

# SHIRE OF SHARK BAY MINUTES

30 September 2020

## ORDINARY COUNCIL MEETING



DENHAM FORESHORE - SHARK BAY



30 SEPTEMBER 2020



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# MINUTES OF THE ORDINARY COUNCIL MEETING

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The minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 30 September 2020 commencing at 3.03 pm.

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**1.0 DECLARATION OF OPENING**

The President declared the meeting open at 3.03 pm.

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

**ATTENDANCES**

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

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

**APOLOGIES**

Cr J Burton	Application for Leave of Absence Item 5.1
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**VISITORS**

6 Visitors in the Gallery

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

There were no previous public question on notice.

**4.0 PUBLIC QUESTION TIME**

The President opened public question time at 3.03 pm.

Mr Hargreaves made a statement regarding the history and operations of the Crisis Centre located at 14 Durlacher Street and asked if the Council could give further thought regarding the ongoing operations the Centre.

The President acknowledged Mr Hargreaves and advised that Mrs Hargreaves had provided confirmation in writing that the crisis centre shall cease its operations immediately upon the approval of the bed and breakfast proposal approval.

The President closed public question time at 3.21 pm.

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**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

**5.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR BURTON  
GV00018**

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved

Cr Stubberfield

Seconded

Cr Fenny

**Council Resolution**

**Councillor Burton is granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary meeting of Council scheduled to be held on Wednesday 30 September 2020.**

**6/0 CARRIED**

Background

Councillor Burton has applied for leave of absence from the ordinary meeting of Council scheduled for Wednesday 30 September 2020. The Council in accordance with Section 2.25 of the ***Local Government Act 1995*** as amended may by resolution grant leave of absence to a member.

Comment

Councillor Burton has advised the Chief Executive Officer, she will be unable to attend the Ordinary meeting of Council scheduled to be held on Wednesday 30 September 2020 and has requested leave of absence be granted by Council for this meeting.

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

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

Legal Implications

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

- (1) A council may, by resolution grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the minister.
- (3) The granting of leave, or refusal to grant leave and reasons for that refusal, is to be recorded in the minutes for the meeting.
- (4) A member who is absent, without first obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –

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- a) If no meeting of the council at which a quorum is present is actually held on that day; or
- b) If the non attendance occurs while –
  - i. the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5)
  - ii. while proceedings in connection with the disqualification of the member have been commenced or are pending; or
  - iii. while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

### Policy Implications

There are no policy implications relative to this report.

### Financial Implications

There are no financial implications relative to this report.

### Strategic Implications

There are no strategic implications relative to this report.

### Voting Requirements

Simple Majority Required

### Signatures

Chief Executive Officer      *P Anderson*

Date of Report                      4 September 2020

# MINUTES OF THE ORDINARY COUNCIL MEETING

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## 6.0 PETITIONS

There were no petitions presented to the September 2020 Ordinary Council meeting.

## 7.0 CONFIRMATION OF MINUTES

### 7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 AUGUST 2020

Moved            Cr Ridgley  
Seconded       Cr Smith

#### Council Resolution

**That the minutes of the Ordinary Council meeting held on 26 August 2020, as circulated to all Councillors, be confirmed as a true and accurate record.**

**6/0 CARRIED**

## 8.0 ANNOUNCEMENTS BY THE CHAIR

The President congratulated Mr Paul Anderson, Chief Executive Officer on his 10 years of service to the Shire of Shark Bay.

## 9.0 PRESIDENT'S REPORT

GV00002

#### Council Committee Membership

Member	Audit Committee
Member	Development Assessment Panel
Member (Chair)	Local Emergency Management Advisory Committee
Member (Chair)	Western Australian Local Government Association – Gascoyne Zone
Deputy Delegate	The Aviation Community Consultation Group
Ministerial Appointment	Gascoyne Development Commission

#### Meeting Attendance

28 August 2020	Chaired the Western Australian Local Government Association Gascoyne Zone meeting ABC North West Radio interview
29 September	Councillor Information Session
30	Meeting with Minister for Tourism Ordinary Council meeting

#### Signatures

Councillor	<i><b>Councillor Cowell</b></i>
Date of Report	23 September 2020

Moved            Cr Bellottie  
Seconded       Cr Fenny

#### Council Resolution

**That the President's activity report for September 2020 be received.**

**6/0 CARRIED**

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**10.0 ADMINISTRATION REPORT**

**10.1 LOCAL GOVERNMENT REVIEW PANEL – FINAL REPORT**

GV10000

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved

Cr Cowell

Seconded

Cr Ridgley

**Council Resolution**

**That Council support Western Australian Local Government Association's resolution as follows:**

**Requests a formal commitment from the Minister for Local Government that the Local Government Sector be consulted on the Draft Local Government Bill in line with the State / Local Government Partnership Agreement and that the Western Australian Local Government Association actively participates in the legislative drafting process to develop the new Local Government Act; and**

**That the Western Australian Local Government Association submission to the Local Government Review Panel be noted and Council endorse the Chief Executive Officers recommendations in a response.**

**6/0 CARRIED**

Background

The Western Australian Local Government Association State Council meeting held on the 2 September 2020 discussed the Local Government review Panels final report on the recommendations for a new Local Government Act for Western Australia.

Western Australian Local Government Association collated a response from Local Government zones for presentation to the State Council and a series of recommendations.

The State Council following consideration of the recommendations resolved the following

***That the Western Australian Local Government Association:***

***1. Acknowledges the panel report and the recommendations received from Zones and continue to work with the Government to undertake further consultation on the recommendations contained therein.***

***2. Requests a formal commitment from the Minister for Local Government that the Local Government Sector be consulted on the Draft Local Government Bill in line with the State / Local Government Partnership Agreement and that Western Australian Local Government Association actively participates in the legislative drafting process to develop the new Local Government Act; and***

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**3. Strongly encourages individual Local Governments to consider responding to the recommendations of the panel report and advise the Western Australian Local Government Association of their submissions by 31 October 2020.**

Comment

The submission from Western Australian Local Government Association to the State Council follows for Council consideration.

A number of the recommendations put forward from the Western Australian Local Government Association are general advocacy positions which have previously been discussed at a Council and State level.

Comment by the Shire Chief Executive Officer has been made where there is considered an issue that may differ from the Western Australian Local Government Association State Council position.

The Council can now consider the position they wish to take in relation to the recommendations put forward by the State Council. A submission then could be presented to the Minister for Local Government if further consultation on the report is undertaken before any legislation is drafted.

A copy of the full report has been circulated as a separate attachment.

**Western Australian Local Government Association Submission to State Council**

**CLEAR LEGISLATIVE INTENT**

**1. Recommendations 1 to 7**

**Introduction and Role and Functions of Local Government**

**Local Government Act Reference: Part 1**

Recommendation 1 proposes a strategic approach to the consideration of the Report recommendations.

Recommendation 2 introduces a new statement of intent that will explain the legislations purpose:

*An Act to provide for a system of local government relevant to Western Australia that develops and supports sustainable, accountable, collaborative and capable local governments through democratic representation, the provision of services, opportunities and enhanced well-being for each and every community.*

Recommendation 3(a) to (j) proposes objectives for the legislative framework 'to support Local Governments having the agility, adaptability and flexibility to respond to changing community expectations and technology'.

Recommendation 4 proposes a shorter, less prescriptive Act that minimizes the use of regulations in favour of a principles-based approach.

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Recommendation 5 proposes recognition of the diversity of Local Governments however it does not support a multi-tiered (size and scale) legislative framework.

Recommendation 6 proposes upholding the power of general competence predicated in the current Local Government Act.

Recommendation 7 (a) to (i) proposes guiding principles for sustainable, accountable, collaborative and capable Local Governments.

**WALGA Comment**

WALGA advocacy supports many of the proposals in Recommendations 1 to 7, principally that the Local Government Act Review be based on a 'Principles over Prescription' approach that avoids red tape and 'declutters' the extensive regulatory regime that currently exists (Recommendations 3 and 4) and maintaining the general competence principle (Recommendation 6) which frees Local Governments to make any decision that does not conflict with statute or common law.

Recommendation 7 aligns with WALGA advocacy for enabling legislation.

Recommendation 5 is unsupportive of WALGA advocacy that promotes a size and scale compliance regime and it is recommended that WALGA maintain its current advocacy for a Local Government Act that is reflective of the differences and diversity of Local Governments in Western Australia.

**WALGA Recommendation:**

**Support Recommendations 1, 2, 3, 4, 6 and 7.**

**Oppose Recommendation 5**

**Chief Executive Officer Recommendation**

**Support the Western Australian Local Government Association position**

**Recommendation 5 does not recognise that multi tiered system would reflect the large diversity of Local Governments in Western Australia**

**AN AGILE SYSTEM**

**2. Recommendations 8 to 11 - Structural Reform**

**Local Government Act Reference: Part 1; Section 2.1(2) and Schedule 2.1, cl. 8**

Recommendation 8 proposes to combine the Local Government Grants Commission and Local Government Advisory Board to form a Local Government Commission, with roles assigned that will engender a strategic approach to its operation including monitor the performance and financial health of the sector, the latter in collaboration with the Office of the Auditor General, in addition to traditional functions such as distributing Commonwealth grant funding to Local Governments and boundary changes. Establishment of the Commission under this strategic framework will require skills-based appointments rather than by representation.

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Recommendations 9 and 10 supports a legislative framework that is flexible, responsive and resilient and capable of facilitating community participation. There are also specific proposals for structural reform including revised processes for boundary changes and mergers, enhanced model of joint subsidiaries (see Recommendation 14) and provision for the establishment of community boards.

Commentary associated with Recommendation 9 sees flaws in the current poll provisions found in Clause 8 of Schedule 2.1 ('Dadour provisions') as being '*...unduly restrictive when Local Governments need to adapt to changing circumstances*'.

Recommendation 11 proposes the potential to establish community boards, with reference to examples of successful international models. While community boards might be formed in response to mergers or for use by large Local Governments to devolve certain responsibilities to community representatives, the proposal makes clear that the overall responsibility for decision-making and authority will rest with the 'parent' Local Government. See also Recommendation 33 'Community Engagement'.

#### **WALGA Comment**

WALGA does not have an advocacy position in relation to Recommendation 8 'Local Government Advisory Board' and this may be a matter for sector consultation. Recommendations 9 and 10 propose a legislative framework that has similar themes to WALGA's advocacy that the Local Government Act Review promote a flexible, principles-based legislative framework.

WALGA has a long-standing advocacy position for the retention of the Dadour provisions that give electors a right to demand a poll on recommended amalgamations. This advocacy is tied to the principle that the Dadour provisions are the ultimate expression of community support or rejection of amalgamation proposals.

Although not a specific recommendation, the commentary appears contradictory to the general themes expressed throughout the Report for increased opportunities for community consultation. The community board proposal in Recommendation 11 is similar to WALGA advocacy for community engagement that is based on principle rather than prescription.

**WALGA Recommendation: Support the general intent of Recommendations 8 and 9. Oppose any proposal to remove the poll provisions (Dadour provisions) in Schedule 2.1, Clause 8 of the Local Government Act. Support Recommendation 11.**

#### **Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation in regard to clause 8 and 9**

**Do not support recommendation 10 and 11, predominantly on the basis and size which relates to the diversity of council size in Western Australia.**

### **3. Recommendations 12, 13 and 14 - Expanded Regional Cooperation**

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**Local Government Act Reference: Part 3, Division 4 Page 34 of 93**

Recommendations 12 and 13 promotes expanding opportunities for regional cooperation between Local Governments under improved regional subsidiaries model for shared services, and through a new form of regional authority for specific issues. Recommendation 14 proposes an end to the regional council model in favour of regional cooperation models set out in the previous recommendations.

WALGA Comment – WALGA has a strong advocacy history in support of regional subsidiaries and is disappointed that the complexity of the existing legislative provisions means that no regional subsidiaries have formed since the Act amendment of 2016. WALGA has independently developed a revised version of regulations that limits unnecessary compliance without diluting transparency and accountability of regional subsidiaries, and therefore welcomes recommendations that will facilitate regional cooperation under this model.

WALGA is cognisant that regional councils are often formed for a singular purpose, most commonly waste management, yet compliance obligations are generally equivalent to that of a Local Government. It is current WALGA advocacy that the compliance obligations of regional councils should be reviewed. It appears the recommendations will create a suitable opportunity for the transition of regional councils to a model more suitable to the participant Local Governments.

**WALGA Recommendation: Support Recommendations 12, 13 and 14.**

**Chief Executive Officer Recommendation**

**Recommendation 12 support but not mandated, needs to remain voluntary  
Recommendation 13 not supported could be incorporated into Development commissions role.**

**Recommendation 14 supported**

**4. Recommendation 15 - State Local Government Partnership Agreement**

**Local Government Act Reference: Section 3.18**

Recommendation proposes a set of principles for intergovernmental relations that makes clear Local Government's role and obligations as part of a broader system of government.

WALGA Comment – Western Australian Local Government Association's advocacy is for a communication and consultation protocol that ensures a consultation process precedes regulatory or compliance changes that affect the sector<sup>11</sup>. The current Partnership Agreement signed in 2017 is currently under review.

Section 3.18 'Performing executive functions' includes apparently similar objectives to Recommendation 15, whereby a Local Government considers matters such as integration and coordination; avoidance of inappropriate duplication; and effective and efficient management of services and facilities that may also be provided by the State and Commonwealth.

This creates adequate space for the general competence principle to apply when a Local Government considers the range and scope of its executive functions, services and facilities.

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**WALGA Recommendation: Support Recommendation 15.**

**Chief Executive Officer Recommendation**  
**Support recommendation 15**

**INCLUSIVE LOCAL DEMOCRACY**

**5. Recommendations 16 and 17 - Relations with Aboriginal Peoples and Communities and Recommendation 18 - Service Delivery in Remote Communities**

**Local Government Act Reference: Not mandated**

Recommendations 16 and 17 contemplate a Local Government Act that includes recognition of the unique status of Aboriginal peoples and inclusion of mechanisms for consultation and engagement. Recommendation 18 recommends further consideration of service delivery to remote communities through improved integration with Integrated Planning and Reporting requirements.

**WALGA Comment** – WALGA's advocacy recognises and respects Aboriginal cultural practices and places through development of Reconciliation Action Plans<sup>12</sup> and is supportive of efforts to improve the living conditions and governance in Aboriginal communities.<sup>13</sup>

There are 287 discrete Aboriginal communities in WA accommodating approximately 17,000 Aboriginal people spanning 26 Local Government districts. It is therefore inevitable that service delivery considerations are coordinated with State and Federal Government departments and agencies with relevant responsibilities, to mitigate against cost-shifting responsibility to individual Local Governments with limited financial capacity.

WALGA adopted the advocacy position that *'the State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities'*<sup>14</sup>.

The commentary associated with Recommendation 18 raises a necessary discussion regarding service delivery to remote Aboriginal communities but lacks detail on how the inter-governmental responsibilities and funding arrangements associated with efficient and timely service delivery can be better achieved.

**WALGA Recommendation: Support Recommendations 16 and 17 and reiterate WALGA's current advocacy position in relation to Recommendation 18, that there be adequate funding of legislative responsibilities assigned to Local Governments in relation to service delivery to remote Aboriginal communities.**

**Chief Executive Officer Recommendation**  
**Support recommendations 16 and 17**  
**Support recommendation with assurance of adequate funding**

## **6. Recommendation 19 - Optional Preferential Voting**

### **Local Government Act Reference: Section 4.69, 4.74 and Schedule 4.1**

The Report recommends a system of voting that better represents the community's preference for candidates that is not currently delivered by a first past the post system, where a candidate does not require a clear majority of votes to be elected.

**WALGA Comment** – WALGA's advocacy position supports the current 'first past the post' system. WALGA has previously opposed other forms of voting<sup>15</sup> and the system of proportional preferential voting was briefly introduced to the Local Government Act for one election cycle before being repealed and returned to first past the post voting in 2009<sup>16</sup>.

**WALGA Recommendation: Oppose Recommendation 19 and any alternative voting system in favour of retaining the first past the post system.**

### **Chief Executive Officer Recommendation Oppose recommendation 19**

## **7. Recommendations 20, 21 and 27 - Review of Property Franchise**

### **Local Government Act Reference: Sections 4.30 → 4.35; Section 4.66**

Recommendation 20 proposes mandating one vote per person, which is currently prescribed in Section 4.65 albeit in the context of the property franchise. Recommendation 21 proposes discontinuing enrolment entitlement through ownership or occupation of rateable property. Property franchise claims result in enrolment on the Owner's and Occupiers Roll, forming the second limb of voter entitlement alongside the Residents Roll.

The Expert Panel proposes increasing participation, consultation and involvement of business owners and operators by Local Governments including mechanism such as business advisory groups.

Recommendation 27 recommends consultation be undertaken to determine whether the property franchise continue within the City of Perth, in concert with a review of the *City of Perth Act 2016*.<sup>17</sup> Currently, Part 4 of the Local Government Act applies to the election of council members of the City of Perth, and Section 20 of the *City of Perth Act 2016* applies to the election of the Lord Mayor.

**WALGA Comment** – WALGA has not adopted an advocacy position relevant to the recommendations.

It is recommended that support be given to a broad consultative process with Local Governments, the business sector, communities and relevant stakeholders to assess whether or not owners and occupiers of rateable property should have a right to vote in a modern democratic electoral system.

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**WALGA Recommendation: Conditionally Support Recommendations 20, 21 and 27 in support of a review of the property franchise including a broad community consultative process.**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association Condition support of recommendation 21  
Oppose recommendations 21 and 27**

**8. Recommendation 22 - All In/All Out 4 Year Election Cycle**

**Local Government Act Reference: Section 4.5**

Recommendation 22 proposes Elected Members be elected at the same time, every four years. This aligns with the election of State Parliamentarians. An acknowledged detriment is the potential loss of corporate knowledge due to non-election of experienced councillors, whereas benefits include potential increased participation by candidates and electors and reduced election costs to Local Governments.

**WALGA Comment** – There is no WALGA advocacy position relevant to this proposal. It is therefore recommended that the sector be consulted, and the resultant views be considered in developing WALGA's advocacy position.

**WALGA Recommendation: That the sector be consult**

**Chief Executive Officer Recommendation**

**Oppose recommendation 22, the alignment with state parliament does not recognise the need for continuity and the non-party lines (no Opposition party) of the majority of local government**

**9. Recommendations 23, 24 and 25(a) – Conduct of Elections**

**Local Government Act Reference: Section 4.20 and 4.61**

Recommendation 23 is that the Western Australian Electoral Commission take responsibility for all Local Government elections, with the consequence that a Local Government Chief Executive Officer will no longer be the Returning Officer of first resort. Recommendation supports electronic/online voting. Recommendation 25(a) adds to the currently mandated role of the Western Australian Electoral Commission by proposing all elections are by postal voting, ending the option on in-person voting.

**WALGA Comment** – WALGA advocates for an end to the WAEC's enshrined monopoly on the conduct of postal elections by amending legislation to permit third parties to be service providers of postal elections<sup>18</sup>.

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**WALGA Recommendation: Support Recommendation 24; Oppose Recommendations 23 and 25(a); WALGA reiterates its position that third parties be permitted as service providers for postal elections.**

**Chief Executive Officer Recommendation**

**Conditional support for recommendation 23 and/or remain optional due to the impartiality of Western Australian Electoral Commission running elections**

**Support recommendation 24**

**Support recommendation 25**

**10. Recommendations 25(b) to (f) - Other Election Proposals**

Recommendation (b) proposed the extension of the election process to optimise participation.

Recommendation 25(c) 'Candidate Nomination Information' is adapted from a model similar to Victorian legislation that requires candidates to respond to a set of questions prescribed by regulation in the form of a statutory declaration. Recommendation 25(d) – Caretaker Policies are increasingly evident in Local Government; in 2016, WALGA committed to develop the currently-available template Caretaker Policy<sup>19</sup>.

Recommendation 25(e) seems to reflect current legislation<sup>20</sup> and Recommendation (f) identifies the prospect that potential donations can be crowdfunded in the absence of a gift declaration and this is likely to undermine integrity of the election process.

**WALGA Recommendation: Support Recommendations 25(b) to (f)**

**Chief Executive Officer Recommendation**

**Support recommendation 25**

**11. Recommendation 26(a) - Elected Member Numbers Based on Population  
Local Government Act Reference: Section 2.17**

The Report proposes the following structures for Elected Member positions on Council:

(i) Population up to 5,000 – 5 Councillors (incl. President)

*This proposal will capture approximately 81 Local Governments (1 metro, 80 non-metro)*

(ii) Population between 5,000 and 75,000 – 5 to 9 Councillors (incl. Mayor/President)

*This proposal will capture approximately 47 Local Governments (19 metro, 28 non-metro)*

(iii) Population above 75,000 – 9 to 15 Councillors (incl. Mayor)

*This proposal will capture approximately 11 Local Governments (10 metro, 1 non-metro)*

**WALGA Comment** – WALGA adopted an advocacy position in 2011 opposing a previous proposal to reduce the number of Elected Members to between 6 and 921. At the time, WALGA requested a proper examination of the relative benefits and merits

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of any proposal to reduce numbers of Elected Members be conducted. There is still merit in reviewing numbers on Council and the proposal is worthy of consideration although limiting populations of up to 5,000 to a fixed number of 5 Councillors lacks the flexibility that is easily resolved by extending the maximum number of Councillors to 7.

**WALGA Recommendation: Conditionally Support Recommendation 26(a) conditional upon a review of the relative benefits and merits of changes to reduce numbers of Elected Members on Council be supported, on the following basis:**

- (i) Populations up to 5,000 – 5 to 7 Councillors (incl. President)**
- (ii) Populations between 5,000 and 75,000 – 5 to 9 Councillors (incl. Mayor/President)**
- (iii) Populations above 75,000 – up to 15 Councillors (incl. Mayor)**

**Chief Executive Officer Recommendation**

**Support the Western Australian Local Government Association position of Conditional Support**

**12. Recommendation 26(b) to (f) – Wards, Mayor/President Election and Term Limits**

**Local Government Act Reference: Part 2 and Part 4; Schedule 2.2**

Recommendation 26 (b) to (f) proposes a number of adjustments associated with Recommendation 8 - Local Government Advisory Board/Local Government Commission. These proposals include:

- ☐ Recommendation 26(b) - system of ward boundary reviews.
- ☐ Recommendation 26(c) - discontinuance of ward boundaries for Band 3 and 4 Local Governments.
- ☐ Recommendation 26(d) - phasing in of proposals under Recommendation 26(a).
- ☐ Recommendation 26(e) - continuance of two-year election cycle for Council-elected Mayors/Presidents; and
- ☐ Recommendation 26(f) - no limits to be placed on terms Elected Members and elected Mayor/President can serve.

**WALGA Comment** – Recommendation 26(e) aligns with WALGA advocacy that Local Governments retain the right to determine whether the Mayor / President will be elected by the Council or the community.<sup>22</sup> WALGA has not adopted advocacy positions specific to the remaining proposals however Recommendation 26(c) conflicts with the general competence principle and the current self-determination inherent in the current ward review system. WALGA supports the ability for all Local Governments, not merely those in Band 3 and 4, to consider the merits of its system of representation and election on the basis of community of interest; physical and topographical features; demographic trends; economic factors and the ratio of Councillors to electors in the various wards.

WALGA supports the general intent of Recommendation 8 and similar support is proposed to the exclusion of Item (c).

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**WALGA Recommendation: Support Recommendations 26(b), (d), (e) and (f). Oppose Recommendation 26(c).**

**Chief Executive Officer Recommendation**

**Support the Western Australian Local Government Association position**

**13. Recommendations 28 to 32 - Redefinition of Roles and Responsibilities  
Local Government Act Reference: Sections 2.7, 2.8, 2.10 and 5.41**

Recommendation 28 sets the scene for Recommendations 29 to 32 by suggesting revised statements of roles and responsibilities that are specific to address the following issues:

- Community leadership
- Strategic planning
- Continuous improvement
- Executive function (for mayors/presidents)
- Guiding the CEO (for mayors/presidents)
- Training

**WALGA Comment** – Recommendations 28, 29, 30 and 31 are supported. Recommendations 32(1)(a) to (o), and 32(a) are supported. WALGA opposes Council involvement in matters relating to senior employees<sup>24</sup> as this conflict with the role of the CEO as employing authority of all employees under Sec. 5.41(g) of the Local Government Act.

Recommendations 32(2)(b) and (c) are opposed. These recommendations seek to perpetuate ongoing Council involvement in matters relating to senior employees. WALGA points out that Regulation 9(1) of the *Local Government (Rules of Conduct) Regulation* was amended on 15 August 2020 to remove reference to Councillor involvement in administration where authorised by the Council to undertake that task. This amendment directly relates to past findings such as the City of Canning Inquiry 2014, where the Inquirer noted this Regulation was used to involve Council in a matter directly related to the CEO's employing authority functions:

*'Reg. 9(1) of the Local Government (Rules of Conduct) Regulations 2007 is a rule of conduct, and is not, by itself, a source of authority for intervention by the Council in Administration activities.'*

**WALGA Recommendation: Support Recommendations 28, 29, 30, 31, 32(1)(a) to (o) and 32(a).**

**Oppose Recommendations 32(2)(b) and (c) to conclusively ensure that a Council cannot involve itself in the functions of the Chief Executive Officer as set out in Section 5.41 of the Local Government Act.**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government's recommendation**

**14. Recommendations 33 and 34 – Community Engagement and Governance**

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**Local Government Act Reference: Sections 2.7, 2.8, 2.10 and 5.41**

Recommendation 33 proposes a range of community engagement principles, and Recommendation 34 proposes a Community Engagement Charter be required as a mechanism for guiding and enhancing community participation in local decision-making.

**WALGA Comment** – WALGA advocates that Local Governments adopt a Community Engagement Policy, with each Local Government to implement the most appropriate means of engagement<sup>26</sup>.

**WALGA Recommendation: Support Recommendations 33 and 34. Page 40 of 93**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

**15. Recommendation 35 – Annual Engagement with Electors**

**Local Government Act Reference: Sections 5. 27**

Recommendation 35 proposes a lesser version of the opportunity already available to electors but poorly attended historically. This raises the prospect that, in the absence of the opportunity to move motions at meetings, the proposed annual meeting will follow a similar trend.

**WALGA Comment** – WALGA advocates that Elector's General Meetings should not be compulsory, on the basis that there is adequate opportunity for the public to participate in the affairs of the Local Government through attendance at Council Meetings, participating in public question time, requesting special electors' meetings etc.

**WALGA Recommendation: Oppose Recommendation 35 and seek amendment to the Act to ensure Electors' General Meetings are not compulsory.**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

**SMART PLANNING AND SERVICE DELIVERY**

**16. Recommendations 36 and 37 - Enhanced Integrated Planning and Reporting  
Local Government Act Reference: Section 5.56; Local Government  
(Administration) Regulations Part 5, Division 3**

Recommendation 36 and 37 propose enhanced Integrated Planning and Reporting principles and provisions and that Audit, Risk and Improvement Committee monitor

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performance against baseline measures including financial management, service delivery and community well-being.

**WALGA Comment** – WALGA has supported the Integrated Planning and Reporting framework dating back to the Systemic Sustainability Study of 2008 and broadly supported the regulatory amendments introduced in 2011.

**WALGA Recommendation: Support Recommendations 36 and 37**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

**17. Recommendations 38(a) and (b) – Minimum Service Levels  
Local Government Act Reference: Section 3.18**

Recommendations 38(a) and (b) are separated for independent consideration due to the potential for extensive consequences to the Local Government sector. Recommendation 38(a) proposes a minimum level of service delivery established as a statutory obligation, and Recommendation 38(b) proposes a qualified reserve power whereby the Minister for Local Government responds to a failure to deliver the minimum services by issuing an enforceable direction.

**WALGA Comment:** WALGA's closest advocacy positions to Recommendation 38 is 'principles over prescription' together with upholding the General Competence Principle<sup>28</sup>. Recommendation 38(a) appears intended to create a commonality of service delivery that is potentially measurable across the sector, with service delivery outcomes either legislated or directed by the Minister for Local Government. This approach is anathema to the General Competence Principle that permits Local Governments to independently determine appropriate levels of service.

It is noted that continuance of the General Competence Principle is supported in Recommendation 6, but the contradictory nature of Recommendation 38(a), that determination of some services will be taken out of the hands of Local Governments and their communities, is neither identified nor examined in the Report.

Recommendation 38(b) is intended as a qualified reserve power however the associated commentary includes reference to directions relating to a natural disaster or a pandemic. The Local Government sector's experiences during the COVID-19 pandemic did not bring to light any deficiency in the capacity of the State Government to manage issues arising from a pandemic that would requiring the Minister for Local Government to assume emergency direction powers – see also Recommendation 58. WALGA advocates that the State Government ensure there is proper provision for resources required to fulfil any legislated responsibility.

**WALGA Recommendation: Oppose Recommendation 38(a) and (b) and reiterate support for Recommendation 6 'General Competence Principle'.**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

**18. Recommendations 38(c), (d) and (e) – Service Levels and IPR**

**Local Government Act Reference: Section 5.56; Part 5, Division 3 Local Government (Administration) Regulations Page 42 of 93**

Recommendations 38(c), (d) and (e) propose a range of measures to align financial sustainability principles and services and programs to the integrated planning and reporting framework, and to conduct regular service delivery reviews including community consultation.

**WALGA Comment:** WALGA supported the introduction of the Integrated Planning and Reporting 'planning for the future' provisions and the above recommendations broadly align with current level of maturity in community consultation processes and examination of service delivery leading to the development of Strategic Community Plans and Corporate Business Plans.

**WALGA Recommendation: Support Recommendations 38(c), (d) and (e)**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

**19. Recommendations 39 to 42 - Local & Joint Subsidiaries**

**Local Government Act Reference: Part 3, Division 4**

Recommendation 39 proposes Integrated Planning and Reporting frameworks be cognisant of State Government plans when developing strategies for economic development.

Recommendation 40 proposes the new Local Government Act provide freedom for commercial activities, linking with Recommendation 41 which, whilst recommending against a beneficial enterprise model, makes positive recommendations for the support of commercial activities under an updated subsidiary model required to observe competitive neutrality principles. Recommendation 42 supports the use of regional subsidiary models unless qualified by the requirement to form an entity where the Local Government is not the dominant party.

**WALGA Comment** – It is noted that Recommendation 41(a) to (i) details the elements required for a flexible subsidiary model, including a proposal under 41(h) that employees of a subsidiary fall within the jurisdiction of the WA Industrial Relations Commission. This conflicts with current WALGA advocacy that such a transfer is conditional upon modernisation of the State system to be more consistent with the Federal industrial relations system.

**WALGA Recommendation: Support Recommendations 39, 40, 41(a) to (g) and (i) and 42. Oppose Recommendation 41(h).**

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**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

**20. Recommendations 43 and 44 - Modernise Financial Management**

**Local Government Act Reference: Part 6; Local Government (Financial Management) Regulations**

Recommendation 43 proposes a modern set of principles to modernise financial management.

Recommendation 44 proposes a selection of measures in support of sound financial decision-making.

**WALGA Comment** – WALGA supports the general intent of the recommendations, aligning as they do with a number of advocacy positions including:

33 State Council Resolution 06.3/2019

34 City of Perth Inquiry Report, Volume 3, Page 83

35 State Council Resolution 06.3/2019

- Conduct a complete review of financial management provisions
- Freehold land be used to secure debt
- Enable Building Upgrade Finance

WALGA notes that the Report of the Inquiry into the City of Perth makes a number of recommendations relating to financial management of all Local Governments including:

- Recommendation 188: Establishment of Financial Management Instructions.
- Recommendation 189: The 'WA Accounting Manual' dated September 2012 be reviewed and updated.
- Recommendation 190: The format of format of the annual budget and financial report be prescribed for consistency across local government'

**WALGA Recommendation: Support Recommendations 43 and 44**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

**21. Recommendation 45 to 49 - Procurement**

**Local Government Act Reference: Section 3.57; Local Government (Functions and General) Regulations Part 4**

Recommendation 45 proposes procurement thresholds, rules and policies be more closely aligned with the State Government. Recommendation 46 proposes a model Procurement Policy be adopted by all Local Governments. Recommendations 47 and 48 propose enhancing panel contracts and encouraging local business to register as local content providers. Recommendation 49 introduces the prospect that breaches of procurement rules be referred to an Independent Assessor for investigation.

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**WALGA Comment** – WALGA has consistently supported the alignment of the tender threshold with that of the State Government<sup>35</sup> and broadly supports the principle that suppliers of goods, services and works competing for contracts will benefit where procurement processes across State and Local Government has more similarities than differences. These proposals will also assist recent endeavours of both State and Local Government to enhance opportunities for local and regional suppliers to access contracts and boost local economies in the post COVID-19 recovery phase.

**WALGA Recommendation: Support Recommendations 45, 46, 47, 48 and 49**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

**22. Recommendations 50, 51 and 52 - Rating and Revenue**

**Local Government Act Reference: Part 6; Local Government (Financial**

**Management) Regulations**

Recommendation 50(a) opposes rate capping and 50(c) proposes a broad review of rate exemptions available under Section 6.26(2) of the Local Government Act in recognition of the limitation this place on capacity to raise revenue. Further proposals include development and publication a Local Governments rates and revenue strategies (50b) and a review by the Valuer General of rating methodologies (50 g).

Recommendation 51 aligns with the current provisions in Sec 6.17 of the Local Government Act which requires the setting of fees and charges to consider; the cost of providing the service; importance of the service to the community; and the price of alternative providers might charges for similar service.

Recommendation 52 recommends cost recovery principles be adopted when Local Government and State Government set fees and charges.

**WALGA Comment** – WALGA's advocacy opposes rate capping and there is long-standing support for a review of general rate exemption provisions and charitable land use rate exemptions<sup>37</sup> initially examined by the Local Government Advisory Board in 2005<sup>38</sup>. WALGA also supports a review of the basis of rates<sup>39</sup> and this may be incorporated in Recommendation 50(g).

WALGA's advocacy position in relation to Recommendation 52 is that Local Government to be empowered by legislation to set fees and charges for all services it provides in favour of the current arrangement whereby many fees and charges are determined by State Government legislation.

