEMBER 2018

Cr Laundry returned to the Council Chamber at 6.15pm

16.4 DEPOT ADMINISTRATION BUILDINGS  
RES40492 / P4031

Author  
Chief Executive Officer

Disclosure of Any Interest  
Nil

Moved Cr Bellottie  
Seconded Cr Capewell

**Council Resolution**

**That the purchase and delivery of a new 12 metre x 9 metre transportable building for the Shire Depot from an external provider, including plumbing and electrical works, but not including site works and footings undertaken by Council, be approved up to the value of \$140,000.**

**That the unbudgeted expense for the purchase of a new 12 metre x 9metre transportable building be approved and funded from the following areas**

- 1. \$64,241 Insurance payout from current building.**
- 2. \$20,000 from current capital works allocation for toilets at depot.**
- 3. \$55,759 maximum to be funded from the Infrastructure Reserve.**

**7/0 CARRIED**

Moved Cr Fenny  
Seconded Cr Ridgley

**Council Resolution**

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

**7/0 CARRIED**

**17.0 DATE AND TIME OF NEXT MEETING**

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 27 February 2019, commencing at 3.00pm.

**18.0 CLOSURE OF MEETING**

As there was no further business the President closed the Ordinary Council meeting at 6.21 pm.