The Office of the Auditor General regularly audits State Government fee-setting in line with Government policy:

*It is general government policy that fees should fully recover the cost of providing related services. If fees under-recover costs, this could mean the general public is*

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*subsidising customers, while over-recovery could mean customers are being charged too much. Any under or over-recovery of costs requires approval from the Minister or authority from legislation, respectively.*

WALGA's long-held concern is that the State Government's policy is inadequately applied to Local Government service delivery (town planning fees, building fees, dog and cat registration etc) and Local Governments experience a net revenue loss due to inherent issues of:

- Lack indexation
- Lack from regular review
- Lack a transparent methodology in setting of fees and charges

**WALGA Recommendation: Support Recommendations 50, 51 and 52; continue to advocate for legislation that empowers Local Governments to set fees and charges for all services it delivers.**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

**ACCOUNTABILITY, SELF-REGULATION AND INTEGRITY**

**23. Recommendations 53 and 54 - Accountability and Self-Regulation**

**Local Government Act Reference: Part 7 (Audit); Local Government (Audit) Regulations**

Recommendation 53 recommends an expanded Audit, Risk and Improvement Committee with Recommendation 53(a) and (b) proposes that skills-based independent members hold the majority of numbers, and the Chair, of the Committee, and regional committees be formed to offset potential increased costs.

Recommendation 54 proposes an expanded role for the Audit, Risk and Improvement Committee including an audit plan approach focussing on compliance, risk (including procurement), financial management, fraud control, governance and delivery of plans.

**WALGA Comment** – WALGA's advocacy supported the Office of the Auditor General WA conducting Local Government finance and performance audits<sup>42</sup>. The self-regulation themes within Recommendation 54 are supported, however Recommendation 53(a) and (b) proposals for a majority of independent members, potentially drawn from a panel of approved suppliers or shared through regional cooperation arrangements, does not include a benefits analysis and there is no evidence the regional cooperation approach will lessen internal audit costs particularly for rural and regional Local Governments.

**WALGA Recommendation: Oppose Recommendation 53(a) and (b). Supports Recommendation 54.**

**Chief Executive Officer Recommendation**

**Oppose recommendations 53 and 54**

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#### **24. Recommendation 55 – Integrity and Governance**

##### **Local Government Act Reference: Part 7 (Audit); Local Government (Audit) Regulations**

Recommendation 55(a) to (i) propose a range of governance measures to improve integrity, oversight and public participation.

**WALGA Comment** – Recommendations (f), (g) and (h) align with the Department of Local Government, Sport and Cultural Industries current development of Mandatory CEO Standards for Recruitment, Performance Review and Termination (associated with the *Local Government Amendment Legislation Act 2109*) and it is likely this body of work will continue to be dealt with independent of this Report. WALGA's current advocacy position includes opposition to item (g), the mandatory readvertising of the CEO position upon completion of two five-year terms.

The proposal under item (c), permitting elected members unable to maintain impartiality to withdraw from a meeting and not vote, is clearly unworkable where the meeting quorum comes under threat and is opposed.

**WALGA Recommendation: Support Recommendation 55(a), (b), (d), (e), (f), (h) and (i). Oppose Recommendations 55(c) and (g).**

##### **Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

#### **25. Recommendation 56 – Training and Development**

##### **Local Government Act Reference: Section 5.126 and Regulations 35 and 36 of the Local Government (Administration) Regulations**

Recommendation 56 updates the recently introduced Elected Member training provisions.

**WALGA Recommendation: Support Recommendation 56**

##### **Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

#### **26. Recommendation 57 and 58 – Early Intervention Framework**

##### **Local Government Act Reference: Part 8**

Recommendation 57 proposes an early intervention framework whereby the Department of Local Government, Sport and Cultural Industries works with Local Governments to improve performance, governance and compliance. Recommendation 58 proposes the Minister for Local Government should have powers to direct Local Governments and make declarations during a declared state of emergency.

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**WALGA Comment** – WALGA does not have advocacy positions in relation to either recommendation. Recommendation 38(b) introduced commentary on this topic and it is reiterated the Local Government sector's experiences during the COVID-19 pandemic did not bring to light any deficiency in the capacity of the State Government to manage issues arising from the pandemic that would require providing the Minister for Local Government with additional emergency powers. A matter of this significance should be considered in the broad context of the State Government's assessment its capacity to respond during the present state of emergency period, rather than dealt with piecemeal in a review of the Local Government Act.

**WALGA Recommendation: Support Recommendation 57. Oppose Recommendation 58.**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

**27. Recommendations 59 and 60 – Office of the Independent Assessor  
Local Government Act Reference: Part 8; Section 5.41**

Recommendation 59 (a) to (f) proposes conditions upon which an Office of the Independent Assessor might be established, including taking the functions of the Local Government Standards Panel.

Recommendation 60 proposes consideration of managing complaints by Elected Members against a CEO or other senior officer, with potential complaints be investigated by the Independent Assessor.

**WALGA Comment** – WALGA has a long-standing advocacy position for improvement to the operational efficiency of the Local Government Standards Panel.

The proposal in Recommendation 59 to create the Office of the Independent Assessor resonates in some regard with Recommendation 323, 324 and 325 of the Report of the Inquiry into the City of Perth.

Recommendation 60 has the potential to overlay with other statutory provisions relating to employment law, and it is unclear whether the Report has considered the appropriateness of a proposal which will permit individual Elected Members, rather than the Council acting collectively as the employing authority, to instigate actions relating to a CEO's performance.

Similarly, it is current practice that all complaints relating to other local government employees fall within the function of the CEO as the employing authority under Section 5.41(g) of the Act.

**WALGA Recommendation: Support Recommendation 59. Oppose Recommendation 60.**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

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**28. Recommendation 61(a) and (b) – Classification Bands**  
**Local Government Act Reference: Schedule 2.2**

Recommendation 61(a) proposes the principles for determining classification and for Local Governments should be set out in the new Act, and Recommendation 61(b) states that once established they be utilized by the Salaries and Allowances Tribunal to determine Councillor and CEO allowances and remuneration.

**WALGA Comment** – WALGA has a long-standing advocacy position in relation to appropriate levels of remuneration for Elected Members. The commentary accompanying Recommendation 61(b) informs the rationale for removing the classification band process from the *Salaries and Allowances Act 1975* to the *Local Government Act 1995* is to provide a broader application of the band system to other matters including whether a Local Government should have wards. This ties Recommendation 61(a) and (b) to Recommendation 26(c) that has the intent of discontinuing wards in Band 3 and 4 Local Government, which WALGA does not support.

**WALGA Recommendation: Oppose Recommendation 61.**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

**29. Recommendations 62 and 63 - Harmonisation of Local Laws**  
**Local Government Act Reference: Section 3.5 to 3.17**

Recommendations 62 and 63 propose increased harmonisation of Local Laws by developing model Local Laws and deemed provisions, with Local Government responsible for justifying any departure or variation from the models or provisions.

**WALGA Comment** – WALGA advocates for improvements to the current local law-making process and independent local law scrutiny conducted by Parliament's Delegated Legislation Committee<sup>47</sup>. Consistent Models and deemed provisions will greatly enhance certainty in the local law-making process whilst ensuring the right for Local Governments to argue for and justify departures and variances that suit local conditions, issues and needs.

**WALGA Recommendation: Support Recommendations 62 and 63**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

**30. Recommendation 64 - WALGA**  
**Local Government Act Reference: Section 9.58**

Recommendation 64 recommends the following in respect to WALGA.

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- (a) WALGA not be constituted under the new Act.
- (b) A transition period is provided to ensure continuity in operations of WALGA while it is re-formed under other legislation; and
- (c) Recognition of WALGA's Preferred Supplier Program and mutual insurance coverage in the legislation should be accompanied by appropriate oversight measures, including auditing.

**WALGA Comment** – From the Local Governments sector perspective it is critical to retain WALGA's services status in the legislation and regulations relating to the Preferred Supplier Program and the Insurance service, as these programs provide significant savings for the Local Government sector.

In respect to whether WALGA's establishment is referenced in the Local Government Act, it is appropriate for the Association to obtain legal advice on any negative consequences this may have.

**WALGA Recommendation: Support recommendation 64(c) for WALGA services retention in the Local Government Act relating to the Preferred Supplier Program and the Local Government Insurance Service. Further advice required in respect to recommendation 64(a) and (b)**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

**31. Recommendation 65 – Operational Provisions**

**Local Government Act Reference: Various**

Recommendation 65 (a) to (f) proposes a number of operational matters for future consideration.

**WALGA Comment** – The proposals align with WALGA's advocacy to the extent that the new Local Government Act be based on a flexible, principles-based legislative framework that avoids red tape and 'de-clutters' the current extensive regulatory regime.

There is general support is therefore for these operational provisions, however Recommendation 65(f) – transfer of employee entitlements across all three levels of Government – though well intended is highly likely to raise extensive legal, industrial and financial ramifications prior to being capable of implementation. Further research and industrial consideration are therefore inevitable.

**WALGA Recommendation: Support Recommendations 65(a) to (e). Conditionally support Recommendation 65(f) pending further research and industrial consideration**

**Chief Executive Officer Recommendation**

**Agree with the Western Australian Local Government Association recommendation**

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Legal Implications

There are no legal implications relative to this report.

Policy Implications

There are no policy implications relative to this report.

Financial Implications

There are no policy implications relative to this report.

Strategic Implications

Address council Strategic Leadership Objective

A transparent, resilient organisation demonstrating leadership and governance

Outcome 6

A strategically focussed, unified Council functionally efficiently

6.1 Effectively represent and promote the Shire of Shark Bay

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

*P Anderson*

Date of Report

18 September 2020

10.2 MONKEY MIA RANGER STATION  
RES1686 RES49144

Author

Chief Executive Officer

Disclosure of Any Interest

Disclosure of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Executive Officer of the Shark Bay World Heritage Advisory Committee and an employee of Department of Biodiversity, Conservation and Attractions -Parks and Wildlife Services

Moved Cr Stubberfield

Seconded Cr Ridgley

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**Council Resolution**

**That the correspondence from the District Manager Mr Steve Nicholson in regard to the Monkey Mia Ranger Station and the use of the Peron Colour Palette be noted.**

**That the actions proposed by the District Manager Mr Steve Nicholson in regard to the Monkey Mia Ranger Station, colour and fencing be accepted and endorsed.**

**That Council advise that preferred colours for the Monkey Mia Ranger Station and Shed from the Peron Colour Palette are as follows:**

**Base colours – Beaten Track**

**Accent Colours – Leave as is (White)**

**Trim – Leave as is (White)**

**Metal roof – Leave as is (White)**

**6/0 CARRIED**

**Background**

The Peron Peninsula colour palette, in recognition that the aesthetic values of the Shark Bay landscapes have been formally recognised through inscription on the World Heritage list, was commissioned by the Shark Bay World Heritage Advisory Committee and developed by the interpretation officer for the Department of Environment and Conservation.

This initiative was introduced in 2012 to meet the objectives of protecting and promoting compatibility with the natural environment while addressing the need for conformity in any built future development.

The Shark Bay Shire Council was requested when considering development applications for any properties situated in the World Heritage Area to advise proponents of the Peron peninsula colour palette to ensure the colours recommended were utilised.

During the development approval process for any property in the World Heritage Area, the applicant is advised of the applicable colour palette and the World Heritage Advisory Committee and the Department of Biodiversity, Conservation and Attractions are provided the opportunity to provide comment on the proposal.

The new Department of Biodiversity, Conservation and Attractions rangers' station at Monkey Mia did not follow the development application process through Council and would appear to have not been painted in colours chosen from the Peron Colour Palette.

**Comment**

Correspondence was sent the District Manager Mr Steve Nicholson regarding the colours used at the Monkey Mia Ranger Station and the ongoing use of the Peron Colour Palette in the World Heritage Area. A copy of the response is attached.

Mr Nicholson in the correspondence states:

*DBCA will consult with the Shire and the Shark bay World Heritage committee to reach an agreed colour selection for the building and DBCA will repaint the building, as directed by the outcome of the consultation.*

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It would be now beneficial and assist the Department of Biodiversity, Conservation and Attractions if Council could provide some guidance as to the preferred colour choice from the Peron Colour Palette for the building. The Peron Colour Palette is attached for Council's guidance.

The correspondence sent to Mr Nicholson also raised the issue of the chain link fencing used at the site and Mr Nicholson has provided assurance that the Department of Biodiversity, Conservation and Attractions will investigate a more appropriate fencing solution and replace or modify the existing fence as soon as funding becomes available.

Legal Implications

There are no legal implications relative to this report.

Policy Implications

There are no policy implications relative to this report.

Financial Implications

There are no policy implications relative to this report.

Strategic Implications

Address Council Strategic Economic Objective

Help protect our unique natural and built environment

Outcome 3

A natural environment for the benefit and enjoyment of current and future generations  
3.1 reduce environmental impact within the Shire.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

*P Anderson*

Date of Report

18 September 2020

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020



Department of Biodiversity,  
Conservation and Attractions



Your ref: RES49144, RES1686 / O-CR-18654  
Our ref:  
Enquiries: Steve Nicholson  
Phone: 9948 2200  
Email: [steve.nicholson@dbca.wa.gov.au](mailto:steve.nicholson@dbca.wa.gov.au)

Mr Paul Anderson  
Chief Executive Officer  
Shire of Shark Bay  
PO Box 126  
DENHAM WA 6537

Dear Mr Anderson

## MONKEY MIA RANGER STATION - PERON COLOUR PALETTE

Thank you for your letter of 23 July 2020 regarding the Shire of Shark Bay's concerns about the colour of the new Ranger Station at Monkey Mia Conservation Park and the chain link fence around the Ranger Station compound.

Initially, the discussions between Department of Biodiversity, Conservation and Attractions (DBCA) and the consulting architects, aimed to match the colour of the Ranger Station with the existing ochre coloured Visitor Centre. However, it became apparent that a matching colour was not visually appealing due to the different textures of the two buildings. As a solution the architect suggested the use of a colour that contrasted with the Visitor Centre. As the ochre colour of the Visitor Centre is very similar to the ochre colour in the Shark Bay World Heritage logo, it was decided to use one of the blue colours in the logo as the contrasting colour for the Ranger Station, reinforcing recognition of the area's World Heritage brand. In the process consideration of the Peron Colour Palette was overlooked. The images at figure 1 illustrate the intent to emulate the Shark Bay World Heritage Area brand.

Notwithstanding, DBCA acknowledges the concerns raised by the Shire and agrees that consistency with the Peron Colour Palette should have been considered in the Ranger Station design process. This was an oversight on the part of DBCA. DBCA will consult with the Shire and the Shark Bay World Heritage Committee to reach an agreed colour selection for the building and DBCA will repaint the building, as directed by the outcome of that consultation.

In relation to the chain link fence that has been installed around the Ranger Station service compound, this was installed as a low-cost solution to providing security at the site. I acknowledge the concerns raised by the Shire and agree that this type of fence is less than ideal aesthetically. DBCA will investigate a more appropriate fencing solution and replace or modify the existing fence as soon as funding becomes available.

I will request that the matter of the Peron Colour Palette and the Monkey Mia Ranger Station be included as an agenda item for the next meeting of the Shark Bay World Heritage Advisory Committee. Should you wish to discuss this matter in the meantime, please feel free to contact me on (08) 9948 2200.

Department of Biodiversity, Conservation and Attractions  
Parks and Wildlife Service  
61 Knight Terrace Denham WA 6537  
Phone: (08) 99 482 226

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Yours sincerely

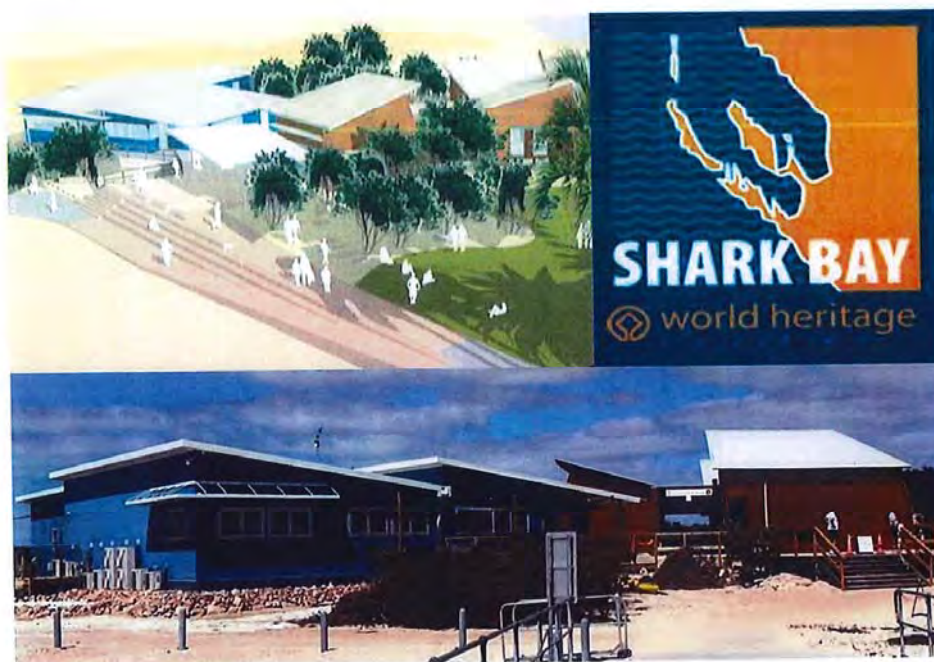


Steve Nicholson  
DISTRICT MANAGER  
Shark Bay District

10 September 2020

CC: Minister for Environment; Disability Services; Electoral Affairs; Deputy Leader of the  
Legislative Council - Hon. Stephen Dawson MLC  
Mr Phil Scott – Chair - Shark Bay World Heritage Advisory Committee

Figure 1



# PERON PENINSULA COLOUR PALETTE



## Objectives

The objectives are to protect and promote compatibility with the natural environment.

## Controls

External materials, colours and finishes of all buildings and structures should complement the existing natural environment of Peron Peninsula and the coastal theme.

The colour palette provides the framework for development on Peron Peninsula and the basis for selecting materials and colours.

Note: The colour palette shown is from the Dulux Range, equivalent colours from other manufacturers can be used.

### WALLS

The base colours should be used as a general wall colour with accent colours being used for architectural features or feature walls.

Accent colours will be considered for use in larger wall areas based on design merit.

Base colours can be used both as general and accent colour.

#### BASE COLOURS

	Handmade Linen Quarter
	Scallywag Quarter
	Fiji Sands
	Hog Bristle Quarter
	Foundation
	Ecru
	Oyster Linen
	Beaten Track
	Napkin White
	White Opal

#### ACCENT COLOURS

	Crystal Palace		Clay Bake
	Xena		Stream
	Jodhpurs		Self-Destruct
	Robinhood		Ecru Half
	Fiji Sands		Teal Trip
	Red Terra		Rivera Sea
	Red Stop		

ONE

# PERON PENINSULA COLOUR PALETTE



## TRIM

Trim colours should be used for gutters, rainwater pipes, etc., and at the base of dwellings. Colours from the Accent colour palette can also be considered.

	Soft Impala		Plantain		Sandbank
	Poppy Leaf		Timeless Grey		Classic Cream
	Bronze Icon		Light Rice		Bond White

## ROOFS

Roof materials can include Colourbond-orb metal sheeting, terracotta or cement tiles.

### Metal Roofs

The Colourbond roof colours can be selected from the colours shown below.

	Wilderness		Sandbank		Shale Grey
	Pale Eucalypt		Dune		Classic Cream
	Bushland		Evening Haze		Surf Mist
	Windspray		Paperbark		Manor Red
					Headland

### Tile Roofs

The following samples are from the Boral Range. Roof tiles of similar colour and profile can be considered.

	Mineral		Evergreen		Barley Stone
	Savanna		Ghost Gum Grey		Antique Bronze
	Antique Bronze		Ghost Gum Grey		Savanna
	Grange Waratah		Insignia Ochre		

TWO

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10.3 MONKEY MIA JETTY  
RC00003

Author

Councillor P Stubberfield

Disclosure of Any Interest

Disclosure of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Executive Officer, Shark Bay World Heritage Advisory Committee and employee of Department of Biodiversity, Conservation and Attractions – Parks and Wildlife Services

Moved Cr Stubberfield

Seconded Cr Fenny

**Council Resolution**

**That the Department of Biodiversity Conservation and Attractions Regional Manager Mr Nigel Sercombe, Ms Susan Hancock, Regional Leader Parks and Visitors Service and Mr Steve Nicholson, District Manager be requested to convey to the Department of Biodiversity, Conservation and Attractions employees at Monkey Mia that:**

- 1. Complaints have been received in regard to the restriction of access by pedestrians and vessels to the Monkey Mia Jetty by the Department of Biodiversity, Conservation and Attractions employees which is having a detrimental affect on the Visitor Experience to Shark Bay**

**and**

- 2. That the Monkey Mia Jetty is the property of the Shire of Shark Bay and the Department of Biodiversity, Conservation and Attractions employees do not have any enforcement rights or jurisdiction over the jetty usage by pedestrians or vessels.**

**6/0 CARRIED**

Background

The Monkey Mia commercial Jetty is a council asset and there are local laws that are applicable to the use of the jetty and enforceable by Shire employees or persons delegated the authority.

The Monkey Mia jetty is adjacent to the Monkey Mia Dolphin interaction zone and conservation park. There are a number of reserves within this precinct.

The approach to the jetty on the land is within recreation Reserve 1686 which is jointly vested in the Shire and the Department of Conservation and Land Management Executive body (now the Department of Biodiversity, Conservation and Attractions). This includes the boat ramp carpark and launching area.

The commercial jetty structure is located with in the Marine Park and has a license issued by the Department of Transport.

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There has been a number of verbal complaints expressed recently that the Department of Biodiversity, Conservation and Attractions employees situated at Monkey Mia are imposing restriction on the use and utilisation of the Monkey Mia jetty by pedestrians and vessels.

Comment

The verbal complaints are based upon the Department of Biodiversity, Conservation and Attractions employees at Monkey Mia instructing people and vessels not to use the jetty at certain times.

The visitors that have experienced the restrictions being enforced have voiced their displeasure in the manner that they have been initially approached and then spoken to in regard to their use of the jetty.

The visitor experience to the Shire is crucial for any advertising and repeat visitation especially in the current climate where travel is extremely restricted.

The Department of Biodiversity, Conservation and Attractions are a major component of tourism within the Shire and it is important that a positive image is portrayed to ensure the right message is received by the many tourists that visit Monkey Mia and the Shire of Shark Bay.

Legal Implications

There are no legal implications relative to this report.

Policy Implications

There are no policy implications relative to this report.

Financial Implications

There are no policy implications relative to this report.

Strategic Implications

Address council Strategic Economic Objective

A Progressive, Resilient and Diverse economy

Outcome 2

Support local business and encourage further investment in the district.

2.2 Promote and support our Tourism industry.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

*P Anderson*

Date of Report

18 September 2020

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**11.0 FINANCE REPORT**

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

Author

Finance Officer / Accounts Payable

Disclosure of any Interest

Nil

Moved            Cr Fenny  
Seconded       Cr Smith

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$512,609.04 be accepted.**

**6/0 CARRIED**

Comment

The schedules of accounts for payment covering -  
Municipal fund credit card direct debits for the month of August 2020 totalling \$822.16

Municipal fund account cheque numbers 26930 totalling \$9,344.76

Municipal fund direct debits to Council for the month of August 2020 totalling \$29,545.95

Municipal fund account electronic payment numbers MUNI 26953 to 27093 totalling \$272,684.36

Municipal fund account for August 2020 payroll totalling \$175,877.96

Municipal fund account for Police Licensing for August 2020 transaction number 202102 totalling \$24,333.85

No Trust fund account cheque numbers were issued for August 2020 totalling \$0

No Trust fund account electronic payments were issued for August 2020 totalling \$0

The schedule of accounts submitted to each member of Council on 25 September 2020 has been checked and are fully supported by vouchers and invoices. All vouchers and invoices have been duly certified as to the receipt of goods and services and the cost of goods and services received.

LEGAL IMPLICATIONS

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

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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 23 September 2020

MINUTES OF THE ORDINARY COUNCIL MEETING

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**SHIRE OF SHARK BAY – CREDIT CARD  
PERIOD – AUGUST 2020**

**CREDIT CARD TOTAL \$ 822.16**

**CEO**

<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
31/07/2020	SHARK BAY BAKERY	MORNING TEA FAREWELL KRISTY KNOTT	52.00

**\$ 52.00**

**EMFA**

<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
22/07/2020	STILL SPORTS	RECREATION CENTRE SPORTS EQUIPMENT (NETBALL RING/NET) PO9347	55.85
27/07/2020	BELONG	MONTHLY 1GB TELEVISION PLAN WITH N-COM	10.00

**65.85**

**EMCD**

<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
27/07/2020	JAYCAR PTY LTD	EXERCISE EQUIPMENT IPHONE ADAPTERS PO9350	55.70
4/08/2020	MIDWEST TIMES	ADVERTISING IN NORTH WEST TRAVEL GUIDE PO9360	605.00
7/08/2020	OVERLANDER ROADHOUSE	FUEL EMCD VEHICLE	43.61

**\$ 704.31**

**SHIRE OF SHARK BAY – MUNI CHQ**

MINUTES OF THE ORDINARY COUNCIL MEETING

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**AUGUST 2020**

**CHEQUE # 26930**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
26930	13/08/2020	WATER CORPORATION - OSBORNE PARK	WATER USAGE AND SERVICE CHARGES - PENSIONER UNITS	-9344.76
			<b>TOTAL</b>	<b>\$9,344.76</b>

**SHIRE OF SHARK BAY – MUNI DIRECT DEBITS  
AUGUST 2020**

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD15626.1	02/08/2020	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-4030.51
DD15626.2	02/08/2020	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-217.38
DD15626.3	02/08/2020	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-441.46
DD15626.4	02/08/2020	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-209.69
DD15626.5	02/08/2020	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-441.24
DD15626.6	02/08/2020	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-223.86
DD15626.7	02/08/2020	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-242.75
DD15626.8	02/08/2020	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-409.46
DD15626.9	02/08/2020	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-81.89
DD15626.10	02/08/2020	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-812.37
DD15626.11	02/08/2020	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1619.04
DD15626.12	02/08/2020	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-217.27
DD15626.13	02/08/2020	REST	SUPERANNUATION CONTRIBUTIONS	-550.67

MINUTES OF THE ORDINARY COUNCIL MEETING

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DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD15626.14	02/08/2020	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-205.85
DD15626.15	02/08/2020	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-242.32
DD15648.1	16/08/2020	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-4120.17
DD15648.2	16/08/2020	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-217.38
DD15648.3	16/08/2020	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-441.47
DD15648.4	16/08/2020	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-209.69
DD15648.5	16/08/2020	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-220.63
DD15648.6	16/08/2020	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-223.87
DD15648.7	16/08/2020	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-92.12
DD15648.8	16/08/2020	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-414.31
DD15648.9	16/08/2020	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-82.50
DD15648.10	16/08/2020	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-947.26
DD15648.11	16/08/2020	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1693.20
DD15648.12	16/08/2020	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-220.17
DD15648.13	16/08/2020	REST	SUPERANNUATION CONTRIBUTIONS	-428.50
DD15648.14	16/08/2020	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-213.85
DD15648.15	16/08/2020	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-194.82
DD15637.1	21/08/2020	VIVA ENERGY AUSTRALIA	JULY 2020 FUEL FOR CEO (P188) AND WORKS MANAGER (P193) VEHICLES	-314.75
DD15659.1	28/08/2020	EXETEL PTY LTD	SEPTEMBER MONTHLY INTERNET FOR SHIRE HOUSES	-374.97
DD15663.1	30/08/2020	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-4030.51
DD15663.2	30/08/2020	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-217.38
DD15663.3	30/08/2020	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-441.46
DD15663.4	30/08/2020	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-209.69
DD15663.5	30/08/2020	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-223.86
DD15663.6	30/08/2020	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-227.62
DD15663.7	30/08/2020	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-414.31
DD15663.8	30/08/2020	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-699.86
DD15663.9	30/08/2020	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-106.15
DD15663.10	30/08/2020	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1662.30
DD15663.11	30/08/2020	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-220.17

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD15663.12	30/08/2020	REST	SUPERANNUATION CONTRIBUTIONS	-317.89
DD15663.13	30/08/2020	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-224.51
DD15663.14	30/08/2020	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-194.82
			<b>TOTAL</b>	<b>\$29,545.95</b>

SHIRE OF SHARK BAY – MUNI EFT

AUGUST 2020  
EFT 26953-27093

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26953	06/08/2020	JAMES SNR POLAND	BOOKEASY JULY 2020	-160.00
EFT26954	06/08/2020	MAC ATTACK FISHING CHARTERS	BOOKEASY JULY 2020	-2856.00
EFT26955	06/08/2020	SHARK BAY AVIATION	BOOKEASY JULY 2020	-7535.00
EFT26956	06/08/2020	BLUE DOLPHIN CARAVAN PARK	BOOKEASY JULY 2020	-1595.00
EFT26957	06/08/2020	BAY LODGE MIDWEST OASIS	BOOKEASY JULY 2020	-3644.20
EFT26958	06/08/2020	BLUE LAGOON PEARLS	BOOKEASY JULY 2020	-618.40
EFT26959	06/08/2020	HOWARD COCK	BOOKEASY JULY 2020	-23.96
EFT26960	06/08/2020	DENHAM SEASIDE CARAVAN PARK	BOOKEASY JULY 2020	-816.34
EFT26961	06/08/2020	HARTOG COTTAGES	BOOKEASY JULY 2020	-272.80
EFT26962	06/08/2020	HAMELIN POOL CARAVAN PARK AND TOURIST CENTRE	BOOKEASY JULY 2020	-402.90
EFT26963	06/08/2020	HERITAGE RESORT	BOOKEASY JULY 2020	-2474.56
EFT26964	06/08/2020	INTREPID DRONE SERVICES	BOOKEASY JULY 2020	-120.00
EFT26965	06/08/2020	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	FAREHARBOR JULY 2020	-16403.80
EFT26966	06/08/2020	MONKEYMIA WILDSIGHTS	WILDSIGHTS VILLAS BOOKEASY JULY 2020	-4737.04
EFT26967	06/08/2020	NINGALOO REEF DIVE	BOOKEASY JULY 2020	-697.00
EFT26968	06/08/2020	WA OCEAN PARK PTY LTD	FAREHARBOR JULY 2020	-297.74
EFT26969	06/08/2020	OCEANSIDE VILLAGE	BOOKEASY JULY 2020	-4426.40

MINUTES OF THE ORDINARY COUNCIL MEETING

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CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26970	06/08/2020	PATRICIA ANDREW	BOOKEASY JULY 2020	-78.40
EFT26971	06/08/2020	SHARK BAY SCENIC QUAD BIKE TOURS	BOOKEASY JULY 2020	-3060.00
EFT26972	06/08/2020	RAC TOURISM ASSETS P/L T/A MONKEY MIA DOLPHIN RESORT	BOOKEASY JULY 2020	-3340.48
EFT26973	06/08/2020	SHARK BAY DIVE AND MARINE SAFARIS	FAREHARBOR JULY 2020	-4873.80
EFT26974	06/08/2020	SHARK BAY HOTEL MOTEL	BOOKEASY JULY 2020	-4438.25
EFT26975	06/08/2020	SHARK BAY CARAVAN PARK	BOOKEASY JULY 2020	-3554.40
EFT26976	06/08/2020	SHARK BAY 4WD TOURS	FAREHARBOR JULY 2020	-2074.40
EFT26977	06/08/2020	SHARK BAY HOLIDAY COTTAGES	BOOKEASY JULY 2020	-8276.40
EFT26978	06/08/2020	SHIRE OF SHARK BAY	SBDC BOOKING COMMISSIONS JULY 2020	-12871.70
EFT26979	06/08/2020	SHARK BAY SEAFRONT APARTMENTS	BOOKEASY JULY 2020	-3572.98
EFT26980	06/08/2020	WULA GURA NYINDA ECO ADVENTURES	FAREHARBOR JULY 2020	-7200.80
EFT26981	07/08/2020	AUSTRALIA POST	JULY 2020 SHIRE POSTAGE	-118.28
EFT26982	07/08/2020	AUSCOINSWEST	SBDC MERCHANDISE	-1292.50
EFT26983	07/08/2020	BOCCHETTA PLUSH TOYS	SBDC MERCHANDISE	-804.71
EFT26984	07/08/2020	BLACKWOODS ATKINS	ISOWIPE - ANTIBACTERIAL WIPES FOR DEPOT	-143.48
EFT26985	07/08/2020	CORAL COAST PLUMBING	RPZ TESTING FOR SHARK BAY RECREATION CENTRE	-495.00
EFT26986	07/08/2020	DEBORAH GAIL BELLOTTIE	GYM CARD REFUND	-20.00
EFT26987	07/08/2020	DEPARTMENT OF TRANSPORT	DISCLOSURE OF INFORMATION FEES - VEHICLE SEARCHES	-6.80
EFT26988	07/08/2020	ENERGY SKILLS SOLUTIONS	CLEANING BOND REFUND FOR REC CENTRE MEETING ROOM	-275.00
EFT26989	07/08/2020	DENHAM IGA X-PRESS	JULY 2020 MONTHLY ACCOUNT	-795.08
EFT26990	07/08/2020	FAR WEST ELECTRICAL	ELECTRICAL REPAIRS TO COMMUNITY WATER STANDPIPE	-1076.90
EFT26991	07/08/2020	ATOM-GERALDTON INDUSTRIAL SUPPLIES	PURCHASE OF WHEELIE BINS FOR RESALE TO COMMUNITY	-1121.78
EFT26992	07/08/2020	HORIZON POWER	DENHAM STREET LIGHTING - JULY 2020	-4059.10
EFT26993	07/08/2020	HUGGABLE TOYS	SBDC MERCHANDISE	-439.51
EFT26994	07/08/2020	ITVISION	CONSULTING FEE - PENSIONER RECORD AND REBATE CORRECTION	-275.00

MINUTES OF THE ORDINARY COUNCIL MEETING

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CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT26995	07/08/2020	JESSICA BROWN	FOURTH QUARTER GYM REFUND OCM RESOLUTION - COVID-19	-98.00
EFT26996	07/08/2020	JOHN CRAIG	GYM CARD REFUND	-20.00
EFT26997	07/08/2020	JILLIAN HILL	GYM CARD REFUND	-20.00
EFT26998	07/08/2020	JANINE ANN STANDEN	GYM CARD REFUND	-20.00
EFT26999	07/08/2020	MARKET FORCE PTY LTD	ADVERTISEMENT - SEEK AND LGNET FOR FINANCE OFFICER AND ADVERTISEMENT FOR CAMELS ON TOWN COMMON	-720.28
EFT27000	07/08/2020	MCLEODS BARRISTERS AND SOLICITORS	LEGAL FEES ON LEASE OF EMERGENCY SERVICES BUILDING	-59.93
EFT27001	07/08/2020	MICHAEL TREZONA	GYM CARD REFUND	-20.00
EFT27002	07/08/2020	MURRAY VIEWS	SBDC MERCHANDISE	-366.75
EFT27003	07/08/2020	PROFESSIONAL PC SUPPORT	AGREEMENT PPS AGENT AND ANTIVIRUS AND COMPUTER LICENCES FOR AUGUST 2020 PLUS COMPUTER SOFTWARE SUPPORT FOR OFFICE	-2200.73
EFT27004	07/08/2020	PAPER PLUS OFFICE NATIONAL	OFFICE STATIONERY - PRINTER CARTRIDGES	-303.60
EFT27005	07/08/2020	GREGORY LEON RIDGLEY	GYM CARD REFUND	-20.00
EFT27006	07/08/2020	WINC AUSTRALIA PTY LIMITED	OFFICE STATIONERY	-230.21
EFT27007	07/08/2020	SHARK BAY COMMUNITY RESOURCE CENTRE	MANAGEMENT OF RECREATION CENTRE JULY 2020 AND INSCRIPTION POSTS FOR OFFICE MANAGERS	-1560.88
EFT27008	07/08/2020	SHARK BAY COMMUNITY MEN'S SHED	CONSTRUCT BOOK HOLDER AND PAINT FOR LIBRARY	-50.00
EFT27009	07/08/2020	SHARK BAY BUSINESS AND TOURISM ASSOCIATION	SHARK BAY ASSOCIATION HOLIDAY PLANNER ADVERTISING 2020 - 1/8 PAGE	-575.00
EFT27010	07/08/2020	TELSTRA CORPORATION LTD	TELSTRA MOBILE PHONE CHARGES AND SMS TO PUBLIC COMMUNITY MESSAGES FOR JULY 2020	-528.39
EFT27011	07/08/2020	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES FOR JULY 2020	-7301.25
EFT27012	07/08/2020	URL NETWORKS PTY LTD	JULY 2020 SHIRE VOIP PHONE CHARGES	-277.18
EFT27013	07/08/2020	WEST COAST FASTENERS PTY LTD	SIGN BOLTS, NUTS & WASHERS FOR SHARK BAY ROAD GUIDEPOST MAINTENANCE	-121.44
EFT27014	21/08/2020	AUSTRALIAN TAXATION OFFICE	JULY 2020 BAS	-54081.00
EFT27015	13/08/2020	BOC LIMITED	MONTHLY CYLINDER RENTAL - JULY 2020	-48.02

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT27016	13/08/2020	BRIAN JOHN GALVIN	SALARY SACRIFICE WATER CORP, TELSTRA, AND HORIZON POWER	-828.06
EFT27017	13/08/2020	BLACKWOODS ATKINS	NITRILE GLOVES FOR WORKSHOP	-22.31
EFT27018	13/08/2020	DENHAM MEATS	COUNTRY CREW MEALS - RRG USELESS LOOP ROAD	-274.20
EFT27019	13/08/2020	SHARK BAY SUPERMARKET	MONTHLY SUPERMARKET ACCOUNT - JULY 2020	-249.69
EFT27020	13/08/2020	REFUEL AUSTRALIA (formerly GERALDTON FUEL COMPANY)	SHIRE BULK FUEL AND OIL ACCOUNT - JULY 2020 FUEL FOR WORK MANAGER AND CEO VEHICLES	-16176.94
EFT27021	13/08/2020	HERITAGE RESORT	SHIRE STAFF FUNCTION REFRESHMENTS	-315.90
EFT27022	13/08/2020	LANDGATE (WA LAND INFORMATION AUTHORITY)	GROSS RENTAL VALUATIONS - JULY 2020	-69.20
EFT27023	13/08/2020	MCLEODS BARRISTERS AND SOLICITORS	AQUACULTURE LEASE - MONKEY MIA LEGAL COSTS	-402.20
EFT27024	13/08/2020	MIDWEST COURIERS	FREIGHT FOR FENCING MATERIALS - DEPOT MAINTENANCE	-363.00
EFT27025	13/08/2020	MOORE AUSTRALIA AUDIT (WA)	AUDIT CERTIFICATION - WAPC - DENHAM TOWNSITE COASTAL HAZARD RISK MANAGEMENT AND ADAPTION PLAN	-1100.00
EFT27026	13/08/2020	OAKLEY EARTHWORKS PTY LTD	SUPPLY AND DELIVER CONCRETE FOR LIMESTONE FORESHORE WALL	-1541.10
EFT27027	13/08/2020	R & L COURIERS	MONTHLY FREIGHT ACCOUNT - JULY 2020	-471.90
EFT27028	13/08/2020	LYONS ENTERPRISES-SHARK BAY CAR HIRE	CAR HIRE FOR VISITING MEDICAL STAFF - JULY 2020	-797.06
EFT27029	13/08/2020	SHARK BAY NEWSAGENCY	SHIRE OFFICE PRINTING PAPER	-399.50
EFT27030	13/08/2020	SHARK BAY MECHANICAL & TOWING SERVICES	WASTE REMOVAL FROM DUMP POINT - AFTER HOURS CALL OUT	-850.00
EFT27031	13/08/2020	SHARK BAY CLEANING SERVICE	SHIRE PREMISES CLEANING CONTRACT JULY 2020	-20686.67
EFT27032	13/08/2020	MCKELL FAMILY TRUST	MONTHLY RUBBISH COLLECTION AND STREET SWEEPING JULY 2020	-11719.05
EFT27033	13/08/2020	WURTH AUSTRALIA PTY LTD	DEPOT TOOLS - TRUSS HEADS, RATCHET SET AND SPRAY BOTTLES	-361.22
EFT27034 to EFT27061	14/08/2020	Cancelled	EFT's cancelled due to computer glitch	-0.00

MINUTES OF THE ORDINARY COUNCIL MEETING

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CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT27062	18/08/2020	NAPA AUTO PARTS	SERVICE FILTERS FOR WORKS MANAGER (P193), TOYOTA HILUX (P190), CEO VEHICLE (P189), RANGER VEHICLE (P197), TOWN GARDNER (P198) & HINO (P178)	-844.07
EFT27063	18/08/2020	BUNNINGS BUILDING SUPPLIES PTY LTD	SHELF, DOOR LOCKS, SAFETY GLASSES AND GLOVES FOR DEPOT	-228.27
EFT27064	18/08/2020	BATAVIA MARINE & INDUSTRIAL	RESIN FOR FORESHORE BBQ SHELTER MAINTENANCE	-497.20
EFT27065	18/08/2020	DENHAM MEATS	COUNTRY CREW MEALS FOR USELESS LOOP ROAD MAINTENANCE	-139.15
EFT27066	18/08/2020	FAR WEST ELECTRICAL	LABOUR FOR FUEL BOWSER REPAIR AT DEPOT	-297.00
EFT27067	18/08/2020	GREAT NORTHERN RURAL SERVICES	FENCE DROPPERS FOR PRIVATE WORKS – SHARK BAY ROAD SCOUR REPAIRS	-616.00
EFT27068	18/08/2020	HOSE MANIA	DEPOT AIR COMPRESSOR SYSTEM MAINTENANCE PARTS	-435.75
EFT27069	18/08/2020	TOLL IPEC PTY LTD	TOLL FREIGHT ACCOUNT	-297.57
EFT27070	18/08/2020	INSTANT WEIGHING	COMPULOAD CALIBRATION OF BUCKET AND FORKS TO FRONT END LOADER (P147), KOMATSU 5 WHEEL LOADER (P163) & VOLVO LOADER (P191)	-4730.00
EFT27071	18/08/2020	SHARK BAY MARINE AND HARDWARE	MITRE 10 HARDWARE ACCOUNT JULY 2020	-834.88
EFT27072	18/08/2020	MICROCOM PTY LTD t/a METROCOUNT	ROADPOD VT 5900 ROAD COUNTER FOR SHARK BAY ROADS	-4921.40
EFT27073	18/08/2020	N-COM PTY LTD	6 MONTHLY MAINTENANCE VISIT – SHIRE TV AND RADIO TOWERS	-4742.10
EFT27074	18/08/2020	PEST-A-KILL	RODENT MONITORING AND BAITING FOR SHIRE PREMISES	-330.00
EFT27075	18/08/2020	ST JOHN AMBULANCE ASSOC. - SHARK BAY SUB CENTRE	OFF ROAD MOTORING FIRST AID KIT – SOFTCASE FOR FIRE TRUCK	-330.00
EFT27076	21/08/2020	WA MUSEUM	SBDC MERCHANDISE	-600.00
EFT27077	21/08/2020	BUNNINGS BUILDING SUPPLIES PTY LTD	DRILL BIT SET & SCISSORS FOR DEPOT TOOLS	-77.48
EFT27078	21/08/2020	BLUE DOLPHIN CARAVAN PARK	ACCOMMODATION FOR ENVIRONMENTAL HEALTH OFFICER VISIT	-480.00
EFT27079	21/08/2020	BOOEASY AUSTRALIA PTY LTD	COMMISSION FOR BOOKINGS JULY 2020	-1387.28

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT27080	21/08/2020	CANDICE USZKO	REIMBURSEMENT SALARY SACRIFICE - INTERNET 80 DURLACHER ST	-79.00
EFT27081	21/08/2020	CDH ELECTRICAL	TESTING OF TV IN MUSEUM AND REPAIRS TO VACUUM CLEANER AT SBDC	-110.00
EFT27082	21/08/2020	HINCHY PUBLICATIONS	SBDC MERCHANDISE	-330.00
EFT27083	21/08/2020	TOLL IPEC PTY LTD	TOLL IPEC FREIGHT ACCOUNT	-297.89
EFT27084	21/08/2020	NATURALISTE PLUMBING PTY LTD	REPAIRS TO DISABLED TOILET SBDC	-200.00
EFT27085	21/08/2020	PASCAL PRESS	SBDC MERCHANDISE	-1691.90
EFT27086	21/08/2020	PROFESSIONAL PC SUPPORT	MONTHLY COMPUTER SOFTWARE LICENCES AND TELEPHONE SERVICE AND SUPPORT	-1789.33
EFT27087	21/08/2020	QUEENSBERRY TECHNOLOGY INFORMATION	ANNUAL PAYMENT GATEWAY FEE 01/09/2019 to 31/08/2020 AND 01/09/2017 TO 31/08/2018 FOR BOOEASY	-1039.50
EFT27088	21/08/2020	SETON AUSTRALIA	REFLECTIVE TAPE AND SPEED HUMP FOR DEPOT	-2005.20
EFT27089	21/08/2020	SHAE BRENNAN	FOURTH QUARTER GYM REFUND COVID-19	-27.00
EFT27090	21/08/2020	SHARK BAY SKIPS	SKIP BINS ACCOUNT - JULY 2020	-5379.00
EFT27091	21/08/2020	SUMMER GYPSEA	SBDC MERCHANDISE	-160.00
EFT27092	21/08/2020	WENDY BINKS - STUNNED EMU DESIGN	SBDC MERCHANDISE	-448.95
EFT27093	21/08/2020	WA HOLIDAY GUIDE PTY LTD	WA HOLIDAY GUIDE COMMISSION FEE JULY 2020	-741.89
			<b>TOTAL</b>	<b>\$272,684.36</b>

**SHIRE OF SHARK BAY – MUNI  
ELECTRONIC PAYROLL TRANSACTIONS  
AUGUST 2020**

DATE	NAME	DESCRIPTION	AMOUNT
4/08/2020	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 2 AUGUST 2020	56,514.00
18/08/2020	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 16 AUGUST 2020	65,815.96

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

1/09/2020	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 30 AUGUST 2020	53,548.00
		<b>TOTAL</b>	<b>\$175,877.96</b>

**SHIRE OF SHARK BAY  
AUGUST 2020  
POLICE LICENSING TRANSACTION # 202102**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
202102	31/08/2020	COMMISSIONER OF POLICE	POLICE LICENSING AUGUST 2020	\$24,333.85
			<b>TOTAL</b>	<b>\$24,333.85</b>

30 SEPTEMBER 2020

11.2 FINANCIAL REPORTS TO 31 AUGUST 2020  
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved

Cr Stubberfield

Seconded

Cr Ridgley

**Council Resolution**

**That the monthly financial report to 31 August 2020 as attached be received.**  
**6/0 CARRIED**

Comment

As per the requirements of Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government Accounting (Financial Management) Regulations 1996*, the following monthly financial reports to **31 August 2020** are attached.

VARIANCE ANALYSIS

Operating Revenue was in excess of the year to date budget by \$99,187 mainly due to the high turnover of visitors to Shark Bay during August resulting in increases in Shark Bay Discovery Centre Entrance Fees, Sales and Booking commissions, Refuse Site Fees and Development Applications.

As depreciation cannot be run until the finalisation of the year end audit this has contributed to Operating Expenditure being under the year to date budget by \$297,296.

Capital Revenue year to date actual was under the year to date budget by \$1,945 and is not a reportable variance.

Capital Expenditure is over the year to date budget by \$3,382 and is not a reportable variance.

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 the financial position of the Shire has exceeded the year to date budget as a result of strategies put in place to address the significant adverse trend in the financial position of the Shire, as the Operating Surplus Ratio has been below the Department of Local Government, Sports and Cultural Industries standard for the past three years. In addition, due to the COVID-19 pandemic further strategies were implemented in the Budget to further reduce expenditure in anticipation of an adverse impact on cashflow forecast for the 2020/2021 financial year.

30 SEPTEMBER 2020

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*

24 September 2020

30 SEPTEMBER 2020

SHIRE OF SHARK BAY						
MONTHLY FINANCIAL REPORT						
For the Period Ended 31 August 2020						
LOCAL GOVERNMENT ACT 1995						
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996						
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Monthly Summary Information						
Statement of Financial Activity by Program						
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# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 31 August 2020							
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
<b>Operating Revenues</b>		\$	\$	\$	\$	%	
Governance		2,502	836	0	(836)	(100.00%)	▼
General Purpose Funding - Rates	9	1,416,289	1,416,289	1,435,869	19,580	1.38%	▲
General Purpose Funding - Other		948,046	233,550	237,188	3,638	1.6%	▲
Law, Order and Public Safety		67,340	15,000	20,039	5,039	34%	▲
Health		1,800	945	641	(304)	(32.17%)	▼
Housing		126,780	21,606	31,837	10,231	47.4%	▲
Community Amenities		308,876	246,584	261,367	14,783	6.00%	▲
Recreation and Culture		552,130	41,236	111,240	70,004	169.8%	▲
Transport		522,620	263,581	247,541	(16,040)	(6.1%)	▼
Economic Services		798,900	84,486	77,686	(6,800)	(8.0%)	▼
Other Property and Services		40,000	6,666	6,558	(108)	(1.6%)	▼
<b>Total Operating Revenue</b>		<b>4,785,283</b>	<b>2,330,779</b>	<b>2,429,966</b>	<b>99,187</b>	<b>4.26%</b>	
<b>Operating Expense</b>							
Governance		(240,462)	(134,998)	(28,537)	106,461	(78.9%)	▲
General Purpose Funding		(123,220)	(17,704)	(20,994)	(3,290)	18.6%	▼
Law, Order and Public Safety		(259,359)	(52,574)	(52,198)	376	(0.7%)	▲
Health		(87,889)	(8,118)	(10,714)	(2,596)	32.0%	▼
Housing		(224,065)	(42,511)	(28,298)	14,213	(33.4%)	▲
Community Amenities		(698,626)	(129,232)	(103,645)	25,587	(19.8%)	▲
Recreation and Culture		(2,564,061)	(395,698)	(235,948)	159,750	(40.4%)	▲
Transport		(1,780,612)	(222,321)	(262,239)	(39,918)	18.0%	▼
Economic Services		(1,047,114)	(84,015)	(80,007)	4,008	(4.8%)	▲
Other Property and Services		(39,500)	(19,970)	12,735	32,705	(163.8%)	▲
<b>Total Operating Expenditure</b>		<b>(7,064,908)</b>	<b>(1,107,141)</b>	<b>(809,846)</b>	<b>297,296</b>	<b>(26.9%)</b>	
<b>Funding Balance Adjustments</b>							
Add back Depreciation		1,886,365	320,418	0	(320,418)		
Adjust (Profit)/Loss on Asset Disposal	8	139,130	139,130	34,174	(104,956)		
Adjust in Pensioner Rates Non Current		0	0	0	0		
Adjust Provisions and Accruals		0	0	0	0		
<b>Net Cash from Operations</b>		<b>(254,130)</b>	<b>1,683,186</b>	<b>1,654,294</b>	<b>(28,892)</b>		
<b>Capital Revenues</b>							
Grants, Subsidies and Contributions	11	887,763	6,912	6,912	0	0.0%	▲
Proceeds from Disposal of Assets	8	257,182	58,182	56,237	(1,945)	3.3%	▼
<b>Total Capital Revenues</b>		<b>1,144,945</b>	<b>65,094</b>	<b>63,149</b>	<b>(1,945)</b>	<b>(3.0%)</b>	
<b>Capital Expenses</b>							
Land and Buildings	13	(462,721)	(7,721)	(5,285)	2,436	(31.6%)	▲
Infrastructure - Roads	13	(815,936)	(8,203)	(11,021)	(2,818)	34.3%	▼
Infrastructure - Public Facilities	13	(180,000)	0	(1,860)	(1,860)		▼
Infrastructure - Footpaths	13	(260,000)	0	0	0		▲
Plant and Equipment	13	(519,000)	(3,334)	(4,474)	(1,140)	34.2%	▼
<b>Total Capital Expenditure</b>		<b>(2,237,657)</b>	<b>(19,258)</b>	<b>(22,640)</b>	<b>(3,382)</b>	<b>(17.6%)</b>	
<b>Net Cash from Capital Activities</b>		<b>(1,092,712)</b>	<b>45,836</b>	<b>40,509</b>	<b>(5,327)</b>	<b>11.62%</b>	
<b>Financing</b>							
Proceeds from Loans		0	0	0	0		
Transfer from Reserves	7	1,028,914	0	0	0		
Repayment of Debentures	10	(74,957)	0	0	0		
Transfer to Reserves	7	(1,388,957)	0	(2,477)	(2,477)		
<b>Net Cash from Financing Activities</b>		<b>(435,000)</b>	<b>0</b>	<b>(2,477)</b>	<b>(2,477)</b>		
<b>Net Operations, Capital and Financing</b>		<b>(1,781,842)</b>	<b>1,729,022</b>	<b>1,692,327</b>	<b>(36,695)</b>	<b>2.12%</b>	<b>▲</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>1,781,842</b>	<b>1,781,842</b>	<b>1,643,744</b>	<b>(138,098)</b>		
<b>Closing Funding Surplus(Deficit)</b>	3	<b>(0)</b>	<b>3,510,864</b>	<b>3,336,071</b>	<b>(174,793)</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.							
Depreciation has not been run for July until Fair Valuation for Land and Buildings and end of year accounts have been finalised.							

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 31 August 2020				
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)
<b>Operating Revenues</b>		\$	\$	\$
Rates	9	1,416,289	1,416,289	1,435,869
Operating Grants, Subsidies and Contributions	11	1,434,024	492,624	480,594
Fees and Charges		1,512,891	402,041	471,796
Interest Earnings		9,650	1,584	4,392
Other Revenue		411,927	17,739	37,315
Profit on Disposal of Assets	8	502	502	0
<b>Total Operating Revenue</b>		<b>4,785,283</b>	<b>2,330,779</b>	<b>2,429,966</b>
<b>Operating Expense</b>				
Employee Costs		(2,257,076)	(374,099)	(352,194)
Materials and Contracts		(1,910,483)	(261,327)	(265,882)
Utility Charges		(194,240)	(31,943)	(18,751)
Depreciation on Non-Current Assets		(1,886,365)	(320,418)	0
Interest Expenses		(31,159)	1,233	4,918
Insurance Expenses		(168,073)	(101,372)	(129,710)
Other Expenditure		(477,880)	(19,215)	(14,052)
Loss on Disposal of Assets	8	(139,632)	0	(34,174)
<b>Total Operating Expenditure</b>		<b>(7,064,908)</b>	<b>(1,107,141)</b>	<b>(809,845)</b>
<b>Funding Balance Adjustments</b>				
Add back Depreciation		1,886,365	320,418	0
Adjust (Profit)/Loss on Asset Disposal	8	139,130	139,130	34,174
Adjust in Pensioner Rates Non Current		0	0	0
Adjust Provisions and Accruals		0	0	0
<b>Net Cash from Operations</b>		<b>(254,130)</b>	<b>1,683,186</b>	<b>1,654,294</b>
<b>Capital Revenues</b>				
Grants, Subsidies and Contributions	11	887,763	6,912	6,912
Proceeds from Disposal of Assets	8	257,182	58,182	56,237
<b>Total Capital Revenues</b>		<b>1,144,945</b>	<b>65,094</b>	<b>63,149</b>
<b>Capital Expenses</b>				
Land and Buildings	13	(462,721)	(7,721)	(5,285)
Infrastructure - Roads	13	(815,936)	(8,203)	(11,021)
Infrastructure - Public Facilities	13	(180,000)	0	(1,860)
Infrastructure - Footpaths	13	(260,000)	0	0
Plant and Equipment	13	(519,000)	(3,334)	(4,474)
<b>Total Capital Expenditure</b>		<b>(2,237,657)</b>	<b>(19,258)</b>	<b>(22,640)</b>
<b>Net Cash from Capital Activities</b>		<b>(1,092,712)</b>	<b>45,836</b>	<b>40,509</b>
<b>Financing</b>				
Proceeds from Loans		0	0	0
Transfer from Reserves	7	1,028,914	0	0
Repayment of Debentures	10	(74,957)	0	0
Transfer to Reserves	7	(1,388,957)	0	(2,477)
<b>Net Cash from Financing Activities</b>		<b>(435,000)</b>	<b>0</b>	<b>(2,477)</b>
<b>Net Operations, Capital and Financing</b>		<b>(1,781,842)</b>	<b>1,729,022</b>	<b>1,692,327</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>1,781,842</b>	<b>1,781,842</b>	<b>1,643,744</b>
<b>Closing Funding Surplus(Deficit)</b>	3	<b>(0)</b>	<b>3,510,864</b>	<b>3,336,071</b>

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

SHIRE OF SHARK BAY								
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING								
For the Period Ended 31 August 2020								
Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Annual Budget	Variance (d) - (c)	
		\$	\$	\$	\$	\$	\$	\$
Land and Buildings	13	5,285	0	5,285	7,721	462,721	2,436	
Infrastructure Assets - Roads	13	0	11,021	11,021	8,203	815,936	(2,818)	
Infrastructure Assets - Public Facilities	13	1,860	0	1,860	0	180,000	(1,860)	
Infrastructure Assets - Footpaths	13	0	0	0	0	260,000	0	
Infrastructure Assets - Streetscapes	13	0	0	0	0	0	0	
Plant and Equipment	13	0	4,474	4,474	3,334	519,000	(1,140)	
Furniture and Equipment	13	0	0	0	0	260,000	0	
Capital Expenditure Totals		7,145	15,495	22,640	19,258	2,497,657	(3,382)	

### CAPITAL REVENUE

Month	Budget 2020-21	Actual 2020-21
Jul	65	165
Aug	65	65
Sep	0	0
Oct	0	0
Nov	0	0
Dec	0	0
Jan	0	0
Feb	0	0
Mar	0	0
Apr	0	0
May	0	0
Jun	0	0

### CAPITAL EXPENDITURE

Month	Budget 2020-21	Actual 2020-21
Jul	8	48
Aug	20	23
Sep	0	0
Oct	0	0
Nov	0	0
Dec	0	0
Jan	0	0
Feb	0	0
Mar	0	0
Apr	0	0
May	0	0
Jun	0	0

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 August 2020					
<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

30 SEPTEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 August 2020					
<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

30 SEPTEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 August 2020					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(j) Fixed Assets (Continued)					
<b>Land Under Control</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>Initial Recognition and Measurement between Mandatory Revaluation Dates</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

30 SEPTEMBER 2020

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 August 2020				
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)			
(j)	Fixed Assets (Continued)			
	<b>Revaluation</b>			
	Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.			
	<b>Transitional Arrangement</b>			
	During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.			
	Those assets carried at cost will be carried in accordance with the policy detailed in the <b>Initial Recognition</b> section as detailed above.			
	Those assets carried at fair value will be carried in accordance with the <b>Revaluation</b> Methodology section as detailed above.			
	<b>Land Under Roads</b>			
	In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.			
	Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.			
	In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.			
	Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.			
	Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.			
	<b>Depreciation</b>			
	The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.			

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 August 2020					
<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				12 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

30 SEPTEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 August 2020					
<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

30 SEPTEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 August 2020					
1.	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
(k)	<b>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.				
(l)	<b>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

30 SEPTEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 August 2020					
<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

30 SEPTEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 August 2020					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(l) Financial Instruments (Continued)</b>					
<b>Impairment</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>Derecognition</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

30 SEPTEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 August 2020					
<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 obligated 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 of 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

30 SEPTEMBER 2020

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 August 2020					
<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

30 SEPTEMBER 2020

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 31 August 2020					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
Governance	(836)	(100.0%)	▼	Timing	No Reportable Variance
General Purpose Funding - Rates	19,580	0.0%	▲	Timing	No Reportable Variance
General Purpose Funding - Other	3,638	1.6%	▲	Timing	No Reportable Variance
Law, Order and Public Safety	5,039	33.6%	▲	Timing	Reimbursements from SES and St Johns Ambulance Services for Annual Insurances and Vehicle Registrations
Health	(304)	(32.2%)	▼	Timing	No Reportable Variance
Housing	10,231	47.4%	▲	Timing	Rental Income received in Advance
Community Amenities	14,783	6.0%	▲	Timing	Increase in Refuse Site Fees and Development Applications compared to YTD Budget
Recreation and Culture	70,004	169.8%	▲	Timing	Increase in SBDC Entrance Fees, Sales and Booking Commissions compared to YTD Budget
Transport	(16,040)	(6.1%)	▼	Timing	Useless Loop Maintenance Grant moved to Grants in Advance \$14K compared to expenditure
Economic Services	(6,800)	(8.0%)	▼	Timing	The Caravan Park Rent is paid up front for the 2020/2021 year. However as this relates to a specific period the 10 months of the rent has been transferred to Income Received in Advance as stipulated by the Office of the Auditor General resulting in a budget deficit even though the monies have been received.
Other Property and Services	(108)	(1.6%)	▼	Timing	No Reportable Variance
<b>Operating Expense</b>					
Governance	106,461	(78.9%)	▲	Timing	Governance Overheads Recovered timing in front of YTD Budget
General Purpose Funding	(3,290)	18.6%	▼	Timing	No Reportable Variance
Law, Order and Public Safety	376	(0.7%)	▲	Timing	No Reportable Variance
Health	(2,596)	32.0%	▼	Timing	No Reportable Variance
Housing	14,213	(33.4%)	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
Community Amenities	25,587	(19.8%)	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
Recreation and Culture	159,750	(40.4%)	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
Transport	(39,918)	18.0%	▼	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
Economic Services	4,008	(4.8%)	▲	Timing	No Reportable Variance
Other Property and Services	32,705	(163.8%)	▲	Timing	Depreciation has not been run due to finalisation of 2019/20 Financial Accounts and Fair Valuation
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	0	0.0%	▲	Timing	No Reportable Variance
Proceeds from Disposal of Assets	(1,945)	0.0%	▲	Timing	No Reportable Variance
<b>Capital Expenses</b>					
Land and Buildings	2,436	(31.6%)	▲	Timing	No Reportable Variance
Infrastructure - Roads	(2,818)	34.3%	▼	Timing	No Reportable Variance
Infrastructure - Public Facilities	(1,860)		▼	Timing	No Reportable Variance
Infrastructure - Footpaths	0		▲	Timing	No Reportable Variance
Plant and Equipment	(1,140)	34.2%	▼	Timing	No Reportable Variance
<b>Financing</b>					
Loan Principal	0		▼	Timing	No Reportable Variance
Note: YTD budgets are an estimation at the time of preparing the draft annual budget.					

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Shire of Shark Bay																																																							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY																																																							
For the Period Ended 31 August 2020																																																							
<b>Note 3: NET CURRENT FUNDING POSITION</b>																																																							
		Positive=Surplus (Negative=Deficit)																																																					
	Note	31 August 2020	31 August 2019																																																				
		\$	\$																																																				
<b>Current Assets</b>																																																							
Cash Unrestricted	4	2,744,631	1,844,474																																																				
Cash Restricted	4	2,924,828	1,907,476																																																				
Receivables - Rates	6	1,329,251	1,666,811																																																				
Receivables -Other	6	80,912	226,858																																																				
Interest / ATO Receivable		8,315	7,427																																																				
Inventories		129,990	129,612																																																				
		7,217,926	5,782,657																																																				
<b>Less: Current Liabilities</b>																																																							
Payables		(290,800)	(178,458)																																																				
Provisions		(263,385)	(210,960)																																																				
Grants/Income Received in Advance		(388,447)	0																																																				
Bond Liability (Formally Trust Account)		(14,397)	(13,667)																																																				
		(957,028)	(403,085)																																																				
Less: Cash Reserves	7	(2,924,828)	(1,907,476)																																																				
<b>Net Current Funding Position</b>		<b>3,336,071</b>	<b>3,472,096</b>																																																				
<p><b>Note 3 - Liquidity Over the Year</b></p> <table border="1"> <caption>Estimated Data for Note 3 - Liquidity Over the Year (Amount \$ '000s)</caption> <thead> <tr> <th>Month</th> <th>2018-19</th> <th>2019-20</th> <th>2020-21</th> </tr> </thead> <tbody> <tr><td>Jul</td><td>1,500</td><td>1,900</td><td>2,000</td></tr> <tr><td>Aug</td><td>3,200</td><td>3,500</td><td>3,400</td></tr> <tr><td>Sep</td><td>3,000</td><td>3,200</td><td>3,100</td></tr> <tr><td>Oct</td><td>2,700</td><td>3,000</td><td>2,900</td></tr> <tr><td>Nov</td><td>2,800</td><td>2,900</td><td>2,800</td></tr> <tr><td>Dec</td><td>2,400</td><td>2,700</td><td>2,600</td></tr> <tr><td>Jan</td><td>2,200</td><td>2,600</td><td>2,500</td></tr> <tr><td>Feb</td><td>2,300</td><td>2,600</td><td>2,500</td></tr> <tr><td>Mar</td><td>2,200</td><td>2,400</td><td>2,300</td></tr> <tr><td>Apr</td><td>1,400</td><td>2,100</td><td>2,000</td></tr> <tr><td>May</td><td>1,400</td><td>3,200</td><td>3,100</td></tr> <tr><td>Jun</td><td>1,800</td><td>1,800</td><td>1,700</td></tr> </tbody> </table>				Month	2018-19	2019-20	2020-21	Jul	1,500	1,900	2,000	Aug	3,200	3,500	3,400	Sep	3,000	3,200	3,100	Oct	2,700	3,000	2,900	Nov	2,800	2,900	2,800	Dec	2,400	2,700	2,600	Jan	2,200	2,600	2,500	Feb	2,300	2,600	2,500	Mar	2,200	2,400	2,300	Apr	1,400	2,100	2,000	May	1,400	3,200	3,100	Jun	1,800	1,800	1,700
Month	2018-19	2019-20	2020-21																																																				
Jul	1,500	1,900	2,000																																																				
Aug	3,200	3,500	3,400																																																				
Sep	3,000	3,200	3,100																																																				
Oct	2,700	3,000	2,900																																																				
Nov	2,800	2,900	2,800																																																				
Dec	2,400	2,700	2,600																																																				
Jan	2,200	2,600	2,500																																																				
Feb	2,300	2,600	2,500																																																				
Mar	2,200	2,400	2,300																																																				
Apr	1,400	2,100	2,000																																																				
May	1,400	3,200	3,100																																																				
Jun	1,800	1,800	1,700																																																				
<b>Comments - Net Current Funding Position</b>																																																							

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 August 2020							
<b>Note 4: CASH AND INVESTMENTS</b>							
	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
(a) <b>Cash Deposits</b>							
Municipal Bank Account	0.10%	151,267			151,267	Bankwest	At Call
Reserve Bank Account	0.00%		179		179	Bankwest	At Call
Reserve Telenet Saver Account	0.25%		2,924,649		2,924,649	Bankwest	At Call
Municipal Telenet Saver	0.50%	2,592,464			2,592,464	Bankwest	At Call
Trust Bank Account	0.00%			0	0	Bankwest	At Call
Cash On Hand		900			900		On Hand
(b) <b>Term Deposits</b>							
Municipal Investment					0		
Municipal Investment					0		
Reserve Investment					0		
<b>Total</b>		2,744,631	2,924,828	0	5,669,459		
<b>Comments/Notes - Investments</b>							
Surplus funds invested for terms conducive to cashflow requirements.							

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 August 2020				
<b>Note 6: RECEIVABLES</b>				
Receivables - Rates Receivable	31 August 2020	30 June 2020	Receivables - General	Current 30 Days 60 Days 90+Days
	\$	\$		\$ \$ \$ \$
Opening Arrears Previous Years	28,062	31,927	Receivables - General	52,441 6,561 6,639 1,962
Levied this year	1,742,912	1,827,891		
less Collections to date	(441,723)	(1,827,274)	<b>Total Receivables General Outstanding</b>	<b>67,603</b>
Equals Current Outstanding	1,329,251	32,544	<b>Amounts shown above include GST (where applicable)</b>	
<b>Net Rates Collectable</b>	<b>1,329,251</b>	<b>32,544</b>		
% Collected	24.94%	98.25%		

**Note 6 - Rates Receivable**

Month	2019-20	2020-21
Jul	~50	~50
Aug	~1,650	~1,350
Sep	~1,050	
Oct	~700	
Nov	~550	
Dec	~450	
Jan	~350	
Feb	~250	
Mar	~250	
Apr	~150	
May	~100	
Jun	~50	

**Receivables-General**

Category	Percentage
Current	77%
30 Days	10%
60 Days	10%
90+Days	3%

<b>Comments/Notes - Receivables Rates</b>	<b>No major issues at this time</b>
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# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 31 August 2020									
<u>Note 7: Cash Backed Reserve</u>									
2020-21									
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	1,847,921	1,500	1,565	710,457	0	(480,476)	0	2,079,402	1,849,486
Pensioner Unit Maintenance Reserve	127,114	30	108	45,000	0	(35,000)	0	137,144	127,222
Recreation Facility Replacement/Upgrade Res.	322,812	850	274	180,000	0	(193,438)	0	310,224	323,086
Plant Replacement Reserve	401,851	300	340	450,000	0	(320,000)	0	532,151	402,191
Leave Reserve	171,006	680	145	0	0	0	0	171,686	171,151
Monkey Mia Jetty Reserve	22,087	60	19	0	0	0	0	22,147	22,106
Shared Fire Fighting System Reserve	29,560	80	25	0	0	0	0	29,640	29,585
	2,922,352	3,500	2,477	1,385,457	0	(1,028,914)	0	3,282,394	2,924,828

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

Reserve Name	Actual YTD Closing Balance	Budget Closing Balance
Infrastructure Reserve	1,849,486	2,079,402
Pensioner Unit Maintenance Reserve	127,222	137,144
Recreation Facility Replacement/Upgrade Res.	323,086	310,224
Plant Replacement Reserve	402,191	532,151
Leave Reserve	171,151	171,686
Monkey Mia Jetty Reserve	22,106	22,147
Shared Fire Fighting System Reserve	29,585	29,640

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 August 2020							
Note 8 CAPITAL DISPOSALS							
Actual YTD Profit/(Loss) of Asset Disposal					Annual Budget		
					YTD 31 08 2020		
Cost	Accum Depr	Proceeds	Profit (Loss)		Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance
\$	\$	\$	\$	Plant and Equipment	\$	\$	\$
				Governance			
			0	CEO Vehicle	502	0	(502)
0	0	0	0		502	0	(502)
				Transport			
				Dual Cab Ute - Works Manager	(5,229)	0	5,229
				Dual Cab Ute - Town	(9,310)	0	9,310
				Dual Cab Ute - Country	(9,310)		
				Country Loader	(84,389)	0	84,389
95,000	(4,589)	56,237	(34,174)	Vibration Roller - Sale Proceeds	(31,394)	(34,174)	(2,780)
95,000	(4,589)	56,237	(34,174)		(139,632)	(34,174)	96,148
95,000	(4,589)	56,237	(34,174)		(139,130)	(34,174)	95,646
Comments - Capital Disposal/Replacements							

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 31 August 2020											
Note 9: RATING INFORMATION	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2020/21 Budget Rate Revenue \$	2020/21 Budget Interim Rate \$	2020/21 Budget Back Rate \$	2020/21 Budget Total Revenue \$
RATE TYPE											
Differential General Rate											
GRV Residential	0.102840	321	3,827,762	393,647			393,647	392,577			392,577
GRV Commercial	0.105690	41	2,130,457	225,168			225,168	222,420			222,420
GRV Vacant	0.102840	18	360,104	37,033			37,033	37,033			37,033
GRV Rural Commercial	0.106880	5	315,380	33,709			33,709	33,709			33,709
GRV Industrial/Residential	0.113800	46	640,229	72,860			72,860	72,860			72,860
GRV Industrial/Residential Vaca	0.102840	2	0	0			0	0			0
GRV Rural Resort	0.112820	1	1,346,800	151,949			151,949	151,949			151,949
UV General	0.207090	7	859,222	177,936			177,936	171,402			171,402
UV Pastoral	0.141820	11	642,378	91,105			91,105	87,556			87,556
UV Mining	0.282450	1	8,416	2,377			2,377	2,245			2,245
UV Exploration	0.271580	10	806,582	219,052			219,052	206,866			206,866
Sub-Totals		463	10,937,329	1,404,835	0	0	1,404,835	1,378,617	0	0	1,378,617
Minimum Payment											
GRV Residential	876.00	51	375,840	44,676			44,676	43,800			43,800
GRV Commercial	876.00	17	93,933	14,892			14,892	14,892			14,892
GRV Vacant	876.00	80	262,806	70,080			70,080	71,832			71,832
GRV Rural Commercial	876.00	0	0	0			0	0			0
GRV Industrial/Residential	876.00	3	19,439	2,628			2,628	2,628			2,628
GRV Industrial/Residential Vaca	546.00	0	0	0			0	0			0
GRV Rural Resort	876.00	0	0	0			0	0			0
UV General	735.00	6	9,395	4,410			4,410	4,410			4,410
UV Pastoral	920.00	0	0	0			0	0			0
UV Mining	920.00	1	692	920			920	920			920
UV Exploration	920.00	1	2,073	920			920	920			920
Sub-Totals		159	764,179	138,526	0	0	138,526	139,402	0	0	139,402
Total		622									
Concessions							(144,596)				(138,834)
Amount from General Rates							1,398,765				1,379,185
Specified Area Rates							37,104				37,104
Totals							1,435,869				1,416,289
Comments - Rating Information											

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 31 August 2020									
10. INFORMATION ON BORROWINGS									
(a) Debenture Repayments									
	Principal 1-Jul-20	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments		
Particulars			2020/21 Actual \$	2020/21 Budget \$	2020/21 Actual \$	2020/21 Budget \$	2020/21 Actual \$	2020/21 Budget \$	
Loan 57 Monkey Mia Bore	102,963	0	0	32,951	102,963	70,012	(1,170)	3,782	
Loan 56 - Staff Housing	9,901	0	0	9,901	9,901	0	(76)	143	
Loan 58 - Town Oval Bore	800,000		0	32,105	800,000	767,895	(3,672)	26,716	
	912,864	0	0	74,957	912,864	837,907	(4,918)	30,641	
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

30 SEPTEMBER 2020

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 August 2020								
Note 11: GRANTS AND CONTRIBUTIONS								
Program/Details	Grant Provider	Approval	2020-21 Annual Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
		(Y/N)	\$	\$	\$	\$	Received/Invoiced	Not Received
<b>GENERAL PURPOSE FUNDING</b>								
Grants Commission - General	WALGGC	Y	692,158	0	692,158	0	178,532	513,626
Grants Commission - Roads	WALGGC	Y	226,736	0	226,736	0	52,034	174,702
<b>LAW, ORDER, PUBLIC SAFETY</b>								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Services	Y	8,970	0	8,970	0	2,344	6,627
Grant FESA - SES	Dept. of Fire & Emergency Services	Y	45,240	0	45,240	0	11,310	33,930
<b>RECREATION AND CULTURE</b>								
Contributions - HMAS Sydney Exhibit	Visitors to Discovery Centre	Y	200	0	200	0	158	42
Little Lagoon Rehabilitation Project	Department of Industry, Science, Energy and Resc	Y	12,500	0	0	12,500	0	0
<b>ECONOMIC SERVICES</b>								
Thank a Volunteer	Dept of Communities	Y	700	0	700	0	0	700
<b>TRANSPORT</b>								
Road Preservation Grant	State Initiative - Main Roads WA	Y	117,315	0	117,315	0	117,315	0
Useless Loop Road - Mtce	Main Roads WA	Y	330,000	0	330,000	0	132,000	198,000
Contributions - Road Projects	Pipeline	Y	12,705	0	12,705	0	0	12,705
Roads To Recovery Grant - Cap	Roads to Recovery	Y	297,245	0	0	297,245	0	297,245
RRG Grants - Capital Projects	Regional Road Group	Y	243,956	0	0	243,956	95,395	148,561
Local Road and Community Infrastrutre		Y	334,062	0		334,062	167,031	167,031
<b>TOTALS</b>			<b>2,321,787</b>	<b>0</b>	<b>1,434,024</b>	<b>887,763</b>	<b>756,118</b>	<b>1,553,169</b>
		Operating	1,434,024				493,692	
		Non-operating	887,763				262,426	
			<b>2,321,787</b>				<b>756,118</b>	
Comments - Operating and Non Operating Grants								

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 August 2020				
Note 12: BOND LIABILITY				
Funds held at balance date over which the Shire has no control and which are included in Note 3 of this statement are as follows:				
Description	Opening Balance 1 Jul 20	Amount Received	Amount Paid	Closing Balance 31-Aug-20
	\$	\$	\$	\$
CITF Levy	\$ 294	460	0	754
Library Card Bond	\$ 150	50	0	200
Bookeasy- Sales	\$ 199	168,449	(168,648)	0
Kerb/Footpath Deposit	\$ 4,800	0	0	4,800
Bond Key	\$ 3,850	480	(300)	4,030
Hall Bond	\$ 825	0	(550)	275
Police Licensing	\$ 4,705	53,208	(56,459)	1,453
Election Deposit	\$ -	0	0	0
Marquee Deposit	\$ -	0	0	0
Building Licence Levy	\$ 277	315	(215)	377
Road Reserve - Hughes Street	\$ 2,298	0	0	2,298
Tour Sales	\$ -	0	0	0
Property Rental Bonds	\$ -	0	0	0
Rates Unidentified Deposit	\$ 210	0	0	210
	17,607	222,962	(226,173)	14,397

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

CAPITAL WORKS PROGRAM 2020/2021								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Over)/Under	YTD Actual (Renewal Exp)	Comment
<b>Land and Buildings</b>								
<b>Governance</b>								
Asbestos Removal - Shire Office	3.1, 4.1	WKSM	(75,000)	0	0	0	0	
<b>Governance Total</b>			(75,000)	0	0	0	0	
<b>Housing</b>								
Staff housing Capital Works	4.1	WKSM						
Staff Housing - 5 Spaven Way			(10,000)	0	0	0	0	
Staff Housing - 65 Brockman St			(10,000)	0	0	0	0	
Staff Housing - 51 Durlacher St			(10,000)	0	0	0	0	
Staff Housing - 80 Durlacher St			(10,000)	0	0	0	0	
Pensioner Units Capital	4.1	WKSM	(25,000)	0	0	0	0	
Pensioner Units Door/Water Pipe Replacement	4.1	WKSM	(10,000)	0	0	0	0	
<b>Housing Total</b>			(75,000)	0	0	0	0	
<b>Community Amenities</b>								
<b>Buildings</b>								
Morgue	4.1	EMCD	(40,000)	0	0	0	0	
<b>Community Amenities Total</b>			(40,000)	0	0	0	0	
<b>Recreation</b>								
<b>Buildings</b>								
Asbestos Removal - Denham Town Hall/Stables	3.1, 4.1	EMCD	(75,000)	0	0	0	0	
Stable Refurbishment	4.1	EMCD	(50,000)	0	0	0	0	
Denham Town Hall Access Upgrade	4.1, 5.1, 5.2	EMCD	(40,000)	0	0	0	0	
Recreation Centre Panel and Paint Renewal	4.1	EMCD	(50,000)	0	0	0	0	
Day Care Centre Site Works	5.1	EMCD	(40,000)	0	0	0	0	
<b>Recreation Total</b>			(255,000)	0	0	0	0	
<b>Transport</b>								
<b>Buildings</b>								
Depot - Office Awning	4.1	WKSM	(10,000)	0	0	0	0	
Depot - Boundary Fencing	4.1	WKSM	(7,721)	(7,721)	(5,285)	2,436	0	
<b>Transport Total</b>			(17,721)	(7,721)	(5,285)	2,436	0	
<b>Land and Buildings Total</b>			(462,721)	(7,721)	(5,285)	2,436	0	
<b>Footpaths</b>								
<b>Infrastructure</b>								
Footpath Construction-Denham Footpath Plan	1.1, 4.1, 5.1	WKSM	(100,000)	0	0	0	0	
Francis Street Lighting on Dual Purpose Pathway	1.1, 4.1, 5.1	WKSM	(80,000)	0	0	0	0	
Stella Rowley Lighting on Dual Purpose Pathway	1.1, 4.1, 5.1	WKSM	(80,000)	0	0	0	0	
<b>Footpaths Total</b>			(260,000)	0	0	0	0	

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Plant , Equipment and Vehicles</b>								
<b>Governance</b>								
CEO Vehicle	4.1	CEO	(70,000)	0	0	0	0	
<b>Total Governance</b>			<b>(70,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Transport</b>								
Major Plant Items	4.1	WKSM	(20,000)	(3,334)	(4,474)	(1,140)	4,474	
Dual Cab Ute -Works Manager	4.1	WKSM	(57,000)	0	0	0	0	
Dual Cab Ute - Town	4.1	WKSM	(46,000)	0	0	0	0	
Dual Cab Ute - Country	4.1	WKSM	(46,000)	0	0	0	0	
Country Loader	4.1	WKSM	(280,000)	0	0	0	0	
<b>Transport Total</b>			<b>(449,000)</b>	<b>(3,334)</b>	<b>(4,474)</b>	<b>(1,140)</b>	<b>4,474</b>	
<b>Plant , Equipment and Vehicles Total</b>			<b>(519,000)</b>	<b>(3,334)</b>	<b>(4,474)</b>	<b>(1,140)</b>	<b>4,474</b>	

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Infrastructure Assets	Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	(Renewal Exp)	Comment
<b>Public Facilities</b>								
<b>Community Amenities</b>								
Cemetery Shade	4.1	WKSM	(5,000)	0	0	0	0	
Hamelin Pool Carpark	4.1	WKSM	(10,000)	0	0	0	0	
West End Toilet Roof Replacement	4.1	WKSM	(15,000)	0	0			
<b>Community Amenities Total</b>			<b>(30,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Recreation And Culture</b>								
Playground Fence Replacement	4.1, 5.1, 5.2	WKSM	(15,000)	0	0	0	0	
Playground Softfall Replacement - Town Oval	4.1, 5.1, 5.2	WKSM	(20,000)	0	0			
Foreshore Limestone Wall	4.1	WKSM	(45,000)	0	0			
Charlie Sappie Park Bed Removal and Replacement	4.1	WKSM	(20,000)	0	0	0	0	
Multi Purpose Courts Light Upgrade	4.1	WKSM	(25,000)	0	0	0	0	
Little Lagoon Signs and Barriers	3.1, 4.1	WKSM	(25,000)	0	0	0	0	
Town Oval Bore Capital			0	0	(1,860)	(1,860)	1,860	
<b>Recreation And Culture Total</b>			<b>(150,000)</b>	<b>0</b>	<b>(1,860)</b>	<b>(1,860)</b>	<b>0</b>	
<b>Public Facilities Total</b>			<b>(180,000)</b>	<b>0</b>	<b>(1,860)</b>	<b>(1,860)</b>	<b>0</b>	

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

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 20-21 Brockman Street	1.1	WKSM	(450,000)	0	0	0	0	
Useless Loop Road - RRG 20-21	1.1	WKSM	(229,958)	0	(274)	(274)	274	
Eagle Bluff - RRG 19-20 CF	1.1	WKSM	(8,203)	(8,203)	(8,672)	(469)	8,672	
Eagle Bluff - RRG 20-21	1.1	WKSM	(127,775)	0	(2,075)	(2,075)	2,075	
<b>Transport Total</b>			<b>(815,936)</b>	<b>(8,203)</b>	<b>(11,021)</b>	<b>(2,818)</b>	<b>11,021</b>	
<b>Roads (Non Town) Total</b>			<b>(815,936)</b>	<b>(8,203)</b>	<b>(11,021)</b>	<b>(2,818)</b>	<b>11,021</b>	
<b>Capital Expenditure Total</b>			<b>(2,237,657)</b>	<b>(19,258)</b>	<b>(22,640)</b>	<b>(3,382)</b>	<b>15,495</b>	

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**12.0 TOWN PLANNING REPORT**

**12.1 PROPOSED STORAGE BUILDING – RESERVE 40954, LOT 355 MONKEY MIA ROAD, MONKEY MIA  
RES40954**

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 Cowell

Nature of Interest: Impartiality Interest as Secretary of Shark Bay Pistol Club

Moved Cr Fenny

Seconded Cr Ridgley

**Council Resolution**

**That Council:**

- 1. Authorise the Chief Executive Officer to sign the development application form as there is a Management Order over Reserve 40954 to the Shire of Shark Bay.**
- 2. Note that Reserve 40954 is located within a designated bushfire prone area and exempt the storage building from the need for any Bushfire Management Plan or Bushfire Attack Level assessment as part of the planning process.**
- 3. Approve the development application lodged by the Pistol Club for a storage building (and target practice bays) on Reserve 40954, Lot 355 Monkey Mia Road, Denham subject the following conditions and footnotes:**
  - (i) The plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.**
  - (ii) The building is not to be used for habitation, club meetings, or gatherings and shall only be used for storage at all times.**
  - (iii) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.**

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- (iv) If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.

**Footnotes:**

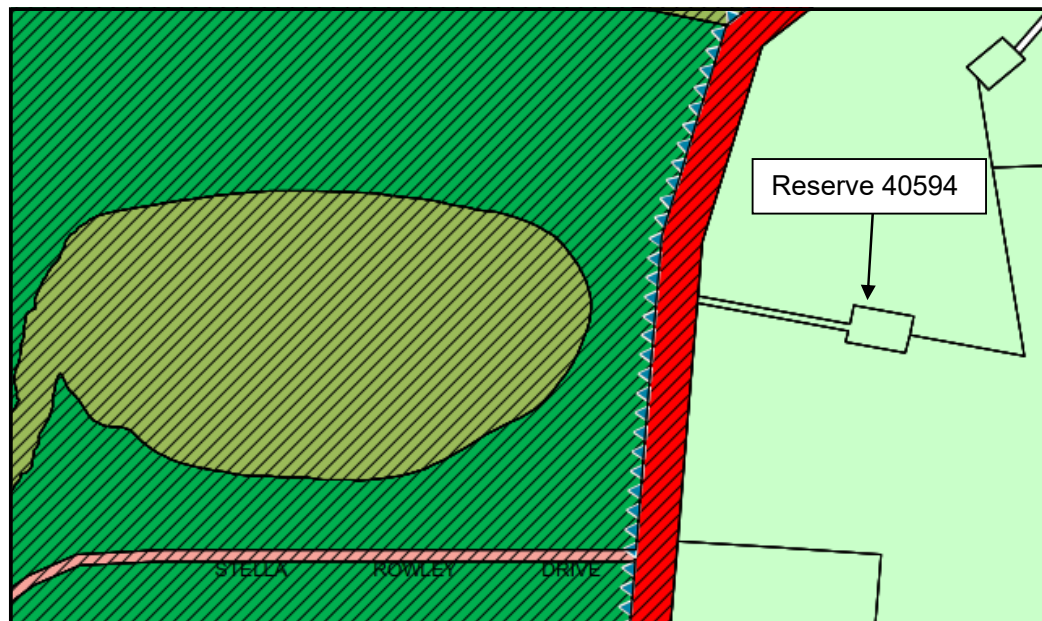
- (a) Planning consent is not an approval to commence construction or place the building on the reserve. A separate building approval / certificate must be obtained for the proposed building.
- (b) Please be advised that the land is located within a cyclone prone area and specific attention is required to be given to structural details of all buildings. Denham is located in Wind Region C.

**6/0 CARRIED**

**BACKGROUND**

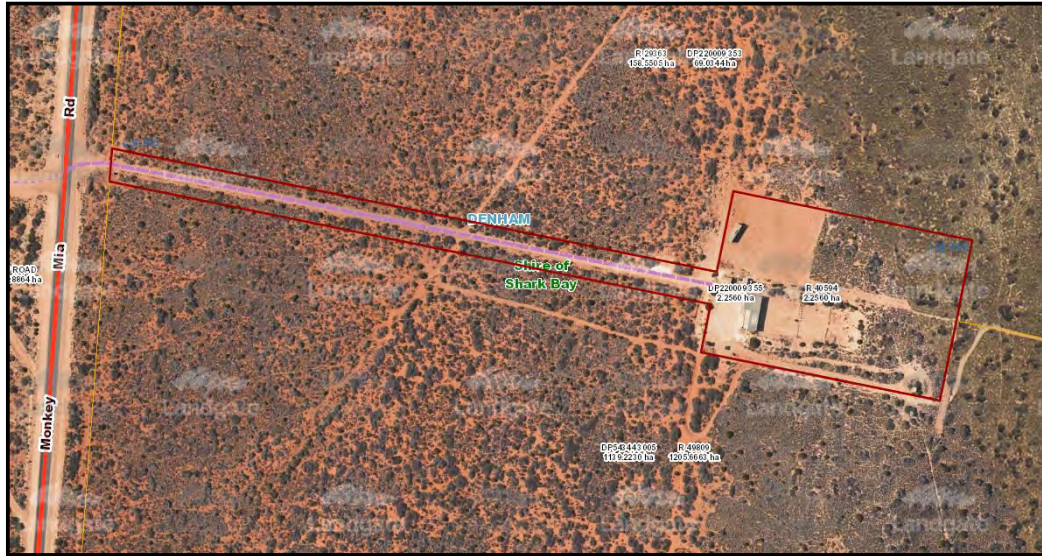
There is a Management Order over Reserve 40594 to the Shire of Shark Bay with the power to lease subject to approval by the Minister for Lands.

Reserve 40594 is zoned 'Rural' under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme'). The Reserve has an approximate area of 2.25 hectares and is leased by the Shire to the local Pistol Club.



Zoning Map (extract)

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Location Plan

#### COMMENT

The Pistol Club has lodged an application seeking approval to locate a second hand building on the Reserve.

Town Planning Innovations has liaised with the applicant (Bruce Wade, Club President) and they propose to use the building for storage, and to add a verandah to include new target practice bays on the side of the building.

The building measures 3.5 metres by 12 metres and is proposed to the north of the existing building and toilets already on the Reserve. The building will be located approximately 25 metres away from the existing building – refer over page.

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Not to Scale

Photographs of the building are included below and over page.



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- **State Planning Policy 3.7 – Planning for Bushfire Protection**

Under the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have 'due regard' to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning Policy 3.7: Planning in Bushfire Prone Areas'.

The Shire has a mandatory obligation to consider State Planning Policy 3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

The Western Australian Planning Commission released State Planning Policy 3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Reserve 40594 is within the declared bushfire prone area (pink area).

Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a Bushfire Attack Level assessment.

Despite the above, the Western Australian Planning Commission also released a Planning Bulletin 111/2016 that clarifies some of the requirements under the deemed provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* and State Planning Policy 3.7.

The Planning Bulletin states that:

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*'The deemed provisions exempt renovations, alterations, extensions, improvements or repair of a building, and incidental uses (including outbuildings, verandas, unenclosed swimming pools, carports, patios and storage sheds).*

*State Planning Policy 3.7 does not specify these exemptions, however where the proposal is exempt under the deemed provisions or local planning scheme and does not:*

- result in the intensification of development (or land use);*
- result in an increase of residents or employees;*
- involve the occupation of employees on site for any considerable amount of time;*  
*or*
- result in an increase to the bushfire threat;*

*the proposal may also be exempt from the provisions of State Planning Policy 3.7.'*

Town Planning Innovations recommends that Council consider granting an exemption from any Bushfire Attack Level for the planning application, as the development is minor, is proposed for storage and will not increase the bushfire risk.

It is important to note that the Pistol Club has recently undergone a range assessment by WAPOL and the WA Pistol Association. As a result there have been improvements for fire management including having a designated fire warden, muster point, signage, and on site fire extinguishers. Firebreaks and perimeter fencing are also proposed to be established.

#### LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 4 – explained in the body of this report.

The Pistol Club is construed as club premises which means premises used by a legally constituted club or association or other body of persons united by a common interest. Club Premises is a 'D' use in the Rural zone under Table 1: Zoning Table.

#### POLICY IMPLICATIONS

There are no known policy implications associated with this matter.

#### FINANCIAL IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this matter.

#### 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

18 September 2020

30 SEPTEMBER 2020

12.2 REQUEST FOR PEDESTRIAN ACCESS WAY CLOSURE IN FRY COURT  
P4254 P1432 P1433

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 Fenny

Nature of Interest: Financial Interest as family member owns adjacent property

Cr Fenny left the Council Chamber at 4.02 pm.

Officer Recommendation

That Council:

- A. Note that the owner of 17 Fry Court has expressed interest in a Pedestrian Access Way Closure. The Pedestrian Access Way is located between No 15 and No 17 Fry Court.
- B. Note that there is an approved and operative Outline Development Plan for Lot 9502 which proposes an extension of the Fry Court Pedestrian Access Way to the north. The Outlined Plan is included in the body of this report.
- C. Note that 3 Options have been outlined in the body of this report. If Option 3 is pursued by Council, Shire Administration will need to prepare an Assessment Report with mapping for formal consultation to proceed.
- D. Resolve to pursue:
  - Option 1 Not to support closure of the Pedestrian Access Way located between No 15 and No 17 Fry Court.

Reasons: (i) There is an approved operative Local Development Plan for Lot 9502 which proposes to extend the Fry Court Pedestrian Access Way to the north. It forms part of strategic planning for future land development in the immediate locality.  
(ii) The Pedestrian Access Way forms part of a larger planned pedestrian network and will provide connectivity between Shark Bay Road and the beach in the future.

Option 2 Preliminary informal consultation / investigation

Reasons: (i) Consultation with all adjacent landowners will provide information on the level of support for the closure, and whether they are prepared to pay for the costs associated with the closure (if they want to purchase it).  
(ii) A 'dial before you dig' enquiry will identify if the Pedestrian Access Way contains services.  
(iii) It allows Council to consider the request with more information.

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Option 3 To Support the Pedestrian Access Way closure request for the purpose of conducting formal advertising.

Reasons: (i) Public Consultation will provide more information and agency comments.

- E. Authorise the Chief Executive Officer to write to the owner of 17 Fry Court to advise of the Council decision, and request removal of the structure in the Pedestrian Access Way within 35 days.
- F. Note that there is no dividing fence between the Pedestrian Access Way and adjacent No 15 and No 17 Fry Court, and authorise the Chief Executive Officer to organise works that will delineate the Pedestrian Access Way boundary and prohibit vehicular access using bollards (after the structure in the Pedestrian Access Way is removed).

Moved Cr Stubberfield  
Seconded Cr Bellottie

**Council Resolution**

**That Council:**

- A. **Note that the owner of 17 Fry Court has expressed interest in a Pedestrian Access Way Closure. The Pedestrian Access Way is located between No 15 and No 17 Fry Court.**
- B. **Note that there is an approved and operative Outline Development Plan for Lot 9502 which proposes an extension of the Fry Court Pedestrian Access Way to the north. The Outlined Plan is included in the body of this report.**
- C. **Note that 3 Options have been outlined in the body of this report. If Option 3 is pursued by Council, Shire Administration will need to prepare an Assessment Report with mapping for formal consultation to proceed.**
- D. **Resolve to pursue:**

**Option 1 Not to support closure of the Pedestrian Access Way located between No 15 and No 17 Fry Court.**

Reasons: (i) There is an approved operative Local Development Plan for Lot 9502 which proposes to extend the Fry Court Pedestrian Access Way to the north. It forms part of strategic planning for future land development in the immediate locality.

(ii) The Pedestrian Access Way forms part of a larger planned pedestrian network and will provide connectivity between Shark Bay Road and the beach in the future.

30 SEPTEMBER 2020

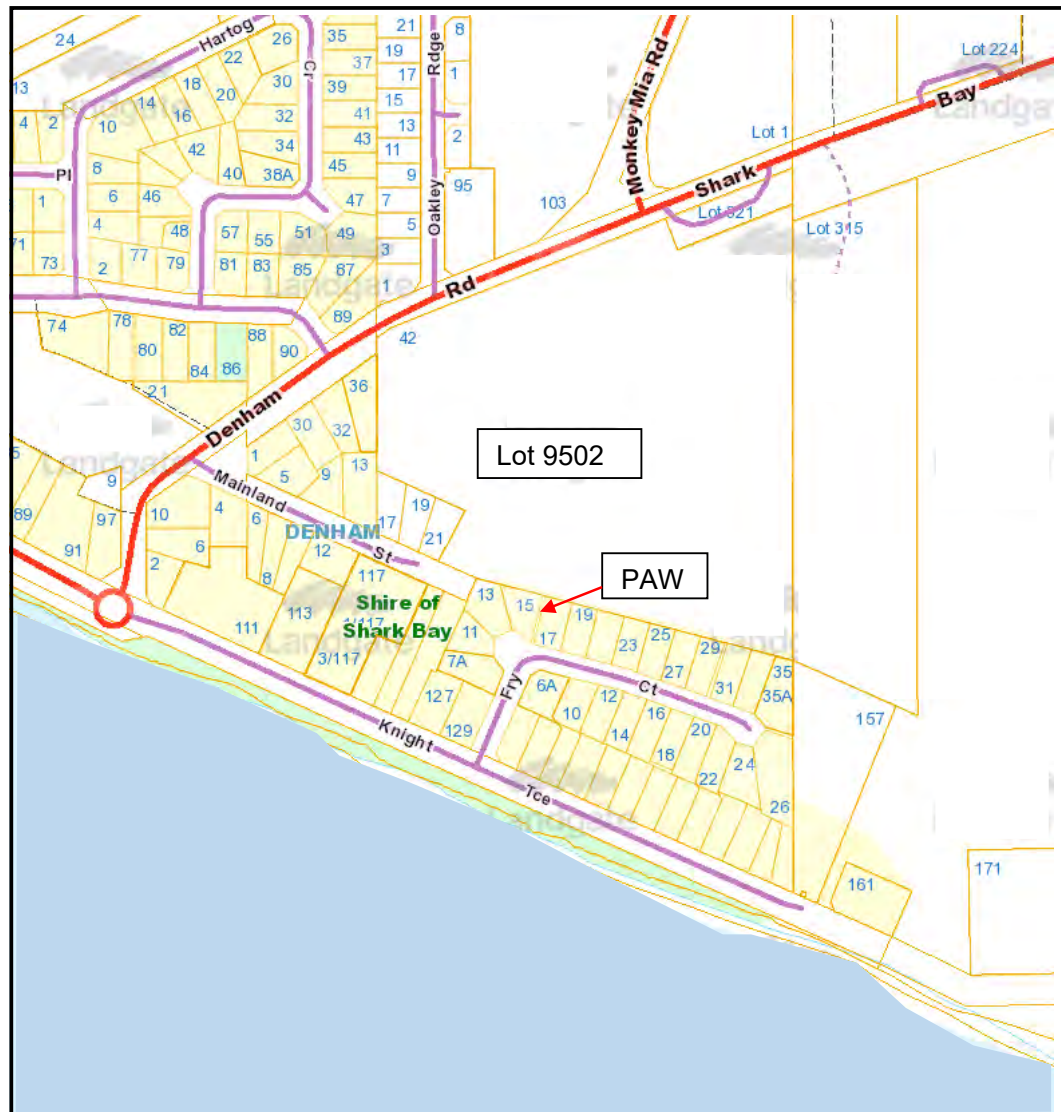
- E. **Authorise the Chief Executive Officer to write to the owner of 17 Fry Court to advise of the Council decision, and request removal of the structure in the Pedestrian Access Way within 35 days.**
- F. **Note that there is no dividing fence between the Pedestrian Access Way and adjacent No 15 and No 17 Fry Court, and authorise the Chief Executive Officer to organise works that will delineate the Pedestrian Access Way boundary and prohibit vehicular access using bollards (after the structure in the Pedestrian Access Way is removed).**

**5/0 CARRIED**

Cr Fenny returned to the Council Chamber at 4.05 pm.

#### BACKGROUND

There is a Pedestrian Access Way located between 15 and 17 Fry Court in Denham – refer to a Location Plan over page.



## MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

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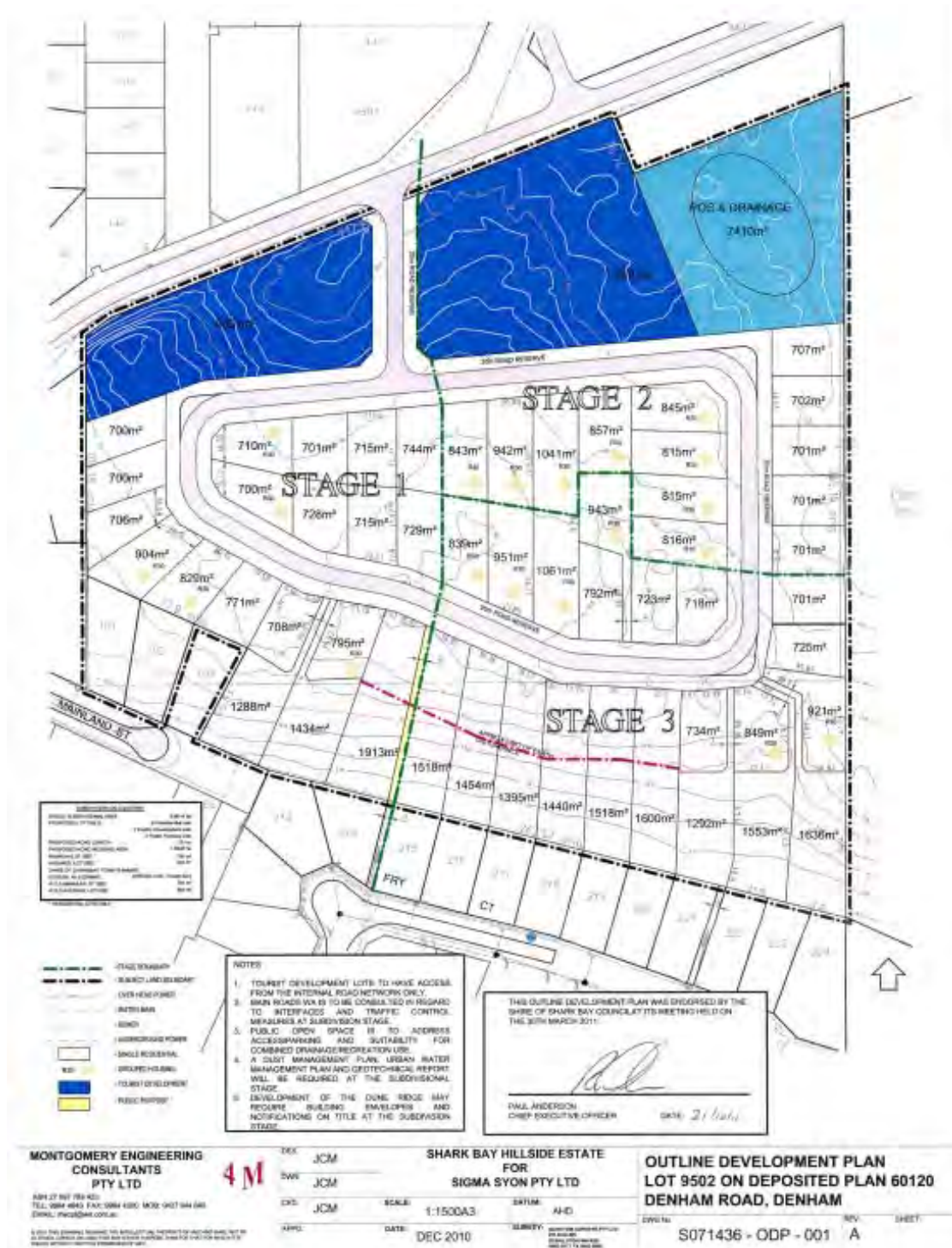
The Pedestrian Access Way abuts Lot 9502 Denham Road which is located to the north. Lot 9502 is zoned 'Special Use 2' under the Shire of Shark Bay Local Planning Scheme No 4, and has potential for future subdivision to be guided by a Structure Plan.

There is an Outline Development Plan for Lot 9502 that was approved by Council on the 30 March 2011. The Outline Development Plan included an extension of the existing Pedestrian Access Way in Fry Court for pedestrian connectivity and would provide future landowners within any subdivision on Lot 9502 with direct access to the beach via Fry Court.

A copy of the approved Outline Development Plan is included over page.

# MINUTES OF THE ORDINARY COUNCIL MEETING

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It should be noted that the Outline Development Plan for Lot 9502 was approved prior to the *Planning and Development (Local Planning Schemes) Regulations 2015* coming into effect. In that circumstance the Regulations includes provisions that the Outline Development Plan continues to apply and is taken to have been approved on the day the Regulations commenced operation.

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

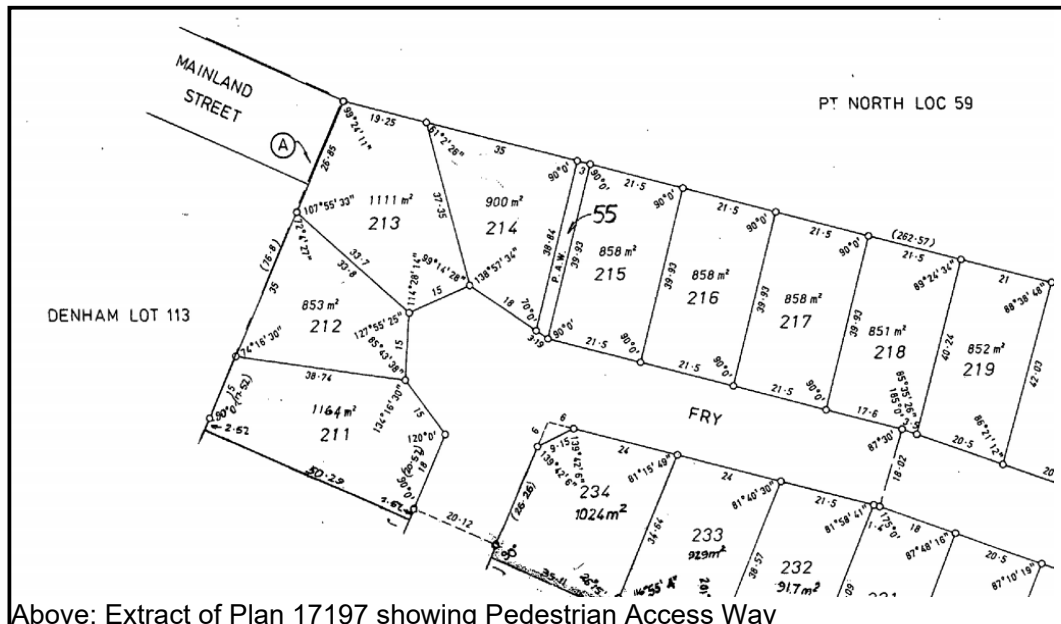
The existing approved Outline Development Plan will expire 10 years from the commencement date of the Regulations (i.e. 19 October 2025).

## COMMENT

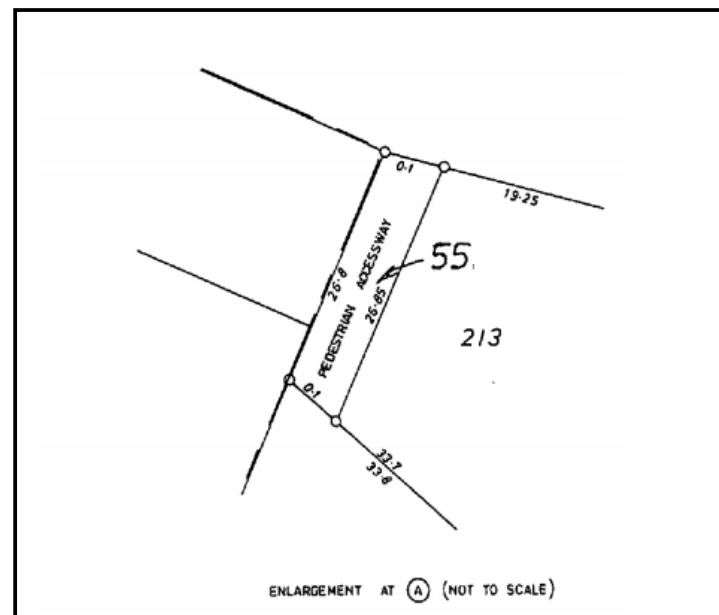
### • Closure request

The owner of 17 Fry Court has written to the Shire seeking information on whether the Pedestrian Access Way can be purchased and essentially become an extension to her property.

Town Planning Innovations has identified the parcel as a Pedestrian Access Way, and it's status as a Pedestrian Access Way has been confirmed in writing by Landgate.



Above: Extract of Plan 17197 showing Pedestrian Access Way



Above: Extract of Plan 17197 showing Pedestrian Access Way Enlargement

Based on aerial photography, it appears there is a structure located within the Pedestrian Access Way, which should be removed.



Above: Aerial with Pedestrian Access Way shown in yellow outline (by Town Planning Innovations)

At this stage it is not known whether all adjacent landowners would support a Pedestrian Access Way closure.

- ***Pedestrian Access Way Closure Guidelines and Process***

Guidelines for closing Pedestrian Access Ways have been developed by the Western Australian Planning Commission, Department of Planning and Office of Crime Protection (October 2009).

The Guidelines outline the procedure for closing Pedestrian Access Way's and;

- a) Explain the role of the Department of Planning and the Western Australian Planning Commission in the new procedure.
- b) Outline the issues associated with pedestrian access ways closure and the information required to accompany an application for closure.
- c) Explain the procedure to close pedestrian access ways on a temporary basis where permanent closure is not desirable.

The Guidelines explain two process scenarios for Pedestrian Access Way closures:

Option A – A Pedestrian Access Way closure request is in accordance with a pedestrian and cycle access plan endorsed by the Western Australian Planning Commission.

Option B – A Pedestrian Access Way closure request without a pedestrian or cycle plan.

There is no pedestrian and cycle plan for Denham townsite that has been endorsed by the Western Australian Planning Commission therefore the procedure under Option B needs to be followed.

Part of the first step entails:

1. Ascertaining the level of support for the proposed Pedestrian Access Way closure. The Shire can request that the applicant provide a submission outlining support for the closure by all adjacent landowners.

Notwithstanding the above, Town Planning Innovations would recommend that if preliminary consultation is pursued that it be conducted independently by the Shire.

2. Preparation of a closure report which addresses the range of matters set out in Steps 3-9 of Appendix 1 of the Guidelines. This includes:

Step 3 – Mapping the pedestrian accessway in context of the central commercial zone or a neighbourhood area.

The extent of the plan area seems to be to the discretion of the local government but needs to include a walkable catchment area.

Step 4 – Identifying all nearby community facilities in the plan area including schools, shops, parks, employment nodes, public transport and other land uses / facilities likely to generate pedestrian or cycle traffic.

Step 5 - An assessment of the connectivity of areas around each community facility based on a walkable catchment with a radius of 400 metres. This radius should be increased to 800 metres in the case of large-scale community facilities such as town centres.

Step 6 – Infrastructure provider information. Identify service providers by conducting a 'dial before you dig' enquiry.

Step 7 – A physical assessment examining the Pedestrian Access Way condition, lighting, connectivity, width, topography, alternative routes if closed etc Step 7 also includes identifying the main users of the Pedestrian Access Way.

Step 8 – An assessment of its safety and security carried out using the situational crime prevention assessment methodology for pedestrian access ways that is set out in the planning guidelines Reducing Crime and Anti-Social Behaviour in Pedestrian Access Ways.

Step 9 – Preparation of an assessment report and draft pedestrian and cycle access plan.

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Once support from adjacent landowners is ascertained an assessment report is prepared, then the proposed Pedestrian Access Way closure would need to be formally advertised for public comment. Council would need to consider any public submissions received during advertising.

If Council resolved to close the Pedestrian Access Way after advertising, then there would need to be an agreement with abutting landowners on how the Pedestrian Access Way land would be divided and if owners are prepared to meet all the costs involved.

Any Pedestrian Access Way closure request would have to be submitted to the Western Australian Planning Commission for assessment. If the Western Australian Planning Commission supports the closure then it would be lodged to the Department of Planning, Lands and Heritage who carry out the final stages.

The role of the Department of Planning, Lands and Heritage (Land Services) is to give effect to the request for closure of the pedestrian access way under section 87 of the Land Administration Act 1987, and undertake formal sale and conveyancing of the subject land.

- ***Options Available to Council***

The Options Available to Council are:

**Option 1 Not to support any Pedestrian Access Way closure.**

Given that there is an existing Outline Development Plan for adjacent Lot 9502 that includes pedestrian links to the Pedestrian Access Way for future subdivision, that the Outline Development Plan would have entailed public consultation and has been approved by Council, it is not considered it appropriate to close the Fry Court Pedestrian Access Way at this time.

Lot 9502 has subdivision potential to cater for new housing and any future long-term population growth. The Fry Court Pedestrian Access Way will provide an important pedestrian link between any future subdivision of Lot 9502 and the beach.

Another consideration is that Lot 9502 and the lots along the north side of Fry Court are all located within a declared bushfire prone area. The Pedestrian Access Way has potential (subject to conversion into a right of way) to provide a secondary emergency egress for improved bushfire management of the area.

**Option 2 Conduct preliminary informal consultation**

If the Shire is prepared to consider the Pedestrian Access Way closure, there is potential for further research to be conducted to:

- A. Ascertain the views of all adjacent landowners by writing to them;
- B. Conduct a 'dial before you dig' enquiry to see if the Pedestrian Access Way contains services.

**Option 3 Support the Pedestrian Access Way closure request for the purpose of conducting formal advertising.**

Option 3 is not supported as the Pedestrian Access Way forms part of a potential future pedestrian connection through adjacent Lot 9502 to Shark Bay Road. It will provide

## MINUTES OF THE ORDINARY COUNCIL MEETING

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connectively for future land development in the immediate locality and forms part of a strategic Outline Development Plan approved for Lot 9502.

### LEGAL IMPLICATIONS

*Land Administration Act 1997* – Section 87 allows for the sale of crown land and amalgamation with adjacent land.

### POLICY IMPLICATIONS

There are no known local government policy implications associated with this matter.

### FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Town Planning Innovations for advice. There are costs associated with the pedestrian access way closure process.

### STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this matter.

### 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

17 September 2020

30 SEPTEMBER 2020

12.3 PROPOSED SINGLE HOUSE – LOT 313 (20) SPAVEN WAY, DENHAM  
P1497

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 Smith  
Seconded       Cr Fenny

**Council Resolution**

**That Council:**

- Note that the proposal for a single dwelling on Lot 313 (20) Spaven Way, Denham complies with Residential Design Codes and does not require development approval.**

**6/0 CARRIED**

BACKGROUND

- Zoning***

The lot is zoned 'Residential' with a density code of R12.5/30 under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme'). The lot has an approximate area of 925m<sup>2</sup> and is vacant.



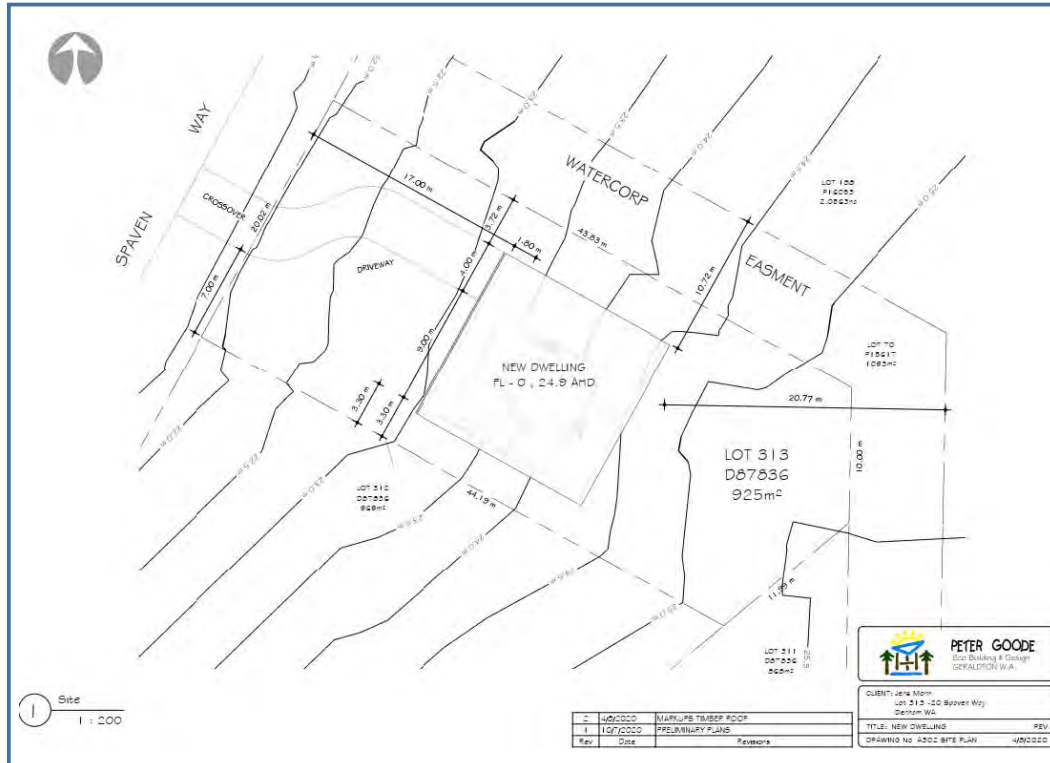
Location Plan

30 SEPTEMBER 2020

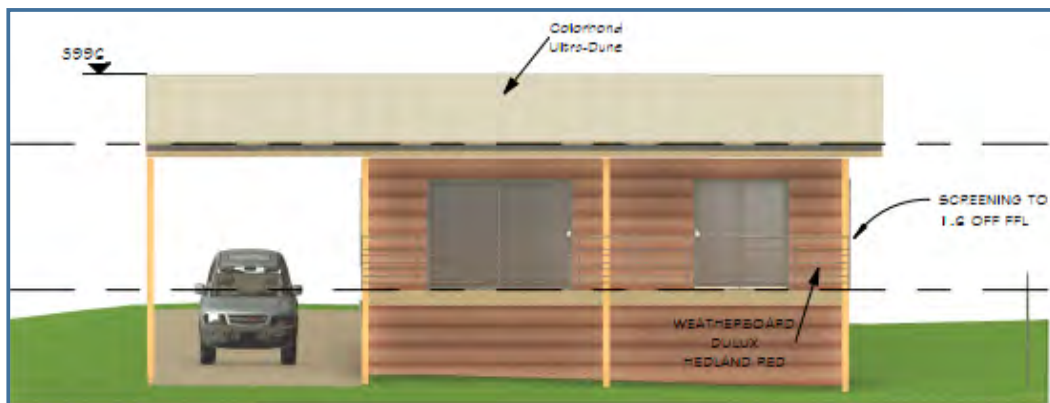
COMMENT

- Description of Proposed dwelling**

The application proposes a single house – refer site plan below.



The dwelling is proposed to have a total floor area of 110.5m<sup>2</sup> (including the carport).



Front Elevation

- Residential Design Codes – Single House**

The Residential Design Codes ('the Codes') have two separate options for the assessment of development including 'Deemed to Comply' criteria and 'Design Principles'.

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Under the Residential Design Codes there are specific 'Deemed to Comply' requirements for single dwellings. The main requirements are explained in this report.

- **Building Setbacks**

The proposed single house complies with the setback requirements of the Codes.

Building setbacks are calculated using Table 2a and 2b in the Codes and are based on the wall height, wall length and whether the wall has major openings.

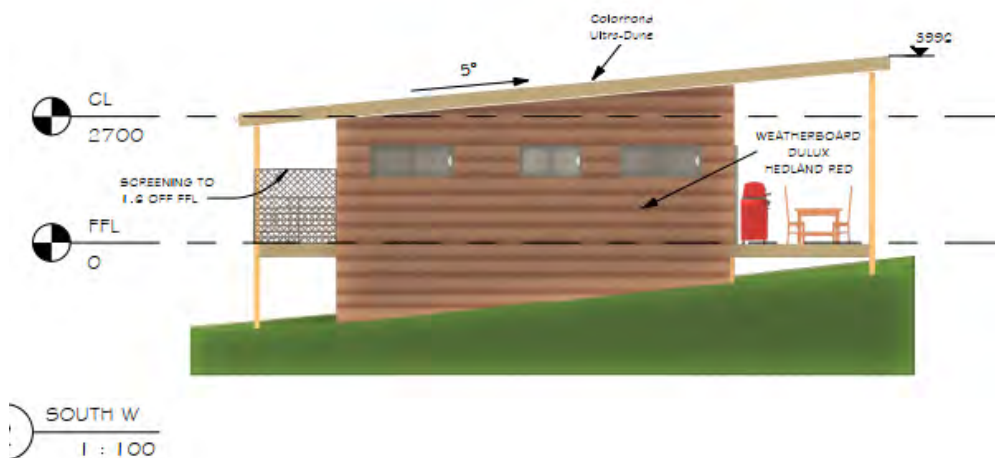
Setback	Permitted	Proposed
Front	7.5	17
Side 1 (LHS) – Table 2 of Codes	1.5	3.72
Side 2 (RHS) – Table 2 of Codes	1	3.3
Rear	6	20+

- **Privacy and Overlooking Setbacks – Single House**

Under the Codes, major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level, have to achieve a minimum privacy setback distance to the boundary.

Only the front portion of the house has a finished floor level that is 0.5m above Natural Ground Level. The design complies with the privacy requirements and it should be noted that:

- Highlight windows are proposed on the south west elevation; and
- A 1.6 metre high screen is proposed to the side of the front balcony to prevent overlooking of the lot to the south.



- **Site Open Space**

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Site open space can include eaves overhang, as well as verandahs and patios not more than 0.5 metres above natural ground level that are unenclosed on at least two sides.

The proposal complies with the required site open space as follows;

	Permitted	Proposed
Min Total % site	55%	88%

- **Crossovers and Parking**

The Residential Design Codes require one car parking bay to be provided on site for the proposed single bedroom dwelling. The site plan shows a crossover, driveway and a carport.

### LEGAL IMPLICATIONS

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

Clause 61 lists 'development for which development approval is not required' and includes the erection of a single house that complies with the Residential Design Codes (unless located in a heritage place).

Shire of Shark Bay Local Planning Scheme No 4 – Explained in the body of this report.

### POLICY IMPLICATIONS

There are no Policy implications associated with this report.

### FINANCIAL IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

There are no strategic implications associated with 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

18 September 2020

30 SEPTEMBER 2020

12.4 PROPOSED HOME BUSINESS - LOT 3 (10) SPAVEN WAY, DENHAM  
P1249

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 Fenny

Nature of Interest: Impartiality Interest as proponent is an employee

Moved Cr Ridgley

Seconded Cr Cowell

Council Resolution

**That Council:**

**A. Approve the application for a home business on Lot 3 (10) Spaven Way, Denham subject to the following conditions and footnotes:**

- 1. The home business is approved to operate within the existing dwelling used by the occupier.**
- 2. A maximum area of 50m<sup>2</sup> within the existing dwelling shall be used for the home business at any time.**
- 3. No direct retail sale, display or hire of any goods shall occur from the existing house unless the sale, display or hire is done by means of the Internet.**

**Footnotes:**

- (i) The applicant is advised that sales can occur off site and it is noted that the end food product will be delivered to other premises for sale.**
- (ii) Please liaise with the Shires Environmental Health Officer to register the kitchen as a food business. The proposed home business should not commence until such time as you have all the necessary health approvals.**

**6/0 CARRIED**

BACKGROUND

A caravan park operates from Lots 2 and 3 Spaven Way in Denham townsite. There is an existing house on Lot 3 which is occupied by the applicant, Rebecca Pavey.

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Location Plan

#### COMMENT

- ***Application details***

The applicant proposes to operate a home business from within the existing house where she resides.

The applicant seeks to operate a small business preparing healthy raw treats made from dried nuts and fruits within the existing 36m<sup>2</sup> kitchen. The treats will be prepared on site then delivered to cafes, shops and off-site premises to sell.

No sales are proposed as part of the application, however the Scheme does allow for internet sales as part of a home business. A condition is recommended to allow for internet sales to provide the applicant with flexibility.

The applicant has liaised with the Shires Environmental Health Officer as the house kitchen will need to be registered as a food premises to comply with separate health requirements.

- ***Zoning and Scheme Requirements***

Lot 3 is zoned 'Urban Development' under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme').

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A home business is listed under Table 1: Zoning Table of the Scheme, however it refers to Clause 32.2 for the Urban Development zone. Clause 32.2 outlines that a Structure Plan may be required to guide future development and subdivision.

Council has discretion to consider development in the Urban Development zone where a Structure Plan has not been prepared as long as the local government is satisfied that this will not prejudice the future structure planning in the area.

The home business is proposed within an existing house, is small scale and will not prejudice any future structure planning in the area.

The proposal cannot be considered as a 'home occupation' as they are limited to a maximum of 20m<sup>2</sup> under the Scheme. The proposal is construed as a 'home business' as summarised below:

A home business is defined in the Scheme as <i>'means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession –'</i>	Town Planning Innovations Comment:
(a) does not involve employing more than 2 people who are not members of the occupier's household; and	Complies. Only one person (the occupier) proposes to conduct the home business.
(b) does not involve employing more than 2 people who are not members of the occupier's household; and	Complies. Only one person (the occupier) proposes to conduct the home business.
(c) will not cause injury to or adversely affect the amenity of the neighbourhood; and	Complies. The business is small scale and will entail using an existing kitchen. It will not have any negative impact on the amenity of the area.
(d) does not occupy an area greater than 50 m <sup>2</sup> ; and	Complies.
(e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done by means of the Internet; and	Complies. The applicant proposes to transport the end product off site so that the treats can be sold from other cafes and shops in Denham townsite.
(f) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and	Complies. The applicant will utilise her own car for deliveries.
(g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and	Complies.
(h) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.	Complies.

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LEGAL IMPLICATIONS

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

Clause 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 4* – explained in the body of this report and included below:

The objectives of the Urban Development zone are:

- To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.
- To provide for a range of residential densities to encourage a variety of residential accommodation.
- 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.

Clause '32.2 Residential and Urban Development Zone' states :

- (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.

POLICY IMPLICATIONS

There are no known policy implications associated with this matter.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this matter.

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

16 September 2020

30 SEPTEMBER 2020

12.5 PROPOSED SINGLE HOUSE – LOT 113 (29) OAKLEY RIDGE, DENHAM  
P4266

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 Stubberfield  
Seconded       Cr Ridgley

**Council Resolution**

**That Council:**

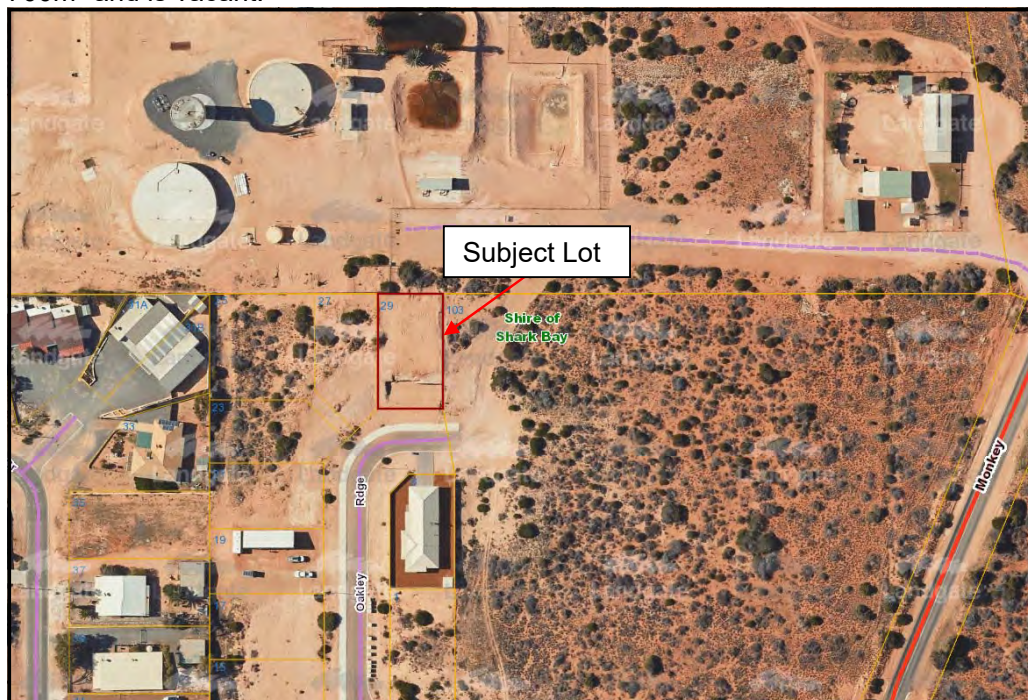
- Note that the proposal for a single dwelling on Lot 113 (29) Oakley Ridge, Denham complies with Residential Design Codes and does not require development approval.**

**6/0 CARRIED**

BACKGROUND

- Zoning***

The lot is zoned 'Residential' with a density code of R12.5 under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme'). The lot has an approximate area of 700m<sup>2</sup> and is vacant.



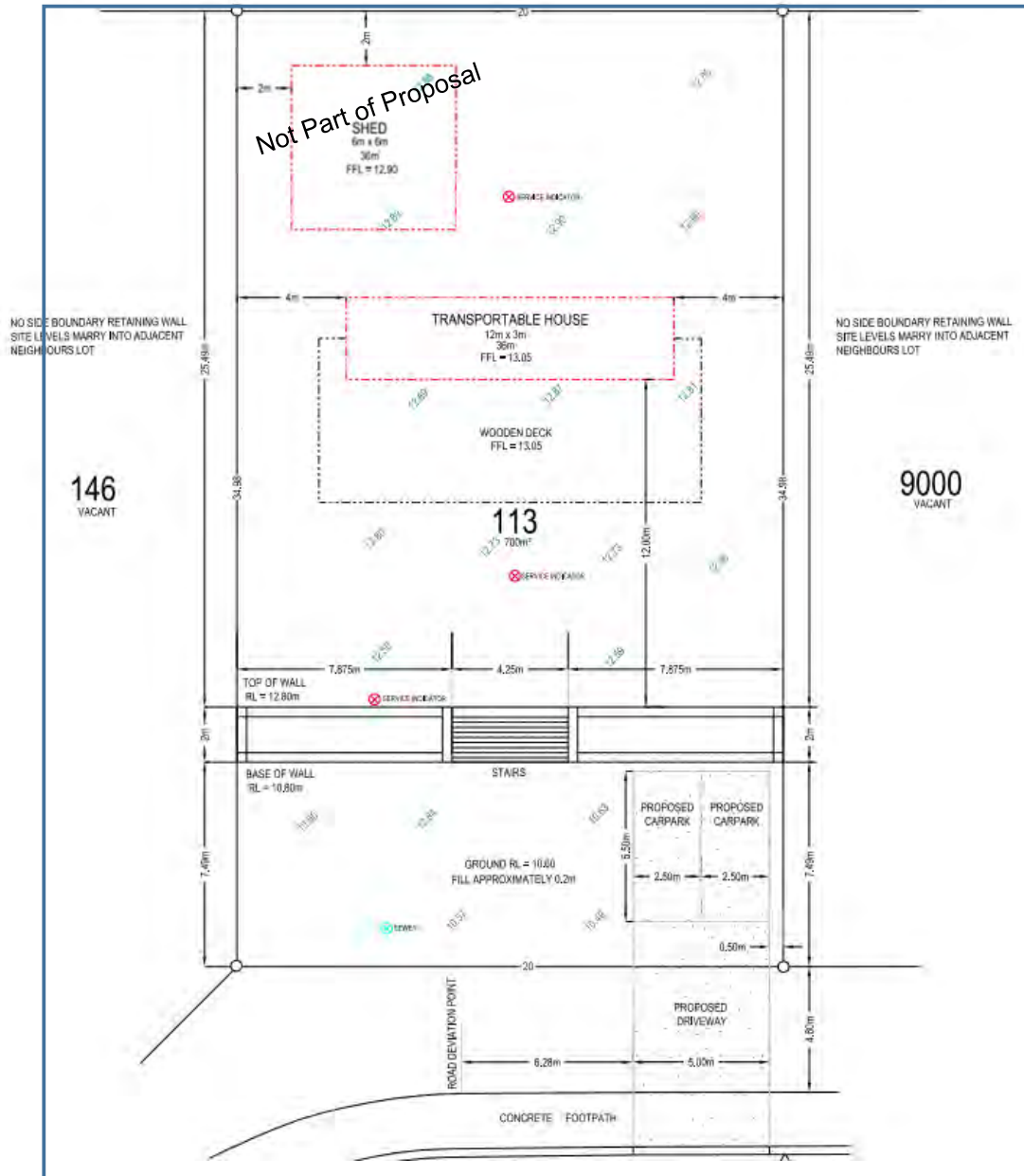
Location Plan

30 SEPTEMBER 2020

COMMENT

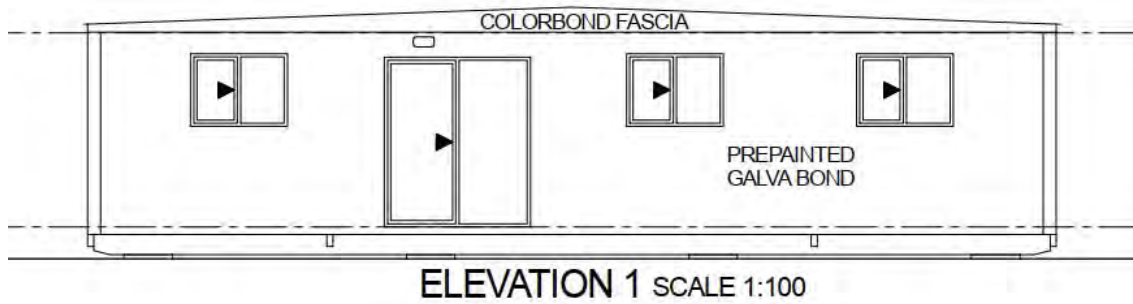
- Description of Proposed Development**

The application proposes a new transportable single house, front deck and retaining walls – refer site plan below.



The front elevation is included below.

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The applicant has provided an example of similar (but not identical) designed building:



The dwelling is proposed to have a total floor area of 36m<sup>2</sup>.

- **Residential Design Codes – Single House**

The Residential Design Codes ('the Codes') have two separate options for the assessment of development including 'Deemed to Comply' criteria and 'Design Principles'.

Under the Residential Design Codes there are specific 'Deemed to Comply' requirements for single dwellings. The main requirements are explained in this report.

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- **Building Setbacks**

The proposed single house complies with the setback requirements of the Codes.

Building setbacks are calculated using Table 2a and 2b in the Codes and are based on the wall height, wall length and whether the wall has major openings.

Setback	Permitted	Proposed
Front	7.5	21.49
Side 1 (LHS) – Table 2 of Codes	1	4
Side 2 (RHS) – Table 2 of Codes	1	4
Rear	6	9.49

- **Site Open Space**

Site open space can include eaves overhang, as well as verandahs and patios not more than 0.5 metres above natural ground level that are unenclosed on at least two sides.

The proposal complies with the required site open space as follows;

	Permitted	Proposed
Min Total % site	55%	95%

- **Crossovers and Parking**

The Residential Design Codes requires two car parking bays to be provided on site for the proposed two bedroom dwelling. The site plan shows a crossover and double driveway.

- **Retaining Walls**

Two tiers of retaining walls are proposed parallel to the front lot boundary in the south portion of the lot. They are less than 0.5m above Natural Ground Level so are permitted to be built up to the side lot boundaries.

#### LEGAL IMPLICATIONS

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

Clause 61 lists 'development for which development approval is not required' and includes the erection of a single house that complies with the Residential Design Codes (unless located in a heritage place).

Shire of Shark Bay Local Planning Scheme No 4 – Explained in the body of this report.

#### POLICY IMPLICATIONS

## MINUTES OF THE ORDINARY COUNCIL MEETING

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There are no policy implications associated with this report.

### FINANCIAL IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

There are no strategic implications associated with 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

18 September 2020

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12.6 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*

**AMENDMENT OF OFFICERS RECOMMENDATION**

Reason: Cr Stubberfield considered the motion could be deferred to wait for more information from the State Governments proposed amendments.

Moved Cr Stubberfield

Seconded Cr Fenny

Councillor Motion

To defer the item and table the item at the Ordinary Council meeting schedule to be held on 28 October 2020.

**The vote was cast and resulted in a tied vote**

**3/3 TIED**

**The President exercised a casting vote and the item was recorded as**

**3 / 4 LOST**

Moved Ridgley

Seconded Cowell

**Council Resolution**

**That Council:**

1. **Note that three options are outlined in this report as permissible under Clause 4(3)(b) of the Deemed Provisions under Part 2, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* including to resolve to:**
  - (i) **proceed with the policy without modification;**
  - (ii) **proceed with the policy with modification; or**
  - (iii) **not to proceed with the policy.**

*Note: If Council resolves not to proceed with the Policy, a new Policy can be developed and advertised in the future.*

2. **Note that a revised Policy is included as Attachment 2 with draft modifications shown in red.**
3. **Note the submissions tabled in Attachment 3.**
4. **In accordance with Clause 4(3)(b)(ii) of the Deemed Provisions under Part 2, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve to pursue Option 2 to adopt and proceed with Local Planning Policy No 1 with modifications to:**

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- (i) **Allow lesser standards to apply to private driveways consistent with the November 2019 Council resolution.**
  - (ii) **Delete the section on smoke alarms as that is a building issue.**
  - (iii) **Include information that separate building requirements may apply.**
  - (iv) **Expand on the separate health requirements.**
  - (v) **Include a new figure that explains what a crossover versus a driveway is.**
5. **Resolve to allow a 12 month transition period to allow operators to apply for planning approval for holiday homes, consistent with Clause 47 of the Western Australian Planning Commission 'Planning Bulletin 99 – Holiday Homes Guidelines'.**
6. **Resolve to advise all submitters of the Policy adoption and Council decision.**
7. **Authorise the Chief Executive Officer to publish notice of the policy in a newspaper to comply with Clause 4(4) of the Deemed Provisions under Part 2, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
8. **Authorise the Chief Executive Officer to commence action to raise awareness of the new Policy through public notices, local newsletters and the Shire's website.**

**The vote was cast and resulted in a tied vote**

**3/3 TIED**

**The President exercised a casting vote and the item was recorded as**

**4/3 CARRIED**

#### 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 house that is used exclusively by the owners for their own holidays.

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.

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

When workshops were held with Councillors in 2011 and 2012 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.

The Scheme provisions are included in Attachment 1.

- *Relevant Council decisions*

The Draft Policy was adopted for public advertising on the 19 December 2018. Advertising was delayed until after the holiday period.

In December 2018, Council resolved '*to follow the requirements of the Building Code of Australia, for class 1 buildings, as outlined in this report in regards to smoke alarms*'.

Following advertising, a preliminary report on the Draft Local Planning Policy was referred to the Ordinary Meeting of Council held on the 27 November 2019.

Council resolved to:

- '1. *Note that the Draft Local Planning Policy on Holiday Houses has been advertised for public comment, and a report will be referred to a future Council meeting to consider whether to finally adopt the Policy (with or without modification).*
2. *Note that this report aims to provide Council with an opportunity to discuss and review specific requirements in the Draft Policy that have been raised in public submissions.*
3. *Note that all submitters have been advised and invited to attend the November Council meeting.*
4. *Resolve to pursue Option 1 - Amend the Draft Policy to require any crossover on the Council verge to be constructed out of hardstand material but allow the*

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*driveway (and car parking) within the lot boundary to be any material as long as it is trafficable (eg compacted dirt, shell grit, blue metal, gravel, slabs etc). ‘*

The Policy has been revised in accordance with the November 2019 Council resolution.

COMMENT

- **Summary of Draft Policy**

The purpose of the Local Planning Policy is to provide guidance to applicants on how to apply for Shire approval. The Draft (revised) Policy is included as Attachment 2 with changes shown in red font.

It also outlines requirements for car parking, a constructed crossover, trafficable driveways (of any material), smoke alarms, and includes template examples for Management Plans and Fire and Emergency Response Plans.

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 crossovers to be sealed, paved or concreted and comply with the standards in the Shires' Crossover Policy;
- g. Explains separate building approvals may be required (as determined by a private certifier);
- 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.
- k. Allows private driveways within the lot boundary to be constructed out of any material as long as it is trafficable (as per the November 2019 Council resolution).

It should be noted that a Local Planning Policy is a guide and Council will still have discretion to vary the Policy if warranted and take into account any special circumstances.

- **Advertising**

The Draft policy was advertised for public comment. Advertising included:

- 1. A newspaper advert in the Midwest Times and West Australian;
- 2. Letters to key government agencies and stakeholders;
- 3. Email referral to the local real estate agent who manages a number of local properties.

All submissions received during and after advertising are listed in Attachment 3.

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In summary the main issues raised were:

Summary of Issues raised	Town Planning Innovations response
<p>1. Holiday Houses have operated for extended time periods without any issues and should not have to be registered with the Shire.</p>	<p>The majority of existing holiday houses have been operating without Shire approval for an extended time period. The number of holiday houses may have increased through booking websites such as air b'n'b and Stayz, although Town Planning Innovations does not have any statistics or details of all existing operators in Denham.</p> <p>The Draft Policy was advertised to give local owners and operators an opportunity to have input. It is also the beginning of an education process to start making operators aware that they will need Shire approval to operate lawfully.</p> <p>Existing operators and owners will need to apply for retrospective planning approval of existing holiday houses as approval is required under the Shire of Shark Bay Local Planning Scheme No 4.</p> <p>The Scheme requires holiday houses to be registered with the Shire. Once a planning approval is issued each holiday house will automatically be placed on a register to be maintained by the Shire.</p> <p>This 'registration' approach is consistent with:</p> <ul style="list-style-type: none"> <li>(1) The Western Australian Planning Bulletin No 99 on Holiday Homes which states that a register of approved holiday homes should be established and maintained by the local government; and</li> <li>(2) The more recent recommendations of the Economics and Industry Standing Committee Report 7 - <i>'Levelling the Playing Field - Managing the impact of the rapid increase of Short-Term Rentals in Western Australia'</i>.</li> </ul>
<p>2. Approvals will be issued for limited time periods and renewals will be required periodically.</p>	<p>Submissions raise concern that initial approvals will only be issued initially for a 12 month period. After that Council will have discretion to issue approval or longer periods of 3-5 years.</p> <p>This is not a Policy requirement and is a Scheme provision. The information on time</p>

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	<p>limits for approvals is only included in the Policy for information purposes.</p> <p>The time limits for approvals is based on the Western Australian Planning Commission Holiday Home Guidelines and is aimed at providing a degree of certainty for operators but also ensuring there is no negative impact on the amenity of neighbouring properties. The time limit also gives Council greater control over compliance.</p>
3. The costs of complying with the policy requirements and that the Shire is seeking revenue through planning application fees.	<p>Only a minimum planning application fee of \$147.00 applies, however it is doubled if an application is retrospective.</p> <p>The planning application fees do not cover the Shires costs and will not likely provide any significant revenue source.</p>
4. Objections to the Draft Policy requirement for crossovers and driveways to be constructed.	<p>This is the singular Policy requirement that was consistently objected to.</p> <p>Council has resolved to require crossovers to be constructed and allow driveways within the lot to be of any trafficable surface.</p>
5. Concern over the requirement for fire extinguishers and that guests will not know how to use them.	<p>The Western Australian Planning Commission Holiday Home Guidelines recommends provision of a fire extinguisher.</p> <p>If a guest is not comfortable or does not have the skills to use a fire extinguisher they can simply evacuate and call the local fire brigade.</p> <p>Department of Fires and Emergency Services has an information sheet on how to use a fire extinguisher that can be displayed in homes.</p>
6. Issues raised that evacuation plans should not be required for this type of accommodation.	<p>The Western Australian Planning Commission Holiday Home Guidelines recommends provision of a fire and emergency response plan.</p> <p>The Policy requires display of the plan as guests staying in a dwelling may not be familiar with the layout.</p> <p>The Policy includes an example fire and emergency plan template that owners/operators can prepare themselves.</p>
7. Queries over implementation and when compliance would be required.	<p>This issue is outlined in the body of this report for Council discussion. A 12 month transition period is recommended as it is consistent with the current Western Australian Planning Commission Planning Bulletin.</p>

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<p>8. While the Draft Policy is comprehensive in terms of the requirement for a planning application supported by public consultation, the absence of mandatory registration, penalties or methods of ensuring compliance will only aid continued non-compliance.</p>	<p>This issue was raised by the Australian Hotels Association WA.</p> <p>The Policy requires all holiday houses to be registered and the register will be maintained by the Shire. If any future 'state' register is established then the Shire will be in a position to readily share registry information.</p> <p>Compliance is addressed as planning approvals will initially be limited to a one year period, and then 3-5 year approvals. Compliance is also controlled through the normal planning mechanisms contained in the <i>Planning and Development Act 2005</i>.</p>
<p>9. Requirements for hardwired smoke alarms were raised as a concern.</p>	<p>Town Planning Innovations has liaised with the City of Greater Geraldton building services and they do not recommend that any matter already controlled through building legislation be included in the Policy. It is recommended that the section on smoke alarms be deleted from the Policy.</p>

- **Crossovers and Driveways**

The revised Policy requires crossovers on the Council verge to be constructed to meet the standards outlined in the Shires existing crossover policy.

Driveways (and car parking) within the lot boundary can be any material as long as it is trafficable (eg compacted dirt, shell grit, blue metal, gravel, slabs etc).

- **Health Requirements / Lodging Houses**

Under the *Health (Miscellaneous Provisions) Act 1911* there are health requirements that apply to any lodging house.

The lodging-house definition includes any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons (excluding hotels /motels and student boarding associated with schools).

The Draft Policy has been revised to explain the health requirements including that:

- a) The *Health (Miscellaneous Provisions) Act 1911* has requirements for lodging houses;
- b) Additional requirements may apply under health legislation separate to the planning policy.

- **Building Requirements**

Where owners applied for building permits for single houses they would have been approved as a Class 1a (which includes a single house).

A building proposed to be used as holiday house would likely fall under a different building classification (depending on the floor area maximum occupancy).

For example, a Class 1b applies to a boarding house, guest house, hostel or the like (i) with a total floor area not exceeding 300m<sup>2</sup> and (ii) to accommodate no more than 12 people.

Where there is a change of building classification owners will need to engage a private building certifier for advice. The most appropriate classification is up to the certifier so any advice may be that it requires a permit for a change of use from a 1a to a 1b (or other classification). The certifier may require a Building Permit for new works to bring the building up to Code or a Building Approval Certificate to state that it complies.

As smoke alarms are covered by building legislation (and there are options for alternative performance solutions) it is recommended that any reference to smoke alarms be deleted from the main policy requirements.

- ***Transitional Period***

The Western Australian Planning Commission Planning Bulletin No 99 on Holiday Homes recommends that local governments allow owner operators up to 12 months, after a local planning policy has been adopted, to apply for and obtain approval for the operation of existing holiday homes and implement the recommended regulatory measures.

Town Planning Innovations recommends that Council allow a 12 month transitional period to give owners time to prepare an application and apply for approval.

- ***Implementation Considerations***

A transitional period will allow Shire Administration time to:

1. Establish a Holiday House Register format;
2. Publish the Local Planning Policy on the Shire website;
3. Publish Information in the local newsletter on the Policy;
4. Identify as many operators as possible and write to them to advise of the need to apply within 12 months;
5. Review the delegation register.

- ***Application and Renewal Process***

All initial applications for holiday houses will be advertised for public comment and referred to Council for determination. 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.

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Allowing subsequent renewals to be determined under delegated authority by the Chief Executive Officer would have the following benefits:

1. Streamline the planning process for those operators that have complied with their conditions.
2. Minimise the Shires costs by reducing the number of reports for referral to Council and use of Town Planning Innovations services.

- ***Options Available to Council***

This Policy is an opportunity for Council to decide how it seeks to control holiday houses in Residential areas, the extent it seeks to support holiday houses and whether there are specific criteria or restrictions that the Council wants to impose.

Council has three options available:

**Option 1 – Proceed with the Policy without modification**

Option 1 is not recommended as a number of issues have been raised in public submissions, and Council has already resolved to allow lower construction standards for car parking and driveways within the lot boundary.

Town Planning Innovations has identified further issues relating to health and building requirements.

**Option 2 – Proceed with the Policy with modification**

Option 2 has been recommended in this report and a revised policy is included as Attachment 2.

The Council does not have to adopt the Draft Policy as proposed in its current form and can list any other modifications required.

**Option 3 – Not to Proceed with the Policy**

Since advertising of the Draft Policy there has been new concerns raised in submissions from local businesses that holiday houses cause unfair competition with legitimately zoned accommodation in the Commercial and Tourism zones.

If Council formed a view that the extent of holiday houses in residential areas should be more restricted, it can resolve not to proceed with the Policy. A new Policy can be prepared as directed by Council.

- ***Parliamentary Enquiry***

The Parliament of Western Australia, Economics and Industry Standing Committee released its report and recommendations on its inquiry into short-term rentals on Thursday, 26 September 2019.

The Committee Report is titled "*Levelling the Playing Field: managing the impact of the rapid increase of Short-Term Rentals in Western Australia.*"

The inquiry presented ten recommendations to address outdated or conflicting policy government short stay accommodation and provide clarity for the tourism sector, short

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stay providers and guests. The outcomes were laid on the Table of the Legislative Assembly on 26 September 2019.

The State Government has adopted a whole-of-Government approach to respond to the recommendations, including investigating appropriate regulatory or legislative frameworks that can meet the needs of this rapidly changing sector.

A key recommendation is the adoption of a flexible, low cost and simple registration scheme for all short-term accommodation providers across the State.

Some of the actions to be undertaken include:

- a) Amending land use definitions to differentiate between hosted and un-hosted accommodation;
- b) Investigating the introduction of deemed provisions into all planning schemes for hosted accommodation to be exempt from local government approval;
- c) Developing legislative or regulatory mechanisms to require the display of a valid registration number for short-term rentals advertised on online platforms;
- d) Updating strata title guidance to include powers and processes open to strata companies to manage short-term rentals; and
- e) Development of an education campaign to ensure owners, property managers and purchasers are aware of their obligations regarding short-term rental properties.

An interagency working group has now been established and the State Government is committed to working with local governments and accommodation providers to ensure that all short-term rental properties are registered and display a valid registration number.

At this time the Government has not identified which Departmental Agency will oversee registrations.

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

Regulation 67 of the deemed provisions outlines '*matters to be considered by Council*' including but not limited to orderly and proper planning, the compatibility of the development with it's setting including the relationship to development on adjoining land, the amenity of the locality, the adequacy of proposed means of access to and from the site, the amount of traffic to be generated by the development, and any submission received.

Under the Regulations the Shire cannot consider '*potential loss that may result from economic competition between new and existing businesses*'.

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Shire of Shark Bay Local Planning Scheme No 4 – Explained in the background section of this report and included as Attachment 1.

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

Health (Miscellaneous Provisions) Act 1911 – explained in the body of this report.

POLICY IMPLICATIONS

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.

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 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

11 September 2020

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**ATTACHMENT # 1**

**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

**ATTACHMENT # 2**

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## 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 **exclusively** by the owners for their own 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.

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## 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).  <del>The internal floor plan should show all existing and/or proposed hard wired smoke alarms.</del>
	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 <del>and addresses the provision of safety features including hard wired smoke detectors</del> , 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).

## 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 generally in accordance with the Australian Standard 2890.1 (as amended).

All 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*. **A crossover is the part of the driveway from the kerb line to the front property line. It connects your property to the edge of the road – refer Figure 1.**

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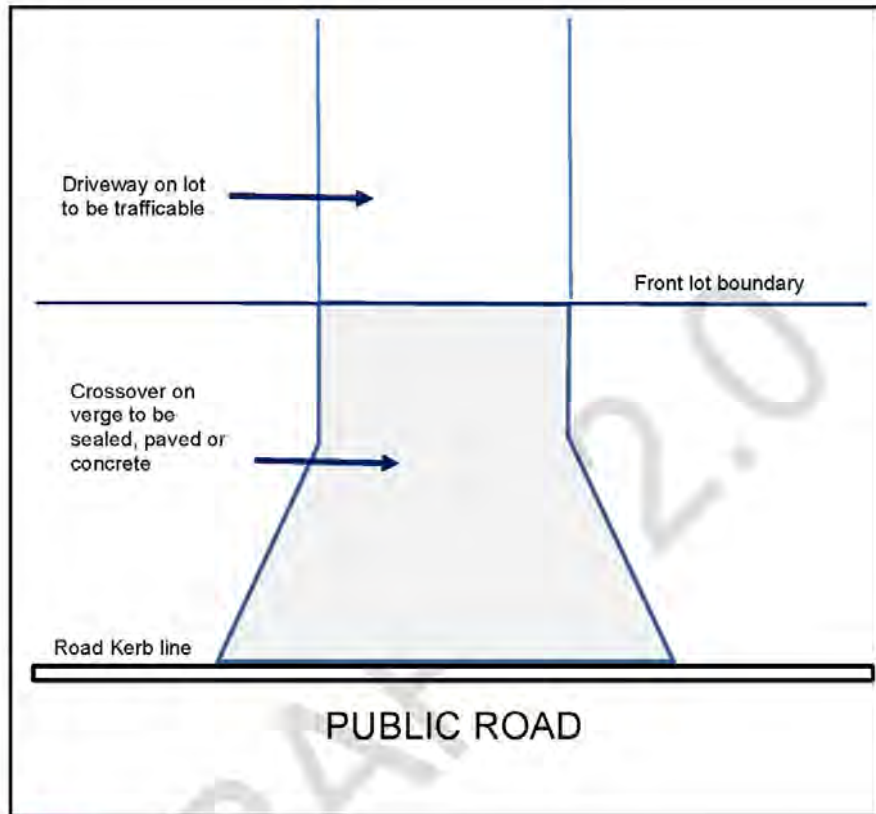


Figure 1

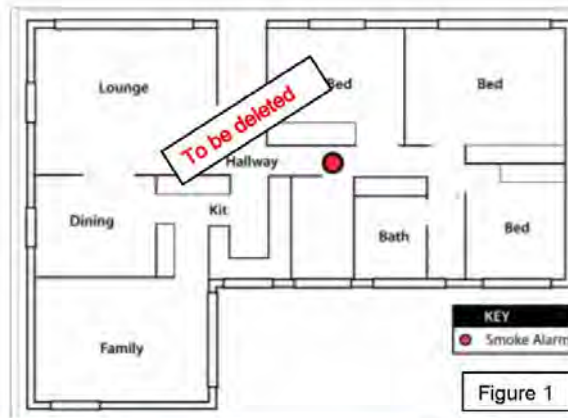
A driveway (and car parking) within the lot boundary can be any material as long as it is trafficable (eg compacted dirt, shell grit, blue metal, gravel, slabs etc).

### 5.3 SMOKE ALARMS

~~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.~~

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~~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.~~

### 5.3 FIRE AND EMERGENCY PLAN

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, emergency contact details, cyclone information, provision and location of a fire extinguisher or fire blanket, and full contact details of the property manager.

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.

Owners/ applicants need to be aware that hardwired smoke alarms may be required at the separate building process / certificate stage.

### 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. Advertising signs are not compulsory however if a sign is proposed, owners are encouraged to include the managers contact details on signage.

### 5.6 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.

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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 GENERAL INFORMATION

Part 6 does not form part of the Policy requirements and is general information.

### 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 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;
- A manager, caretaker or a contactable employee of the Manager permanently resides in Denham townsite or within one hours drive of Denham townsite;
- A Fire and Emergency Response Plan comprehensively addresses fire safety;
- The proximity of the lot to Denham townsite, the beach and/or any significant tourist attraction;

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- (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 be 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.

### 6.5 ENVIRONMENTAL HEALTH REQUIREMENTS

All holiday houses are to be connected to sewerage or an approved on-site effluent disposal system.

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 onus is on the applicant to demonstrate that the system

is 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 processed by the Shire's Environmental Health Officer. Any upgrading of the system required to cater for the proposed maximum number of guests may be required as a condition of any approval.

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.

Where the maximum number of guests for a holiday house is six (6) or more, annual inspection and a Lodging House approval under the Health Act (Miscellaneous Provisions) 1911, will be required in addition to any planning approval.

Additional health requirements to operate as a 'Lodging House' may be imposed over and above the provisions of this Policy.

#### **6.6 BUILDING REQUIREMENTS**

If the building was approved as a dwelling then that falls under the building classification of Class 1a. A separate building permit or certificate can be required for any permanent change of a building's use or classification.

A holiday house that has been granted planning approval by the Shire should not be occupied until the appropriate building certificate / approval has been obtained. Owners will need to liaise with a private building certifier to ensure buildings comply prior to occupation.

The building certifier will determine which building classification applies and the need for any separate building permit or building certificate.

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### 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 19 December 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 _____ 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 2.0
Scheduled Internal Review Date	12 months after operation.

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## 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: .....		

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<b>Proposed development</b>	
Nature of development:	<input type="checkbox"/> Works <input type="checkbox"/> Landuse <input type="checkbox"/> Works and Landuse
Is there an exemption claimed for part of the development?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes is the exemption for:	<input type="checkbox"/> Works <input type="checkbox"/> Landuse
Description of proposed works / landuse:	
<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<i>Note: You can attach a letter or any reports to this application form.</i>	
Description of exemption (if relevant): .....	
Nature of any existing buildings / landuse: .....	
Approximate cost of development: .....	
Estimated time of completion: .....	
<b>OFFICE USE ONLY</b>	
Acceptance Officers initials:	Date Received:
Local Government Reference Number:	

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### 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.

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### 5. MAINTENANCE AND ACCESSIBILITY

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?	

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**6. COMPLAINTS PROCEDURE BY PROPERTY MANAGER:**

- All Guests will be provided with a Code of Conduct.

Lined area for minutes content, overlaid with a large diagonal watermark reading "DRAFT 2.0".

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### 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.

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### 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.

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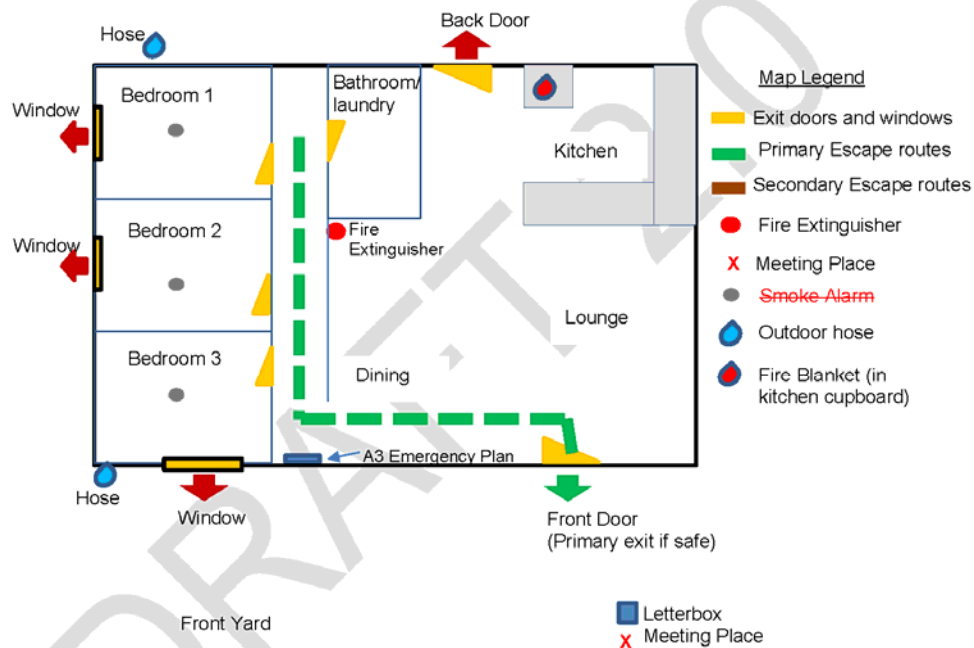
**ATTACHMENT 3 – EXAMPLE FIRE AND EMERGENCY PLAN TEMPLATE**

**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.

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### **3. EMERGENCY CONTACT DETAILS:**

**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

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**ATTACHMENT 4**

**CROSSOVER POLICY EXTRACT**

**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.



**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.

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- 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.

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**ATTACHMENT # 3**

SCHEDULE OF SUBMISSIONS ON DRAFT LOCAL PLANNING POLICY NO 1			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
1.0 Graham Thompson  Email submission	<p>1a. I am the owner of Shore Thing in Sunter Place and have been operating as a holiday house for nearly two years now without any issues or complaints, it has been locally managed, maintained and repaired by local tradesmen ie plumbers, electricians, air con fitters, gardeners and cleaners to name a few.</p> <p>1b. Shark Bay is a wonderful place to share with everyone and makes an economical family holiday escape but with the proposed changes ahead and the possible financial outlay some owners may incur I fear they may not all go ahead and therefore the community losing out on valuable income.</p>	<p>1a) Noted.</p> <p>2a) Noted. The Policy is in line with WAPC Guidelines. In addition, a state registration scheme is being introduced in the future as recommended by the Economics and Industry Standing Committee Report 7 - <i>'Levelling the Playing Field - Managing the impact of the rapid increase of Short-Term Rentals in Western Australia'</i>.</p>	That the submission be noted and no changes to the Draft Policy are recommended as a result of the submission.
2. Richard and Ann Noakes  Email submission	<p>2a. As long term owners of a residential holiday house at 22 Hartog Cres, we submit the following comments in relation to the Draft policy.</p> <p>2b. Our house is and has always been managed by Ray White Real Estate, and</p>	<p>2a) Noted.</p> <p>2b) Noted.</p>	That the submission be noted. Changes to the Draft Policy have been made to allow lesser standards to apply to private driveways consistent with the November 2019 Council resolution.

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Richard and Ann Noakes	we use it for our own occupancy when we come to Shark Bay for annual holidays.		
Continued.	<p>2c. 5.2 CAR PARKING AND ACCESS</p> <p>The Policy states to refer to Attachment 4, but that attachment only details crossovers, not car parking.</p> <p>From what we have observed there are many types of crossovers in Denham including blue metal, shell and compacted clay. Many commercial holiday properties do not have sealed driveways or crossovers and many don't have sealed car parking areas. It would seem that if Council intends to impose these regulations on the existing private holiday houses, then the same would be expected to apply to all existing and future commercial holiday properties in town.</p>	<p>2c) Noted. In November 2019 Council resolved to allow any driveway (and car parking) within the lot boundary to be any material as long as it is trafficable (eg compacted dirt, shell grit, blue metal, gravel, slabs etc).</p> <p>The Draft Policy has been revised to allow lesser standards for private driveways and car parking on the lot.</p>	
2. Richard and Ann Noakes	<p>2d. Our property has two areas that can be used as car parking, both within the private property one at the front and one at the rear. It is unclear what the Policy is requiring here. To seal car parking areas within the private property would seem unfair when commercial properties are not required to do so.</p>	<p>2d. As per 2c.</p>	

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Continued.	<p>2e. 5.3 SMOKE ALARMS</p> <p>We installed hard wired smoke alarms in line with current regulations which we believe is practical.</p> <p>2f. We feel that an evacuation plan for a single dwelling is unnecessary as tenants would be well aware where the front and back door of the house is. The installation of a fire extinguisher when tenants will not know how to use them is probably inviting a problem. Surely it is better to call 000 and evacuate the property for everyones safety. If we are to install fire extinguishers, will the same ruling be made for all the accommodation places in town for each individual unit?</p>	<p>2e. Noted.</p> <p>2f. Noted. The evacuation plan requirement is consistent with Clause 3.2 of the Western Australian Planning Commission Holiday Homes Guidelines.</p>	
<p>2. Richard and Ann Noakes</p> <p>Continued.</p>	<p>2g. 6.3 TERMS OF APPROVAL</p> <p>Our property has been managed by the local Real Estate Agent since we bought it in 2001. There has never been any problems with the property, only positive feedback. We feel that in cases such as this when there is a long</p>	<p>2g. Noted. The approval limits are in the Shire of Shark Bay Local Planning Scheme No 4 as approved by the Minister for Planning. It is also consistent with Clause 3.3 of the Western Australian Planning</p>	

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	<p>history of compliance, it is unreasonable to only be given a 12 month approval in the first instance. We feel 12 months is appropriate for properties new to the holiday market, or that haven't been managed prior to the initial application, but not appropriate for those with a well managed rental history.</p> <p>2h. Can you also advise what is the criteria for Councils discretion on terms of duration?</p> <p>2i. What is the implementation time frame of the policy to be adopted and the ensuing time frame for approval applications/processing? Will subsequent renewals be a simpler process?</p> <p>2j. What are the costs associated with the application and subsequent renewals?</p>	<p>Commission Holiday Homes Guidelines.</p> <p>2h. The Council will consider this as a separate issue when applications are lodged. In the future the Shire Council may consider allowing renewals to be issued by the CEO under delegated authority.</p> <p>2i. This is to the discretion of Council and is discussed in the agenda report.</p> <p>2j. The application fee is \$147.00 which is not a significant expense. The fee can be doubled if the application is retrospective.</p>	
3. Alan Branchi	3a. We have been letting out 29 Brockman Street for many years. It has always	3a. Noted.	That the submission be noted. Changes to the Draft Policy have

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Email Submission	<p>been managed by an agent locally to a high level of safety, integrity, whilst adhering to the Residential Tenancy Act and Council regulations. To our knowledge there have never been any complaints by neighbours or otherwise.</p>		been made to allow lesser standards to apply to private driveways consistent with the November 2019 Council resolution.
	<p>3b. We believe in offering lower priced accommodation so that families can enjoy a holiday without extending their budgets. Over the years this has brought a number of persons to the area, all spending money at local businesses etc and some actually purchasing properties within Denham.</p>	<p>3b. Noted.</p>	
	<p>3c. We have used local businesses and trades people with any upgrades that have been carried out and spent many thousands of dollars in the town and will continue to do so.</p>	<p>3c. Noted.</p>	
<p>3. Alan Branchi  Continued.</p>	<p>3d. Why does there need to be change from the current way business is conducted? Is it purely a money grab by the Shire in fees, or is it the local commercial operators that are the driving force or both?</p>	<p>3d. The change has resulted due to a number of factors including new provisions in Scheme No 4, that holiday homes require planning approval, increase of holiday home on line platforms, the need to maximum guest safety (eg smoke alarms), to be consistent with WAPC Guidelines and in preparation of</p>	

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3. Alan Branchi  Continued.	3e. We are against any change to the current policy as it has worked well in Denham. We do not require more fees and charges and the paperwork to come with them. Implementing changes to meet Shire criteria will be at our substantial expenditure. Then there will be additional fees and charges subject to change. The property does not generate a large income. We may be left with no alternative than to leave the property empty.	the proposed state wide register.  As per 3d.	
	3f. What are the exact fees. This should have been included so all owners can make an informed decision.	As per 2j.	
	3g. There appears to be some grey areas in the policy.	3g. Statement noted.	
	3h. What is a holiday house? In the past we have rented our house for longer than 3 months in a calendar year so are we not classified as 'short term accommodation as then the policy will not affect us.	3h. The land use is defined in the Scheme as explained in the draft Policy.	
	3i. We have been using established guidelines for the past 16 years and we	3i. Statement noted.	

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<p>3. Alan Branchi Continued.</p>	<p>have had no conflicts with neighbours or impacted on other residents other than injecting capital into town.</p>		
	<p>3j. The planning scheme says the Shire may permit a holiday house which does not read well for the future of Denham. We believe this would be hard to uphold as there are many holiday houses in Denham.</p>	<p>3j. Statement noted.</p>	
	<p>3k. We have no problems with new holiday houses being registered if this policy is passed. Any current holiday house should be exempt.</p>	<p>3k. The Policy will apply to all holiday houses unless they have an existing valid planning approval.</p>	
	<p>3l. All eight paragraphs in section 5.1 are currently in effect so therefore no change is required.</p>	<p>3l. Statement noted.</p>	
	<p>3m. In regards to car parking and driveways many owners have blue metal, shell or compacted clay that covers them which is common in Denham. Some have Council paving and footpaths as a crossover as we do.</p>	<p>As per 2c.</p>	
	<p>3n. When we look at Denham the majority of commercial operators including but not limited to the Oceanside Village, Shark Bay Hotel, Bay Lodge and Shark Bay Cottages do not have</p>	<p>3n. Any new planning approvals have included conditions for a constructed crossover. The condition may or may not have been applied for older planning approvals.</p>	

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<p>3. Alan Branchi  Continued.</p>	<p>sealed car parking. Several of these operators do not have a sealed driveway or any kind of crossover.</p>	<p>As per 2c.</p>	
	<p>3o. Why would you want to have sealed car parking at a holiday house as the cost would be ridiculous. We do not need to be told how many car spaces there needs to be on a residential block.</p> <p>3p. 1. What type of fire extinguisher is required? 2. Fire extinguisher training – is this a duty of care requirement from landlords and Shire alike? 3. Is periodic testing of fire equipment a requirement? 4. Is the requirement to evacuate or stay and use the fire extinguisher? 5. We already meet the smoke alarm standard. 6. There is a front and back door used all the time and no need for an emergency plan to be stuck on a wall.</p>	<p>3p. A fire extinguisher is recommended under Clause 3.2 of the Western Australian Planning Commission Holiday Homes Guidelines. The first priority is evacuation which can be outlined in the Emergency Evacuation Plan. DFES has fire extinguisher fact sheets that are useful to operators and / or guests.</p> <p>There is no requirement for any person to use the fire extinguisher if they are unsure, or for any training.</p>	
	<p>3q. We are against the section 'terms of approval' being applied to existing holiday houses. We have been working under the Residential Tenancies Act and Shire guidelines</p>	<p>As per 2g.</p>	

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	<p>otherwise we surely would have been contacted. Possibly new houses can enter your system.</p> <p>3r. If the policy is to be fair and equitable then all commercial entities should have to comply and not just holiday home owners.</p> <p>3s. If this is just a draft policy when will it be voted on and can all owners attend?</p> <p>3t. What exactly is the time to comply and when will it be implemented? There will be a large amount of lots that need approval and will they be able to continue to operate until the policy is met?</p>	<p>3r. Any other form of short term accommodation such as chalets and hotels have to comply with higher building standards. Any caravan parks have to be licenced.</p> <p>3s. All submitters are notified prior to the Council meeting so they can attend.</p> <p>As per 2h.</p>	
4. Larry Buck  Email Submission	<p>4a. My house at 151 Knight Terrace has been a holiday house for 10 years managed by ray white real estate / there has never been any problems with renters and neighbours / my house has plenty of off street parking for cars and boats / driveway paved to road / the house has hard wired fire alarms and all the regulations for a rented property.</p>	<p>4a. Noted.</p> <p>4b. Noted.</p>	That the submission be noted and no changes to the Draft Policy are recommended as a result of the submission.

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	<p>4b. The renters contribute to Denhams economy by going to restaurants and buying food at supermarkets.</p> <p>4c. If there were no house rentals in Denham a lot of people would not come / no place for families with kids and a dog parking for cars and boats.</p>	<p>4c. Statement noted.</p>	
<p>5. Tom &amp; Mary Holben</p> <p>Email Submission</p>	<p>5a. We have owned houses in Shark Bay for around 20 years on the rental market.</p> <p>5b. Two years ago we put 5 Mead Street on the holiday market so to make it available for our own use when required. We will make it our second home and contribute to the Shark Bay community where ever we can.</p> <p>5c. Our house complies in most of the Policy Requirements but have problems with a couple of items</p> <p>5d. 5.2 Car parking and access We have a 3 bedroom house that sleeps 6 as a maximum and is only rented to a single tenant at a time. If they cannot work out where to park their car and boat perhaps they should not have a drivers license.</p> <p>5e. It is my observation when walking around the streets of Shark Bay that</p>	<p>5a. Noted.</p> <p>5b. Noted.</p> <p>5c. Noted.</p> <p>5d. Noted.</p>	<p>That the submission be noted and no changes to the Draft Policy are recommended as a result of the submission.</p>

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	<p>most of the permanently occupied houses do not have sealed driveways and are used 52 weeks of the year. My house has a history of only 10 to 12 weeks rental a year. Why is there discrimination between the permanents and me?</p> <p>5f. I would also to it confirmed that <u>all</u> of the AIR B&amp;B properties will also have comply with these regulations.</p>	<p>As per 2c.</p> <p>5f. All holiday homes will be required to comply.</p>	
<p>6.</p> <p>Steve &amp; Elena Valentine</p> <p>Email Submission</p>	<p>6a. We own a holiday property in Denham which is managed by Ray White Real Estate. Ray White have passed on to us a copy of the Draft Local Planning Policy No. 1 – Holiday Houses in Residential Areas.</p> <p>6b. We wish to advise that we do not fully accept the obligation to be registered. We have been property owners in Shark Bay for more than 20 years, have had no problems or safety issues/concerns in that time and our agent is very proficient in keeping an eye on all visitors to our home and informing them of all rules and regulations.</p> <p>6c. Regarding item 5.3 Smoke Alarms - We do not agree with obligation to have fire alarms in every</p>	<p>6a. Noted.</p> <p>As per 1b.</p> <p>6c. Noted. Smoke alarms are controlled through building legislation.</p>	<p>That the submission be noted. Changes to the Draft Policy have been made to allow lesser standards to apply to private driveways consistent with the November 2019 Council resolution.</p>

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6.  Steve & Elena Valentine	<p>bedroom. This will be a bit of overkill in a single dwelling with Hardwired smoke alarms but we agree that there should be fire extinguishers on site which should be easily accessible.</p> <p>6d. Regarding item 5.2 Car Parking and Access. Can we please have some clarification regarding car parking and driveways. We have plenty of exterior parking areas and undercover parking. These areas do not impinge on other people. With regards to sealed driveways/crossovers we believe all property owners should be obliged from now on to follow a set procedure when applying for a building permit.</p> <p>6e. Our other concern will be the costs involved???? And what the fees will be??</p>	<p>As per 2c.</p> <p>As per 2j.</p>	
7.  Brian and Yvonne Blackburn  Email Submission  7.	<p>7a) 5.2 Car Parking an Access - No.8 Edwards Street</p> <p>At present, my driveway is a formed blue metal drive to a double garage large enough to park two cars/two boats or even three cars, if required. Is this sufficient area to satisfy Council? One question that I would like answered by Council is that if we</p>	<p>7a) The Shire pays a one off initial contribution towards the construction of any crossover that complies with the Shire Policy.</p>	<p>That the submission be noted. Changes to the Draft Policy have been made to allow lesser standards to apply to private driveways consistent with the November 2019 Council resolution.</p>

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Brian and Yvonne Blackburn	have to provide a hard crossover from the Shire kerb to my boundary (on Shire land), is the Shire responsible for maintenance of same?		
Continued.	7b) Fire Extinguishers I would not be comfortable with untrained people using a fire extinguisher. In case of fire the best plan of action is to get out and ensure the safety of other residents in the house. Don't worry about fire extinguishers or how to use them (a comment from our Fire Brigade in Harvey).	As per 3p.	
	7c) We have a long history of renting this house, as well as using it ourselves. Never have we been alerted to any problems or complaints from neighbours - to the contrary we have a mutual respect for one another.	7c) Noted.	
7.	7d. Evacuation Plans Not necessary owing to the size of the house - front door or back door, both of which are clearly visible from the main living area. Common sense says get out as quickly as possible and do a head count in a safe area outside. Sometimes designated muster areas can be fire affected.	As per 2f.	
Brian and Yvonne Blackburn			

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Continued.	<p>7e) I feel that as owners of a holiday house in Denham we are providing a valuable service to the town. Our property is managed by Ray White who handle all bookings, inspections and ensure that all relevant management tools are in place. As the owners we have regularly been on site for maintenance and over the past ten years would have spent \$25,000 on improvements and maintenance to the property. The property is professionally cleaned after each vacate - whether the period is three days or three weeks. The general layout of the house is located on Ray White's website showing the layout and furnishing of every room.</p> <p>7f) We, the owners, are strongly of the opinion that the past management system of our house is more than adequate and does not need any changes. We regard ourselves as valuable ratepayers to the Shire of Shark Bay and of great benefit to this community. Please do not make life more difficult than it actually is.</p>	<p>7e) Statement noted.</p> <p>As per 1b.</p>	
8.	8a) The policy states	As per 2c.	That the submission be noted. Changes to the Draft Policy have been made to allow lesser

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<p>Jason Lamb (owner &amp; landlord of 127 Knight Terrace)</p> <p>Email Submission</p>	<p>“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.”</p> <p>However when you refer to attachment 4 it only refers to crossovers, not car parking.</p>		<p>standards to apply to private driveways consistent with the November 2019 Council resolution.</p>
	<p>8b) I have blue metal driveway / car parking on my property and shire pavers as a crossover. I’m assuming I comply. Sealed car parking would be a huge expense to me. There are also commercial rentals in DENHAM (e.g Oceanside Village) that do not have sealed car parking, so I don’t see why we would be different.</p>	<p>As per 2c.</p>	
	<p>8c) 5.3 SMOKE ALARMS</p> <p>There could be a challenge in timing and resources in town when this is implemented.</p>	<p>As per 6c.</p>	
	<p>8d) 6.3 TERMS OF APPROVAL</p> <p>I have been operating my holiday house in DENHAM for 10 years</p>	<p>As per 2g.</p>	

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	already with only positive feedback locally and with my tenants. With this in mind I believe some concessions need to made for people that have the history of doing the right thing and helping to look after the town.		
9. Australian Hotels Association WA ('AHA')	9a) The Australian Hotels Association WA ('AHA') is the peak industry body representing the hotel accommodation and hospitality industry in Western Australia ('WA'). Our membership consists of small local pubs or hotels through to large national and international hotel brands who are operators of three to five star accommodation.	9a) Noted.	That the submission be noted and no changes to the Draft Policy are recommended as a result of the submission.
9. Australian Hotels Association WA ('AHA')  Continued.	9b) The AHA welcomes the initiative of the Shire of Shark Bay ('the Shire') in responding to the increase of short-stay accommodation in residential areas. This is consistent with trends towards regulation in Australia and internationally. We strongly support for the introduction of short-stay regulation that balances tourism with safeguarding community interests and amenity subject to adequate compliance and enforcement measures to ensure the policy is effective and resilient to future challenges posed by disruptive online accommodation providers.	9b) Noted.	

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9. Australian Hotels Association WA ('AHA') Continued.	9c) Over the past decade there has been an explosion in the number of short-stay accommodation in residential areas due to the utilisation of online accommodation platforms such as Airbnb, Booking.com and Stayz, just to name a few. This causes a myriad of issues for state and local governments, as well as the communities in which they are situated.	9c) Noted.	
	9d) Potential threats to local amenity that can arise include disruption due to the transient nature of guests. Other undesirable activities that have historically been associated with short-term accommodation include the hosting of out of control parties, increased noise, anti-social behaviour, excessive rubbish, parking issues, traffic difficulties and criminal activity.	9d) Noted. The Policy proposes that a management plan be lodged as part of applications, with adequate on site car parking.	
	9e) In mature markets, where platforms like Airbnb have been operating for over a decade, there is a widespread understanding that 'sharing platforms' are no longer just a place where 'mum and dad' operators can rent out a room or their house for a few days.	9e) Noted.	
		9f). Noted. This is a statement.	

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9. Australian Hotels Association WA ('AHA')  Continued.	9f) While genuine 'home sharing' or 'hosted accommodation where the sharing or limited use of a host's primary residence is welcome, this has been overtaken by 'unhosted' accommodation. A practice that allows for the commercial private letting of entire homes or apartments in direct competition with existing hotels, with one owner letting out several properties without the same duty of care or compliance obligations to guests as hotels. The effect of allowing unregulated short-term accommodation is recognised as having contributed to rising home prices, housing affordability, damaged local amenity and undermined the fabric of local communities.		
	9g) Notwithstanding the threat short-term accommodation poses to the reputation and significant economic and social contribution of traditional hotel businesses make to their communities and the many thousands of Western Australians who rely on it for their employment.	9g). Noted. This is a statement.	
	9h) In WA, local governments have taken an ad-hoc approach to the regulation of short-stay accommodation which by definition includes holiday homes. This	9h) Noted. This is a statement.	

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9. Australian Hotels Association WA ('AHA')  Continued.	has aided in promoting the growth of at least 12,566 properties across WA, of which 71 per cent constitute entire homes, where the host is not present.		
	9i) In response, the AHA has developed a five-point plan to regulate the home-sharing economy including a requirement for registration, meeting fire and building requirements, and consultation with neighbours.	9i) Noted.	
	9j) The AHA's Five-Point Plan identifies a number of areas where, if regulated, would substantially alleviate many of the issues associated with unregulated short-stay accommodation including amenity, noise, fire and emergency, minimum standards and insurance.	9j) Noted.	
	9k) The Shire's Draft Policy outlined a number of measures that directly respond to breaches to community amenity. It is particularly encouraging to see the provision of a Fire and Emergency Response Plan, a Management Plan to protect residential amenity, as well as the development of a Holiday House Register.	9k) Noted.   9l) Noted. The register is proposed to be maintained by the Shire.	

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<p>9. Australian Hotels Association WA ('AHA')</p> <p>Continued.</p>	<p>9l) Maintenance of a Holiday House Register however, should constitute the highest priority and aligns with the AHA's calls for mandatory registration as an essential component to successful regulation of short-stay accommodation. This is most effective when accompanied by a registration fee, as it can assist in funding enforcement activities and penalties for non-compliance with local laws.</p>	<p>9m) Noted. Registration will be mandatory and a registry is proposed to be maintained by the Shire. If any state wide register is established the Shire will already have a list of (approved) holiday houses.</p> <p>9n) Noted.</p>	
	<p>9m) While the Draft Policy is comprehensive in terms of the requirement for a planning application supported by public consultation, the absence of mandatory registration, penalties or methods of ensuring compliance will only aid continued non-compliance.</p>		
	<p>9n) Mandatory Registration is a key element of regulating short-stay accommodation to ensure transparency, accountability and to aid in enforcement measures. It has been internationally recognised and successfully adopted in a number of jurisdictions to ensure compliance with local laws. By way of example, in 2018, Japan introduced mandatory registration and the requirement to display the registration number on the</p>		

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9. Australian Hotels Association WA ('AHA')  Continued.	listing. Following the implementation of the law, more than 30,000 unlicensed, unregulated listings or 80 per cent were removed by Airbnb as they did not display a registration number. <sup>1</sup>		
	9o) As indicated in WALGA's ' <i>Short-term Rental Accommodation and the Sharing Economy</i> ' Discussion Paper, the introduction of controls governing short-stay accommodation should be carefully considered to ensure that requirements are enforceable. Failure to ensure the enforceability of relevant local laws would only continue the negative impacts of unregulated short-stay accommodation.	9o) Noted.	
	9p) To adequately address issues caused by short stay accommodation, mandatory registration including a registration fee and penalties for non-compliance would encourage adherence with the Shire's Draft Policy. The AHA encourages the Shire to review the policy in this context.	9p) Noted.	
	<i>Note: For context, AHA has provided international and national examples of the</i>	9q) Noted.	

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SCHEDULE OF SUBMISSIONS ON DRAFT LOCAL PLANNING POLICY NO 1			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<i>necessity for mandatory registration and compliance measures in their submission which are not summarised in this table.</i>		
10. Department of Planning, Lands and Heritage  Letter submission.	10a) The Policy is broadly consistent with the WAPC Planning Bulletin 99 Holiday Home Guidelines which provides guidance to local governments when dealing with holiday homes in the the local government framework.	10a) Noted.	That the submission be noted and no changes to the Draft Policy are recommended as a result of the submission.
	10b) We look forward to receiving a final copy of the Policy in due course.	10b) Noted.	
11. Willie & Tara Hannibal Oceanside Village  Letter submission.	11a) The proliferation of unregulated short stay properties throughout Shark Bay poses a real and growing threat to employment and the viability of the Shark Bay accommodation industry, necessitating action and leadership by the Shark Bay Shire to properly manage this growing black market industry.	11a) Noted. This is a statement. The Draft Policy is proposed to guide these forms of short stay accommodation.	That the submission be noted and no changes to the Draft Policy are recommended as a result of the submission.
	11b) Whilst hotels, motels and hostels all comply with a myriad of regulations, many properties that are listed on peer-to-peer platforms, such as Airbnb and through local the Real estate do not. The amenity and safety of communities is compromised as a result of quasi-hotels operating in residential areas. Neighbourhoods are	11b) Noted. This is a statement.	

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SCHEDULE OF SUBMISSIONS ON DRAFT LOCAL PLANNING POLICY NO 1			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
11. Willie & Tara Hannibal Oceanside Village  Continued.	being adversely impacted with little recourse for affected residents.		
	11c) A mandatory registration scheme is a requirement to ensure transparency, accountability and enforcement of short stay accommodation properties in the Shire.	11c) Noted. Registration will be mandatory and a registry is proposed to be maintained by the Shire. If any state wide register is established in the future the Shire will already have a list of (approved) holiday houses.	
	11d) It should be mandatory that all short term accommodation like holiday homes, bed and breakfasts and homes on peer to peer platforms like Airbnb should be paying the same rates, refuse cost and water as commercial businesses like hotels and motels.	11d) Rates are a separate issue and can not be addressed in a local planning policy.	
	11e) To ensure guests are afforded adequate protections it is critical that currently unregulated short stay accommodation properties have appropriately equipped with minimum health, fire and safety provisions. The current gap in such provisions between unregulated and regulated properties presents an unacceptable risk to guests and hosts alike.	11e) The Draft Policy proposes provision of smoke alarms, evacuation plan, management plan etc	
11.			

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SCHEDULE OF SUBMISSIONS ON DRAFT LOCAL PLANNING POLICY NO 1			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
Willie & Tara Hannibal Oceanside Village  Continued.	<p>11f) The effect of allowing unregulated short-stay accommodation is recognised as having contributed to the viability of the commercial accommodation industry which is reducing the ability of the industry to employ more staff and reduces the ability of the commercial operator to invest in and grow their business. It is recognised that there is a shortage of long term rental accommodation in Shark Bay which affects the ability of the town to grow and reduces employment opportunities to people who wish to move to Shark Bay. Which in turn effects the fabric of the local community.</p> <p>11g) In conclusion The unimpeded growth of unregulated short-stay accommodation has failed the Shark Bay community. Employment, training and investment opportunities are being placed at risk only a strong, fair regulatory model will secure the above objectives and deliver an outcome that is in the best interests of all of us in Shark Bay</p>	<p>11f) Noted. This is a statement.</p> <p>11g) Noted. This is a statement.</p>	
12. Shark Bay Seafront Doug & Joanne Rowe	12a) From the outset we wish to advise we did not participate in councils request for public comment on unregulated short term holiday accommodation, within the shire of Shark Bay.	12a) Noted. This is a late submission lodged in November 2019.	That the submission be noted and no changes to the Draft Policy are recommended as a result of the submission.

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SCHEDULE OF SUBMISSIONS ON DRAFT LOCAL PLANNING POLICY NO 1			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
Email submission	12b) Reasons for our non-participation was two-fold.	12b) Noted. This is a statement.	
	1) As proprietors of a licensed short term accommodation business we felt we had an obvious conflict of interest which morally excluded us from making unbiased comment.		
	2) We did not wish to comment on something we consider a serious problem within the Shire of Shark Bay without offering at least some semblance of a solution.		
	12c) While recognizing our ongoing conflict of interest we wish to advise Council to what we believe is the biggest restriction to the growth of business and population within the Shire.	12c) Noted.	
	12d) Since arriving in Shark Bay 2 years ago and purchasing the then Tradewinds Seafront Apartments we have noticed a proliferation of growth in the unregulated short stay holiday accommodation sector. It seems as soon as a property is sold it becomes a "Holiday House", providing it wasn't one already. As soon as a house is built, ditto. Any houses offered for sale in Shark Bay automatically become	12d) Noted. This is a statement.	

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SCHEDULE OF SUBMISSIONS ON DRAFT LOCAL PLANNING POLICY NO 1			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<p>unregulated short stay holiday accommodation. This is the single most reason for the critical lack of affordable rental accommodation. People cannot be attracted to the bay when there is no affordable rental accommodation. As a consequence regulated licensed businesses such as ours cannot grow organically. We all struggle to secure additional staff from the ever shrinking pool of labour. No accommodation means no workers, no new skills, no more kids for our school therefore no growth!</p> <p>12e) The perennial issue of unregulated short stay accommodation is a problem not restricted to Shark Bay. If we may quote Mr Michael Johnson, CEO Tourism Accommodation, Australia..., "Tourism hotspots around Australia have seen damage to community amenity, the erosion of local character, housing affordability pressures, resentment from local residents, displacement of long term tenants and traditional accommodation jobs" all due to the plague of unregulated short stay accommodation.</p> <p>12f) We respectfully request council endeavours to deliver effective</p>	<p>12e) Noted. This is a statement.</p>	

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SCHEDULE OF SUBMISSIONS ON DRAFT LOCAL PLANNING POLICY NO 1			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<p>regulations on all non-regulated short stay accommodation within the Shire. This should include but not be restricted to, the payment of the same commercial rates and charges regulated business pay. The provision of safe access and egress to the properties. Provision of adequate off street, off verge parking for all cars and boats, and enforced compliance to all fire, electrical and safety requirements.</p> <p>12g) Most importantly we request council implement a mandatory registration scheme in the form of a licence for all existing unregulated short stay accommodation and a restriction on the registration on any new or non-compliant unregulated short stay accommodation within the Shire of Shark Bay.</p>	<p>12f) Some of these issues are discussed in the Draft Policy.</p> <p>12g) Registration will be mandatory under the Policy and a registry is proposed to be maintained by the Shire. If any state wide register is established in the future the Shire will already have a list of (approved) holiday houses.</p>	
<p>13. Des and Beate Matthews Heritage Resort Shark Bay</p> <p>13.</p>	<p>13a) The proliferation of unregulated short stay properties throughout Shark Bay poses a real and growing threat to employment and the viability of the Shark Bay accommodation industry, necessitating action and leadership by the Shark Bay Shire to properly manage this growing black market industry.</p>	<p>13a) Noted. This is a late submission lodged in November 2019.</p>	<p>That the submission be noted and no changes to the Draft Policy are recommended as a result of the submission.</p>

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SCHEDULE OF SUBMISSIONS ON DRAFT LOCAL PLANNING POLICY NO 1			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
Des and Beate Matthews Heritage Resort Shark Bay  Continued.	13b) Whilst hotels, motels and hostels all comply with a myriad of regulations, many properties that are listed on peer-to-peer platforms, such as Airbnb and through local the Real estate do not.	13b) Noted. The Draft Policy has been advertised to obtain comment on proposed requirements.	
	13c) The amenity and safety of communities is compromised as a result of quasi-hotels operating in residential areas. Neighbourhoods are being adversely impacted with little recourse for affected residents.	13c) Applications are advertised for neighbour comment. The Draft Policy proposes that Management Plans be required.	
	13d) A mandatory registration scheme is a requirement to ensure transparency, accountability and enforcement of short stay accommodation properties in the Shire.	13d) Registration will be mandatory under the Policy and a registry is proposed to be maintained by the Shire.	
	13e) It should be mandatory that all short term accommodation like holiday homes, bed and breakfasts and homes on peer to peer platforms like Airbnb should be paying the same rates, refuse cost and water as commercial businesses like hotels and motels.	13e) Rates are a separate issue and can not be addressed in a local planning policy.	
	13f) To ensure guests are afforded adequate protections it is critical that currently unregulated short stay accommodation properties have appropriately equipped with minimum	13f) Some of these issues are discussed in the Draft Policy.	
Des and Beate Matthews			

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SCHEDULE OF SUBMISSIONS ON DRAFT LOCAL PLANNING POLICY NO 1			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
Heritage Resort Shark Bay  Continued.	<p>health, fire and safety provisions. The current gap in such provisions between unregulated and regulated properties presents an unacceptable risk to guests and hosts alike.</p> <p>13g) The effect of allowing unregulated short-stay accommodation is recognised as having contributed to the viability of the commercial accommodation industry which is reducing the ability of the industry to employ more staff and reduces the ability of the commercial operator to invest in and grow their business. It is recognised that there is a shortage of long term rental accommodation in Shark Bay which affects the ability of the town to grow and reduces employment opportunities to people who wish to move to Shark Bay. ie Staff rental accommodation, Which in turn effects the fabric of the local community.</p> <p>13h) The unimpeded growth of unregulated short-stay accommodation has failed the Shark Bay community. Employment, training and investment opportunities are being placed at risk only a strong, fair regulatory model will secure the above objectives and</p>	<p>13g) Noted. This is a statement.</p> <p>13h) Noted. This is a statement.</p>	

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SCHEDULE OF SUBMISSIONS ON DRAFT LOCAL PLANNING POLICY NO 1			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
	<p>deliver an outcome that is in the best interests of all of us in Shark Bay.</p> <p>13i) This problem is not unique to the Shark Bay region, in fact there is a considerable number of regions/Shires that are addressing this growing inequity.</p>	<p>13i) Noted.</p>	

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12.7 LOCAL DEVELOPMENT PLAN – LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND P4281

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 Cowell

Nature of Interest: Impartiality Interest as Executive Officer Shark Bay World Heritage Advisory Committee – matter referred for advice / feedback.

Moved            Cr Ridgley - 1  
Seconded       Cr Stubberfield

**Council Resolution**

**That Council:**

**1. Note that:**

- (i) **A letter in support of Mr Wardle's deferral request has been lodged by RPS Group on the 17 September 2020 and is included as Attachment 6.**
- (ii) **Note that a late submission from the Department of Health has been received – Attachment 1.**
- (iii) **Note that four options are outlined in this agenda report for consideration including:**
  - Option 1 - Refuse to approve the Local Development Plan (and reaffirm the August 2020 Council decision).**
  - Option 2 - Approve the Local Development Plan.**
  - Option 3 - Require modification to the Local Development Plan and resubmission of a modified plan for approval.**
  - Option 4 - Defer determination of the Local Development Plan.**
- (iv) **If Council pursues Option 2, 3 or 4 then the decision made on the 26 August 2020 to refuse the Local Development Plan for Lot 304 Sunday Island Bay would need to be revoked in accordance with Clause 10(1) of the *Local Government (Administration) Regulations 1996*.**
- (v) **Any Council decision to revoke the existing decision (made on the 26 August 2020) would need to be supported and signed by at least 1 /3 of members of the Council, inclusive of the mover.**

- (vi) The applicant has a right of review through the State Administrative Tribunal if aggrieved by any refusal decision. State Administrative Tribunal has the same decision-making power as the local government.
2. Resolve to re-affirm the decision made at the Ordinary Meeting held on the 26 August 2020 to refuse the Local Development Plan prepared by Taylor Burrell Barnett for Lot 304 Sunday Island Bay, Dirk Hartog Island in accordance with Part 6, Schedule 2, Clause 52(1)(c) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
- (i) The proposal does not provide guidance on future land uses and does not demonstrate compliance with the objective of Special Use Zone (No 14 ) which is to provide for eco-tourism development which by definition means 'ecologically sustainable tourism'.
  - (ii) The Management Plan does not satisfactorily address Condition 3(i) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.
  - (iii) The proposed Local Development Plan provisions or design guidelines do not demonstrate that development will achieve a high architectural quality, will be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and the unique character of the surrounding area as required under Condition 3(ii) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.
  - (iv) The proposal would facilitate development that would place the lives of vulnerable visitors at an unacceptable risk through non-compliance with 'State Planning Policy 3.7 – Planning in Bushfire Prone areas'. Proposed development cannot be classified as 'unavoidable' development under State Planning Policy 3.7.
  - (v) The Local Development Plan, Environmental Report and Biosecurity Plan do not satisfactorily address Condition 3(v) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.
  - (vi) The extent of clearing, building envelopes and development footprint does not demonstrate that there will be a low impact on the natural environment, that the high conservation values will not be compromised or demonstrate that the ecological values and special attributes of the Island will not be compromised as required by Condition 3(v) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.
  - (vii) The proposal does not demonstrate that development sympathetic to the natural character of Dirk Hartog Island as required by Condition 3(vi) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4 will be achieved.

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- (viii) The proposal does not demonstrate that future development will not have a negative impact on the environment, World Heritage values, or the adjacent foreshore and marine park.
- (ix) The proposal does not demonstrate compliance with the Government Sewerage Policy.
- (x) There is insufficient quantified information on groundwater for a location that is in close proximity to high value assets (ie the marine environment within the Shark Bay World Heritage area).
- (xi) There is insufficient information to establish that development will be provided with adequate co-ordinated services including waste management, power, a reliable potable water supply and non-potable water supply.
- (xiii) The proposed clearing will have an impact on the visual appearance of the lot, result in a loss of a natural setting for ecotourism, and causes potential for dust, wind erosion and dune destabilisation.

3. Note that:

- (a) The restrictive covenant that applies to Lot 304 imposed by the Minister for Lands outlines maximum visitor accommodation unit numbers and is subject to a Clause (g) that *'each Accommodation Unit, and any other buildings, must be built or placed on the land in accordance with all relevant Government (local, State and Commonwealth) statutory approvals'*.
- (b) The Shire is not obligated to approve 33 building envelopes on Lot 304 if it is not appropriate for planning reasons such as to maximise vegetation retention, retain some natural setting for eco-tourism development, for bushfire management, or to reduce environmental impact.

4. Authorise the Chief Executive Officer to advise Mr Wardle and RPS that:

- (a) A new Local Development Plan should be prepared in consultation with relevant government agencies who have lodged submissions to ensure that their concerns are comprehensively addressed;
- (b) Any new Local Development Plan should include a section outlining the consultation undertaken by the applicant;
- (c) It is recommended that the applicant consider clustering of development to minimise the building footprint on natural vegetation and allow an eco-tourism development within a natural setting.

5. Authorise the Chief Executive Officer to advise all authorities and submitters of the Council decision in writing.

6/0 CARRIED

Cr Stubberfield left the Council Chamber at 4.31

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BACKGROUND

• ***Liaison with Applicant on Submissions***

Town Planning Innovations emailed the applicant (Taylor Burrell Barnett) and Mr Wardle on the 25 June 2020:

- a. Advising that once advertising closes submissions will be put into a table; and
- b. Seeking advice on whether they wanted to comment on the submissions;
- c. Only one submission by the Department of Water and Environmental Regulation had been received at that time and a copy was sent to both parties.

Neither the applicant or Mr Wardle responded to the above email in June 2020 or provided any comments on the Department of Water and Environmental Regulation submission.

In early August 2020 Mr Wardle contacted Town Planning Innovations advising he wanted to comment on submissions. Town Planning Innovations emailed Mr Wardle and:

- a. Queried if he still wanted a report to be referred to the August Council meeting;
- b. Advised that the agenda report had to be lodged to the Shire by the 7 August 2020; and
- c. Recommended Mr Wardle lodge any response to submissions by the 19 August 2020 prior to the Council meeting; and
- d. Advised that any additional information lodged by Mr Wardle would be circulated separately to Councillors.

• ***Late Submission by Department of Health***

Since the August Council meeting a late submission by the Department of Health has been received – Attachment 1. The Department of Health generally supports the information provided on effluent disposal.

Town Planning Innovations has liaised with the Department of Health and they have advised that they have only assessed effluent disposal from a human health perspective, and have not considered environmental issues that are looked at by other agencies such as the Department of Biodiversity, Conservation and Attractions and Department of Water and Environmental Regulation.

• ***Additional Information by Mr Wardle***

Mr Wardle emailed comments on submissions and additional information to Councillors prior to the August meeting.

The Shire Chief Executive Officer also provided a copy of information lodged by Mr Wardle formally to Councillors via a memorandum (as the agenda had been published).

Additional information lodged by Mr Wardle to the Shire is summarised below:

No	Summary
1	Comments in Table of Submissions

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2.	Comments in Table summarising main issues
3.	Case Studies document by Go Beyond Eco Structures
4.	WABI Executive Summary.
5.	WABI Capability document
6.	WABI brochure / proposal for glamping tents on Lot 304 (dated 17 August 2020)
7.	WABI brochure on cabins and villas
8.	Response to comments on Site and Soil Assessment report by Land Assessment
9.	A Victorian document on the 'Design and Construction of community Bushfire Refuges' (60 pages);
10.	The 'Shark Bay World Heritage Property Landscape Study' produced by the then Department of Conservation and Land Management dated 2001 (178 pages)
11.	The 'Shark Bay World Heritage Property Landscape Study Summary Document' produced by the then Department of Conservation and Land Management dated 2001 (36 pages).

*Note: Documents 9-11 were not provided to Councillors due to size.*

Mr Wardle also emailed a letter dated 19 August 2020 (with images) – refer Attachment 2 and a view of Lot 305 – Attachment 3.

These documents were additional to those that were originally lodged by the applicant and have not been advertised for public comment.

Additional copies of any of the above documents are available to Councillors on request.

- ***Referral to August Council meeting***

Mr Wardle confirmed on the 6 August 2020 that *'we want the matter to go to Council in August provided we can consult and respond in an informed manner'* and that *'we would appreciate if the report can go to the August Council meeting'*.

Subsequently a report on the Local Development Plan for Lot 304 Sunday Island Bay was considered by Council at the Ordinary Meeting held on the 26 August 2020 – refer Attachment 4.

Mr Geoff Wardle attended the August Council meeting and requested that Item 13.1 listed in the August Agenda be deferred.

The Shire Chief Executive Officer expressed a view that the Local Development Plan had to be determined to meet the statutory timeframes under the *Planning and Development (Local Planning Regulations) 2015* ('the Regulations'). This was based on advice by Town Planning Innovations (in the August report) who had not contemplated that Mr Wardle would seek a deferral of the item after requesting that it be referred to the August meeting.

It is correct that the Regulations set out a statutory time frame for determination of an LDP, however there is also provision which allows a Local Government to decide whether or not to approve a Local Development Plan after the statutory time period for decision making has expired.

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Where a Local Development Plan has not been determined within the statutory time frame it can be 'deemed to be refused' and the applicant can exercise a right of appeal. That would apply where the local government and the applicant does not agree on an extended time frame for determination of the Local Development Plan.

This Local Development Plan is being referred to Council (again) to provide procedural fairness to the applicant as deferral of the Item at the August meeting was an option. This report concentrates on the deferral request by Mr Wardle.

- ***Request by Mr Wardle lodged to Council***

Mr Geoff Wardle has lodged a written request that:

1. Council rescind the decision made on the 26 August 2020; and
2. Defer determination of the Local Development Plan.

The request is included as Attachment 5.

The Chief Executive Officer advised Mr Wardle that his request would be referred to the September Council meeting.

- ***Request by RPS Group in support of Deferral***

The RPS Group has lodged a letter in support of the deferral request – Attachment 6.

RPS advises that deferral will allow the applicant one month to submit updated documentation no later than the 30 October 2020. This will provide the Shire with one month for assessment of the submitted material and preparation of an agenda report which will close a fortnight before the 15 December 2020 Council meeting.

The RPS timeframe does not take the following into account;

- (1) The need for further advertising. It would not be in the best interest of the community, key stakeholders or the Council not to re-advertise any variations to the plan or documents.
- (2) One month is not sufficient time for a new assessment. The sheer volume of documents makes assessment time consuming.
- (3) The Shire would normally have 60 days to assess and determine an Local Development Plan after advertising under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (5) December is usually the busiest time of the year as no Council meeting is held in January 2020. Any consultation close to the December / New Year period can be problematic.
- (6) If a new Local Development Plan and documents are proposed, then it is appropriate that it be processed as a new proposal and be re-advertised.

Town Planning Innovations does not recommend that the Shire agree to the timeframes proposed.

RPS submits that deferral should be supported as the applicant has a better understanding of the Shires expectations, has engaged a (new) planning consultant, has feedback from a range of government agencies, and has since prepared detailed building designs.

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- ***Options Available to Council***

Council would need to rescind the decision made on the 26 August 2020 to pursue Options 2, 3, or 4.

In accordance with Clause 52(1) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council has several options as explained below.

**Option 1 - Refuse to approve the Local Development Plan.**

Re-affirm the Council decision to refuse the Local Development Plan as determined at the Ordinary Council meeting held on the 26 August 2020.

Option 1 is recommended as there are multiple issues associated with the proposal as outlined in the August agenda report and in submissions (Attachment 4).

**Option 2 - Approve the Local Development Plan.**

Option 2 is not recommended as there are multiple issues associated with the proposal as outlined in the August agenda report and in submissions (Attachment 4).

Lot 304 is a unique site which warrants a Local Development Plan with comprehensive provisions, thorough design guidelines, and supporting documents that demonstrate compliance with the Scheme and relevant State Planning Policies. The current Local Development Plan and supporting documents do not demonstrate that a quality co-ordinated eco-tourism development outcome will be achieved.

**Option 3 – Require modification to the Local Development Plan and resubmission of a modified plan for approval.**

Option 3 is not recommended as the extent of issues cannot be readily resolved through simple modifications to the Local Development Plan and / or supporting documents.

If Council rescinds the existing refusal decision and requires modifications to the Local Development Plan, Council would need to provide the applicant with a list of modifications to complete.
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Pursuit of Option 3 would be difficult due to the extent of issues identified in submissions and the assessment.

Town Planning Innovations is of the view that any revised Local Development Plan and / or supporting documents (such as a new Bushfire Management Plan) would need to be in the form of a new proposal so that further advertising and consultation can occur with relevant parties.

It is noted that the World Heritage Advisory Committee has suggested that Council consider referring the Local Development Plan to the Environmental Protection Authority. This has not been considered in detail due to the refusal recommendation and could be considered if a new Local Development Plan is lodged.

**Option 4 – Defer determination of the Local Development Plan**

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Whilst deferral is an option available to Council, there is no obligation for Council to act on that option.

It is not agreed that most of the issues raised can be deferred to the latter development stage, as they should be addressed strategically in the Local Development Plan.

Town Planning Innovations is of the view that the existing Local Development Plan and supporting documents need major revision and review, that the documents cannot be fixed with minor or superficial changes, and that a new Local Development Plan should be lodged.

One clear concise document that supersedes all others would be the best option for Council to consider in the form of a newly submitted Local Development Plan.

The deferral proposal by RPS will require comparisons between the existing Local Development Plan and proposed Local Development Plan, as well as all the supporting documentation. It is anticipated that it will be difficult and convoluted to provide a detailed comparison of the existing documents and revised documents for referral to a future Council meeting.

A new Local Development Plan will allow for a new assessment and consultation on the new proposal to occur. The applicant can utilise additional time to liaise directly with relevant government agencies to ensure that the Shires and submitters concerns are addressed in a comprehensive way.

Town Planning Innovations would only recommend deferral where the Local Government sees an opportunity for issues to be readily resolved, and the Council can provide clear guidance on the additional information it is prepared to consider (that would substantiate support for the Local Development Plan).

Deferring determination of the Local Development Plan is not recommended as:

- A. The Local Development Plan that was submitted has been advertised, assessed and a refusal is based on sound planning grounds.
- B. The Local Development Plan as lodged by the applicant has been processed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Local Development Plan is now at the end of the process and having conducted extensive consultation it is appropriate that the Council now make a determination.

- C. The local government has an obligation to consider submissions made on a Local Development Plan as outlined in the Regulations. It is clear from submissions that there is uncertainty over the form of future development as well as concerns over bushfire management; environmental issues, the design guidelines, and other planning matters.
- D. The additional information lodged by Mr Wardle and RPS has not changed the assessment of the Local Development Plan that has been lodged. The

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applicant can address the issues raised in a new Local Development Plan that supersedes the current proposal.

If Council rescinds the existing refusal decision and defers determination of the Local Development Plan it is recommended that Council provide the applicant with some guidance as to the extent of additional information to be provided.

LEGAL IMPLICATIONS

Local Government Act 1995 – Clause 5.25 (1) states that ‘*Without limiting the generality of section 9.59, regulations may make provision in relation to - .....*

- (e) *the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);*’

Local Government (Administration) Regulations 1996 -

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
- (b) in any other case, by at least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

Planning and Development (Local Planning Schemes) Regulations 2015 –

Part 6 outlines the process for Local Development Plans including lodgement, acceptance for processing, advertising, consideration of submissions, decision (options) for the local government, timeframes, and review - refer to Attachment 7.

Under Clause 46 of the Regulations a Local Development Plan means a plan setting out specific and detailed guidance for future development including one or more of the following –

- (a) Site and development standards that are to apply to the development;
- (b) Specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates.

30 SEPTEMBER 2020

Under Clause 51 the local government is to consider all submissions and have due regard to Clause 67 to the extent that those matters are relevant to the Local Development Plan.

Clause 67 of the deemed provisions 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.

It is important to note that Clause 53 allows a Local Development Plan to be approved that provides for further details to be approved prior to development proceeding. This is limited as the local government must be satisfied that the further matters will not result in a substantial departure from the plan.

*Planning and Development (Local Planning Schemes) Regulations 2015 – Right of Review to State Administrative Tribunal*

Clause 54 outlines that a person who prepared a local development plan may apply to the State Administrative Tribunal for a review of a decision by the local government not to approve the Local Development Plan.

Mediation with a State Administrative Tribunal member is encouraged as part of the State Administrative Tribunal process and allows all parties to focus on the issues that can be agreed on and the issues that remain unresolved (for any future hearing).

If mediation is not successful than the applicant can withdraw from the State Administrative Tribunal process at any time or the matter can be referred to a formal hearing where State Administrative Tribunal will independently review the Council's decision.

*Planning Regulations Amendment Regulations 2020* – The Western Australian Planning Commission are advertising changes to the existing *Planning and Development (Local Planning Schemes) Regulations 2015* until the 18 September 2020. The amendment is part of the state governments planning reforms.

The advertised changes to 'Part 6 – Local Development Plans' are minor and do not substantially change the existing process.

The main change proposed is to increase planning exemptions for site works/fill, flag poles, demolition, internal building works, water tanks, compliant residential development, temporary signs, water tanks, cubby houses, roof solar panels etc subject to certain criteria.

There may be further changes to the draft amendment following advertising.

*Shire of Shark Bay Local Planning Scheme No 4* – explained in the August Minutes (Attachment 4).

It should be noted that the term 'ecotourism' is defined in the Scheme and Property Covenants as '*means ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmentally and cultural understanding, appreciation and conservation.*'

## MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

### POLICY IMPLICATIONS

There are no policy implications associated with the development.

### FINANCIAL IMPLICATIONS

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

In the event that applicant is aggrieved by the Councils decision they may apply for a review of the decision through the State Administrative Tribunal. If that occurs there will be costs associated with the State Administrative Tribunal process.

Any costs associated with the ongoing assessment of modifications will be borne by the Shire.

The fee charged for the lodgement of the Local Development Plan currently under review was \$6,126.38

The lodgement of a new Local Development Plan will incur a new fee to be paid by the applicant and raised in accordance with the estimated fee based on charges that are set by the *Planning and Development Regulations 2009* (Part 7 Local Government Planning Charges).

### STRATEGIC IMPLICATIONS

The 'Special Use' zoning of Lot 304 under the Shire of Shark Bay Local Planning Scheme No 4 is generally consistent with the recommendations of the Local Planning Strategy (with the exception of modifications required by the Minister for Planning relating to structure plans/subdivision).

### VOTING REQUIREMENTS

Simple Majority Required

### Signatures

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

18 September 2020

**NOTE: All attachments have been distributed under separate cover**

30 SEPTEMBER 2020

**13.0 TOURISM, RECREATION AND CULTURE REPORT****13.1 COMMUNITY ASSISTANCE GRANTS ROUND 1 2020/2021  
GS00001**AUTHOR

Community Development Officer

DISCLOSURE OF ANY INTEREST

NIL

Officer Recommendation

1. Council approve four applications for the Shire's community assistance grants round 1 2020/2021 (community projects) to the total value of \$11,160.83

Organisation and community project	Requested funding
Boolbardi Country Club <i>Denham Golf Championships (June 2021)</i>	\$2,000.00
Shark Bay School Parents & Citizens Association <i>Lego Club (progression)</i>	\$3,160.83
Shark Bay Community Resource Centre <i>Community Kindy Gym Christmas Party (adopt a grand-friend)</i>	\$1,000.00
Denham Dirt Kart Association <i>Fencing</i>	\$5,000.00

OR

2. Council approve four applications for the Shire's community assistance grants round 1 2020/2021 (community projects) for the value of \$\_\_\_\_\_

Organisation and community project	Recommended funding
Boolbardi Country Club <i>Denham Golf Championships (June 2021)</i>	
Shark Bay School Parents & Citizens Association <i>Lego Club (progression)</i>	
Shark Bay Community Resource Centre <i>Community Kindy Gym Christmas Party (adopt a grand-friend)</i>	
Denham Dirt Kart Association <i>Fencing</i>	

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Moved Cr Fenny  
Seconded Cr Smith

**Council Resolution**

1. Council approve four applications for the Shire's community assistance grants round 1 2020/2021 (community projects) to the total value of \$11,160.83

Organisation and community project	Requested funding
<b>Boolbardie Country Club Denham Golf Championships (June 2021)</b>	<b>\$2,000.00</b>
<b>Shark Bay School Parents &amp; Citizens Association Lego Club (progression)</b>	<b>\$3,160.83</b>
<b>Shark Bay Community Resource Centre Community Kindy Gym Christmas Party (adopt a grand-friend)</b>	<b>\$1,000.00</b>
<b>Denham Dirt Kart Association Fencing</b>	<b>\$5,000.00</b>

**5/0 CARRIED****BACKGROUND**

The four grant applications received all meet the Shire's community assistance grant guidelines and are within the Shire's 2020/2021 allocated budget for Round 1 Community Assistance Grants (\$20,000).

The Shire's grants are dedicated to ensuring local community-based organisations are supported to reach their full potential. On 27 August 2020, Council endorsed a restructure of the timing of the 2020/2021 Community Assistance Grants due to the COVID-19. This restructure gave community projects priority for the first available funding. Round 1 (community projects) provided an opportunity for local not-for-profit organisations to apply for \$5,000 (maximum) per application.

The Shire's Community Assistance Grants Round 1 2020/2021 applications were open from 11 August 2020 until 4 September 2020. The grant opportunity was advertised to residents, associated clubs and groups in the Shark Bay region through the following media outlets:

- Shire's website
- Facebook page and relevant community Facebook groups
- Inscription Post
- Shire and community noticeboards
- SMS (short message system)
- Emails.

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APPLICATION 1

Organisation: **Boolbardie Country Club Inc.**

Amount requested: **\$2,000**

Project: **Denham Golf Championships (June 2021)**

Funding category: **funding for specific event**

Strategic Community Plan category: **economic, environment and social**

Each year, Boolbardie Country Club Inc successfully hosts the Denham golf championships weekend. The social golf championship attracts residents and visitors to participate in the competition. Economically, visiting participants support local businesses with purchase of accommodation, food, and beverages. The proposed funding will contribute to operating the championship weekend by purchasing goods from local businesses and engaging with local contractor to prepare the golf greens.

The community assistance grant will contribute to the following event items:

- resurfacing golf greens
- catering for championship event
- championship prizes.

The grant application includes:

- letter of support from Shark Bay Bridge Club
- letter of support from Shark Bay Community Resource Centre
- quote
- balance sheet – refer to 'confidential' items folder.

**Officer Recommendation:**

Community Development Officer's recommendation is to approve Boolbardie Country Club Inc funding application for Denham golf championships. The funding application meets the selection criteria to involve and benefit the wider Shark Bay community - the club provides opportunities for all ages to participate in recreation socially and competitively. Important to note, in previous years, Council have funded the Boolbardie Country Club Inc for the Denham golf championships.

APPLICATION 2

Organisation: **Shark Bay School Parents & Citizens Association**

Amount requested: **\$3,160.83**

Project: **Lego Club (progression)**

Funding category: **funding for specific program and purchasing goods**

Strategic Community Plan category: **social**

Shark Bay School Parents & Citizens Association developed the After-School Lego Club in 2019 with the assistance of a Shire's community assistance grant. The Lego Club has proven to be popular and well-attended (pre COVID-19 restrictions). The Association is now seeking funding to purchase advanced equipment (Lego education spike prime) to be integrated into the weekly activities.

The community assistance grant will contribute to the following items:

- Lego spike prime expansion and sensor kit

The grant application includes:

- letter of support from Shark Bay Youth Group
- letter of support from Shark Bay Community Resource Centre

30 SEPTEMBER 2020

- quotes
- balance sheet – refer to 'confidential' items folder.

**Officer Recommendation:**

Community Development Officer's recommendation is to approve Shark Bay School Parents & Citizens Association for Lego club (progression). The funding application meets the selection criteria to involve and benefit the wider Shark Bay community – the equipment will be available for community groups to use (when requested). It is acknowledged that the funding will be spent externally to purchase the equipment due to the specific equipment required. Important to note Council have funded this community project previously, with that funding being used to develop the successful Lego club in Denham.

APPLICATION 3

Organisation: **Shark Bay Community Resource Centre**

Amount requested: **\$1,000.00**

Project: **Community Kindy Gym Christmas Party (adopt a grand-friend)**

Funding category: **funding for specific program and purchasing goods**

Strategic Community Plan category: **social**

The Kindy Gym Christmas Party is an annual event and this year's event will include a new intergenerational social initiative - adopt a grand-friend. The Shark Bay Community Resource Centre provide the only community activity for kids aged between 0-5 years. Kindy Gym was one of the most popular activities at the Shark Bay Community Resource Centre (pre COVID-19 restrictions). Due to the hygiene requirements associated with COVID-19 stage 4, Kindy Gym has not recommenced at the Shark Bay Recreation Centre. The proposed Community Kindy Gym Christmas Party (adopt a grand-friend) is scheduled during the proposed COVID-19 stage 5 restrictions, when equipment hygiene requirements will be less onerous.

The community assistance grant will contribute to the following event items:

- purchase play equipment
- purchase event equipment and decorations
- purchase small gift for participants
- event catering.

The grant application includes:

- letter of support from Borneo Exhibition Group
- letter of support from community member (Kindy Gym participant)
- quotes
- balance Sheet – refer to 'confidential' items folder

**Officer Recommendation:**

Community Development Officer's recommendation is to approve Shark Bay Community Resource Centre for Community Kindy Gym Christmas Party (adopt a grand friend). The funding application meets the selection criteria to involve and benefit the wider Shark Bay community inviting early-years, families, and seniors to participate. The Shark Bay Community Resource Centre acknowledge that many of the quotes (i.e. catering and gift items) are approximate prices as the final costing depends on number of attendees. Important to note Council have funded this community project previously, from a different grant round (community assistance grants round 1 2019/2020 – equipment).

30 SEPTEMBER 2020

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APPLICATION 4

Organisation: **Denham Dirt Kart Association**

Amount requested: **\$5,000.00**

Project: **Fencing**

Funding category: **Leveraging a grant from State agency and purchasing goods**

Strategic Community Plan category: **economic, environment and social**

The Denham Dirt Kart Association is a newly formed group leasing the Town Common Reserve 49809 (current lease until 31 August 2024) to conduct social and competitive dirt kart racing. The current eleven paying dirt kart members have contributed their time and labour to preparing a new kart track at the Town Common.

As per the Town Common Reserve 49809 lease agreement *'The allocated area being suitably fences and maintained to ensure the safety of the public and that the activities of the Denham Dirt Kart Association are contained within the allocated area'*, the proposed funding will contribute to supplying and installing fencing, to be completed by a local contractor with labour assistance from the Association's members. The Association is awaiting an outcome from their application to Horizon Power, to contribute towards the remaining monies for the fencing.

The community assistance grant will contribute to the following items:

- supply and install fencing

The grant application includes:

- letter of support from Shark Bay Speedway Club
- letter of support from RAC Monkey Mia Dolphin Resort
- quote
- balance sheet – refer to 'confidential' items folder

**Officer Recommendation:**

Community Development Officer's recommendation is to approve Denham Dirt Kart Association for fencing. The funding application meets the selection criteria to involve and benefit the wider Shark Bay community and funding will directly support a local subcontractor. The Club will soon be able to provide opportunities for all ages to participate in recreation socially and competitively. The Association has been self-funded since forming in 2019 and received an enormous in-kind labour contribution to develop the dirt kart track. The proposed funding will be the Association's first external cash contribution.

LEGAL IMPLICATIONS

There are no legal implications associated with this report

POLICY IMPLICATIONS

These recommendations comply with current Policies made by Council 2.2 Financial Assistance/Donations.

FINANCIAL IMPLICATIONS

An amount of \$20,000 is included in the 2020/2021 Shire's annual budget.

## MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Total funding requested in the Shire's community assistance grants round 1 2020/2021 is \$11,160.83

If these four applications are approved, there will be a surplus of \$8,839.17 left in the 2020/2021 Shire annual budget for community assistance grants round 1.

### STRATEGIC IMPLICATIONS

Social Objective: A safe, welcoming and inclusive community

Economic Objective: A progressive, resilient and diverse economy

### RISK MANAGEMENT

These recommendations comply with the Shire's community assistance grants guidelines.

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Executive Manager Community Development

*D Wilkes*

Chief Executive Officer

*P Anderson*

Date of Report

18 September 2020

30 SEPTEMBER 2020

Applicant # 1



**Shire of Shark Bay  
Community Assistance Grants  
APPLICATION FORM**

**RECEIVED**  
3.1 AUG 2020  
SHIRE OF SHARK BAY

Please complete and return the signed application form to The Shire of Shark Bay.  
*Late submissions will not be considered.*

Applications to be addressed to: Chief Executive Officer  
Shire of Shark Bay  
PO Box 126  
Denham WA 6537

Applications can be delivered: Shire of Shark Bay  
65 Knight Terrace  
Denham WA 6537

Or

Email: cdo@sharkbay.wa.gov.au

For further information, please contact the Community Development Officer on 9948 1218

Please ensure you have read The Shire of Shark Bay Community Assistance Grants – Guidelines before completing the application form to confirm your organisation's eligibility and funding round.

Organisation Name BOOLBARDIE COUNTRY CLUB INC.

Postal Address DENHAM WA 6537

Contact Person JILL DESCHAMP

Position/Title SECRETARY

Telephone (Home) \_\_\_\_\_ (Mobile) 0477245309

E-mail jilldeschamp@westnet.com.au

**FUNDING ROUND**

Please indicate which funding round you are applying for:

- ☒ Round 1 - Community Projects
- ☐ Round 2 - Equipment and minor projects
- ☐ Significant Event Sponsorship Funding

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

## ORGANISATION DETAILS

What is the purpose of the organisation?

TO PROVIDE FACILITIES FOR PLAYING GOLF  
AND A VENUE FOR COMMUNITY FUNCTIONS

How many years has your organisation been in operation? 55

How many members does your organisation have? 22

**Association Constitution:** To be eligible for this grant, all Clubs and Associations must provide the Shire with a current copy of their Constitution.

Copy enclosed ☐

Copy previously provided ☒

Which of the following best describes the organisation's legal status?

	YES	NO
• Incorporated	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• GST Registered	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Australian Business Number\* (ABN): 8 1 1 2 3 4 8 8 0 1 5

Please note the Shire of Shark Bay requires applicants to have an ABN. Applicants who do not have one may be subjected to withholding tax of 48.5%. If you are unsure, please contact the Shire to discuss how to best proceed.

## FUNDING DETAILS

Project title: DENHAM OPEN

Project description: GOLF OPEN WEEKEND CHAMPIONSHIPS

Date(s) the project will take place: 26<sup>th</sup>, 27<sup>th</sup> JUNE 2021

Location(s) where the project will take place: GOLF CLUB DENHAM

Total project funds requested (including GST if applicable) \$ 2000

Shire of Shark Bay Community Assistance Grants – Application Form

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# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Has your organisation previously received funding from the Shire of Shark Bay?

☒ YES

☐ NO

If Yes,

Previous funding amount received: \$ 1500

Round / Year funding was received: 2019

Funded project: DENHAM OPEN

Has your organisation acquitted all previous Shire of Shark Bay funding?

☒ YES

☐ NO

If No, please outline why?

**Please Note:** Your organisation is not eligible to receive new funding from the Shire of Shark Bay, until previous Shire of Shark Bay funding has been acquitted.

## PROJECT DETAILS

What is the funding to be used for?

- ☐ Leveraging a grant from a State or Federal agency
- ☐ Purchasing goods and services (i.e. sporting equipment or materials and/or engaging a professional for the purpose of instruction)
- ☐ Infrastructure (i.e. significant construction or improvement of facilities). Please include Planning Approvals from the Shire
- ☒ Funding for a specific event or program
- ☐ Prize money.

Does the project meet the objectives of the Shire of Shark Bay Strategic Community Plan 2018-2028? Copy of the Plan can be found on the Shire's website.

- ☒ Economic      A progressive, resilient and diverse economy
- ☒ Environment      Help protect our unique natural and built environment
- ☒ Social      A safe, welcoming and inclusive community

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Outline the project goals and how they will benefit Shark Bay.

## Social:

A FUN WEEKEND OF GOLF INCLUSIVE OF ALL GROUPS, ESPECIALLY SENIORS WHO BENEFIT FROM SOCIALISING WITH VISITORS AND ENJOYING AN ACTIVE LIFESTYLE.

## Economic:

VISITING PLAYERS WILL SUPPORT LOCAL BUSINESS, PURCHASING ACCOMMODATION, MEALS, FUEL AND BEVERAGES DURING THEIR 3 DAY STAY IN SHARK BAY.

THE CLUB WILL SOURCE PROVISIONS AND PRIZES LOCALLY WHEREVER POSSIBLE.

## Tourism:

VISITING PLAYERS ARE ENCOURAGED TO RETURN TO OUR VERY SPECIAL HERITAGE AREA AND PROMOTE IT TO OTHER REGIONS. TOURISTS CAN ENJOY A GAME OF GOLF ALL YEAR ROUND FOR A NOMINAL FEE.

Please list other organisations involved in this project

Name of Organisation	Project Involvement
CRC	PROMOTION

Please show evidence that your organisation has attempted to obtain or raise funds from alternative sources/activities (if applicable)

Agency Name	Funds Secured	Funds Raised	In-Kind Value

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

If your funding application involves purchasing equipment, can the equipment be used by other community groups in the future?

N/A

☐ YES ☐ NO

If Yes, please provide details:

EQUIPMENT	COMMUNITY USE	PROPOSED LOCATION
e.g. Portable Event Marque	✓ Please tick for yes	e.g. Emergency Service Building

If you are seeking the use of equipment for your community project and/or event, please contact the Shire's Community Development Officer to discuss equipment available for community use.

## SIGNIFICANT EVENT - ONLY

If your project is a **Significant Event** will it attract additional visitors to town? If so, how many additional visitors are you planning for?

- ☐ 50-100
- ☐ 100-200
- ☐ 200-300
- ☐ Over 500

Will you be charging an entry fee to attend the event?

☐ YES ☒ NO

If Yes, how much? \_\_\_\_\_

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

## PROJECT BUDGET

Please provide a budget of how the funds are to be spent and where (if any) additional funds are coming from.

### INCOME

FUNDING AGENCY	TOTAL CONTRIBUTION	CASH CONTRIBUTION	IN-KIND CONTRIBUTION (see below)
Shire of Shark Bay	\$ 2000	\$ 2000	
Your organisation name (insert below)			
BOULBARDIE COUNTRY CLUB	\$ 500	\$ 500	2200
LOCAL BUSINESS	\$ 1200	\$ 400	800
	\$	\$	
	\$	\$	
TOTAL CASH INCOME	\$ 3700	\$ 2900	800 2200

In-Kind Value: Number of volunteers x hours worked directly on Project x \$25 per hour

### EXPENDITURE

ITEM	COST	LOCAL SPEND	EXTERNAL SPEND
RESURFACING GREENS	\$ 440	\$ 440	\$
CATERING + CONSUMABLES	\$ 1200	\$ 800	\$ 400
FUEL	\$ 200	\$ 200	\$
PRIZES	\$ 1860	\$ 1300	\$ 560
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
TOTAL	3700	2740	960

Shire of Shark Bay Community Assistance Grants – Application Form

Page 6 of 7

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

**PART 6 – ADDITIONAL INFORMATION**

Please attach a copy of the following:

- Organisation's most recent Audited Financial Statement ✓
- Quotations for expenditure items ✓
- Letters of support (minimum of 2) ✓

**PART 7 – DECLARATION**

*I hereby certify that I am the authorised person to sign on behalf of the organisation and that the information is correct. I have read, understand and agree to abide by the conditions set out in the Shire of Shark Bay Community Assistance Grants guidelines.*

NAME

JILL DESCHAMP

SIGNATURE



POSITION IN ORGANISATION

SECRETARY

DATE

29<sup>th</sup> AUGUST 2020



30 SEPTEMBER 2020

## Shark Bay Bridge Club



Shark Bay Bridge Club  
c/- Post Office  
Denham WA 6537  
24 August 2020

To whom it may concern,

### Letter of Support Boolbardie Country Club

As the President of the Shark Bay Bridge Club, I know how much grant funding can assist in the promotion and running of events and activities throughout the year.

It assists in a healthy competitive and social competition as well as promoting our town to outside persons. At least 80 percent of the players in the Denham Open Golf Tournament are from outside the Shark Bay area and therefore utilise our local accommodation and food outlets.

It is not only the players who come to town, there are also non-playing family members and just spectators that may not be fortunate enough to be able to participate but can promote our Annual Tournament to other travelers for the future.

For the above reasons we as Shark Bridge Club would like to support the Boolbardie Country Club in their grant request for their 2021 Denham Open Golf Championship.

Best regards,

Johan Bakker  
President

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020



Tuesday 25<sup>th</sup> August 2021

## RE: LETTER OF SUPPORT – Boolbardi Golf Club

To whom it may concern,

The Shark Bay Community Resource Centre is keen to support and assist the Boolbardi Golf Club in their efforts to secure financial assistance to help them run the "2021 Denham Open" in June.

Boolbardi Golf Club Open Weekend has been operating for 54 years and has a membership of around 25 people that are based in the community of Shark Bay which also accommodate many 'grey nomads' during the winter season. This small active group meets regularly and continues to host weekly competitions for its members to meet, socially engage and enjoy a game of golf on a most challenging golf course.

During the month of June, the Boolbardi Golf Club holds a successful Annual Open Day which promotes Shark Bay. Volunteers of the Club continue to run this great event in the Shark Bay community meeting the changing needs and demands. 37 keen golfers from the South West/Midwest & Gascoyne regions attended our Open Weekend in 2020. The event is annually a success and 'a must' on the golfing season calendar in the Gascoyne region. The Denham Open attracts about 50 golfers (friends and families) from other clubs. It is a fun and challenging weekend for participants with meals and entertainment provided. Those visiting Golfers support the community in such ways as purchasing accommodation, meals, groceries, fuel etc. The event also showcases the local area for tourism.

Our Community Resource Centre has been and will continue to assist the Club to promote its activities and events planned for the future; by designing and assisting with printing promotional material (if required); ie posters & flyers and publishing these in the Inscription Post, as well as on community noticeboards and on social media websites. We are keen to provide assistance towards grant writing and acquittals if required as well as provide our knowledge and guidance to run successful community events.

Should you wish to discuss our support of the Boolbardi Golf Club, please do not hesitate to contact myself on 08 9948 1787.

Kind regards

Judy Britza  
Projects Officer

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Denham Open

Page 1 of 3

Subject: Denham Open

From: Nick Adam <salesmanager@luscombesyndicate.com>

To: "jilldeschamp@westnet.com.au" <jilldeschamp@westnet.com.au>

Cc: RAC Monkey Mia Manager <manager@racmonkeymia.com.au>

Fri, 28 Aug 2020 08:34:59 +0000

Hi Jill

Please see response from Martin below – and please accept this email as confirmation that The Luscombe Syndicate in partnership with RAC Monkey Mia Dolphin Resort will gladly be major sponsor of The Denham Golf Open in 2021.

Kind Regards

*Nick Adam*

Sales Manager

The Luscombe Syndicate

T -08 9921 2100

M- 0408 642 506

F- 08 9964 2360

E-[nick@luscombesyndicate.com](mailto:nick@luscombesyndicate.com)



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From: RAC Monkey Mia Manager

Sent: Wednesday, 26 August 2020 3:57 PM

To: Nick Adam

Subject: RE: [EXTERNAL]:FW: Denham Open

Hi Nick

With regards to Denham Open 2021 – the RAC Monkey Mia Resort, along with RAC Parks and Resorts WA, would gladly sponsor the event in conjunction with The Luscombe Syndicate.

With RAC Monkey Mia Resort an integral part of the Sharkbay landscape we are committed to supporting local events – such as the Denham Open, as I am sure is the same view as Luscombes.

We look forward to the event in 2021.

<https://webmail.westnet.com.au/index.php/mail>

1/09/2020

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Denham Open

Page 1 of 3

Subject: Denham Open

From: Nick Adam <salesmanager@luscombesyndicate.com>

To: "jilldeschamp@westnet.com.au" <jilldeschamp@westnet.com.au>

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*Nick Adam*

Sales Manager

The Luscombe Syndicate

T -08 9921 2100

M- 0408 642 506

F- 08 9964 2360

E -[nick@luscombesyndicate.com](mailto:nick@luscombesyndicate.com)



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We look forward to the event in 2021.

<https://webmail.westnet.com.au/index.php/mail>

1/09/2020

Applicant # 2

30 SEPTEMBER 2020



## Shire of Shark Bay Community Assistance Grants

### APPLICATION FORM

Please complete and return the signed application form to The Shire of Shark Bay.  
*Late submissions will not be considered.*

Applications to be addressed to: Chief Executive Officer  
Shire of Shark Bay  
PO Box 126  
Denham WA 6537

Applications can be delivered: Shire of Shark Bay  
65 Knight Terrace  
Denham WA 6537

Or

Email: cdo@sharkbay.wa.gov.au

For further information, please contact the Community Development Officer on 9948 1218

Please ensure you have read The Shire of Shark Bay Community Assistance Grants – Guidelines before completing the application form to confirm your organisation's eligibility and funding round.

Organisation Name Shark Bay School P & C Association  
Postal Address 55 Francis St Denham WA 6537  
Contact Person Natt Dul  
Position/Title President  
Telephone (Home) 99 481104 (Mobile) 0439938125  
E-mail nataliedul@bigpond.com

#### **FUNDING ROUND**

Please indicate which funding round you are applying for:

- ☒ Round 1 - Community Projects
- ☒ Round 2 - Equipment and minor projects
- ☐ Significant Event Sponsorship Funding

## MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

### ORGANISATION DETAILS

What is the purpose of the organisation?

To promote the interests of Shark Bay School through cooperation between parents, teachers, students and members of the community. To assist in the provision of resources, facilities and amenities for Shark Bay School. To foster community interest in educational matters at Shark Bay School. To promote Shark Bay School students within their local community.

How many years has your organisation been in operation? Over 20 years

How many members does your organisation have? 10

**Association Constitution:** To be eligible for this grant, all Clubs and Associations must provide the Shire with a current copy of their Constitution.

Copy enclosed ☐

Copy previously provided ☒

Which of the following best describes the organisation's legal status?

	YES	NO
• Incorporated	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• GST Registered	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Australian Business Number\* (ABN):** 54081618588

Please note the Shire of Shark Bay requires applicants to have an ABN. Applicants who do not have one may be subjected to withholding tax of 48.5%. If you are unsure, please contact the Shire to discuss how to best proceed.

### FUNDING DETAILS

Project title: Lego Club Progression

Project description: To inspire/further extend upper primary/lower secondary students with a progression of robotics/STEM resources in which the P&C Lego Club, the school community and any other local community groups could utilise at other Science/STEAM events. Last year, the P&C started up a Lego Club gaining equipment with the assistance from Shark Bay Shire's grant, which has been well utilised but for continued challenge and stimulation more open ended equipment is needed. Currently the school runs a popular weekly coding/robotics club using the equipment that we already have, in order to keep the interest we would like to build on the LEGO enthusiasm and obtain LEGO Education Spike Prime resources in which we can provide to the school and the community.

## MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

LEGO Education Spike Prime is the STEAM learning tool for students in grades 5-8, with a focus on developing skills in creativity, collaboration and critical thinking. Combining new and familiar building elements in a new colour scheme, easy to use hardware, intuitive drag and drop coding language based on Scratch, Spike Prime continuously engages participants through playful learning activities to think critically and to solve complex problems - regardless of their learning level.

Date(s) the project will take place: Ongoing through the school calendar years.

Location(s) where the project will take place: Shark Bay School

Total project funds requested (including GST if applicable) \$3160.83

Has your organisation previously received funding from the Shire of Shark Bay?

☒ YES ☐ NO

If Yes,

Previous funding amount received \$1100

Round / Year funding was received: 2019

Funded project: Proposed Lego Club

Has your organisation acquitted all previous Shire of Shark Bay funding?

☒ YES ☐ NO

If No, please outline why?

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**Please Note:** Your organisation is not eligible to receive new funding from the Shire of Shark Bay, until previous Shire of Shark Bay funding has been acquitted.

### PROJECT DETAILS

**What is the funding to be used for?**

- ☐ Leveraging a grant from a State or Federal agency
- ☒ Purchasing goods and services (i.e. sporting equipment or materials and/or engaging a professional for the purpose of instruction)
- ☐ Infrastructure (i.e. significant construction or improvement of facilities). Please include Planning Approvals from the Shire
- ☒ Funding for a specific event or program
- ☐ Prize money.

## MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

**Does the project meet the objectives of the Shire of Shark Bay Strategic Community Plan 2018-2028? Copy of the Plan can be found on the Shire's website.**

- ☐ Economic            A progressive, resilient and diverse economy
- ☐ Environment        Help protect our unique natural and built environment
- ☒ Social                A safe, welcoming and inclusive community

Outline the project goals and how they will benefit Shark Bay.

**Social:** At Shark Bay School, the P&C plays a very active and vital role in the school community as well as other community events here in Denham. Shark Bay School P&C's financial contributions provides more opportunities for the school to provide a stimulating and educationally rich learning environment for Shark Bay students. Without the support of the parent body and the volunteers that come from a range of other community groups, the students would not experience many of the wonderful resources and programs the school accesses.

Initiatives such as Lego/Stem/Science events can offer an opportunity to the children in our town an activity that can enhance social cohesion within the school community. Joining a club can also provide people living in remote communities such as Shark Bay the opportunity to interact with their peers, visitors, community members and family to ensure they feel connected to society while having fun at the same time.

Through play-based programs such as Lego Clubs, children learn to communicate with others and express their feelings, learn a variety of ways of relating to others, modify their behaviour and develop their problem-solving skills.

.....

**Economic:** Through its financial contribution, the P&C has made possible the installation of air-conditioning in the undercover area at School, purchased books for the library, contributed \$12 000 towards a Nature Playground at school, provides annual year 6 and 12 graduation gifts, provides annual class wish lists, provided catering for local events such as the Winter markets, Fishing Fiesta, the End of School Concert and the Athletics Carnival with Useless Loop. The P&C also provides Kindy welcome packs and EOY concert language awards, bought a school stage for assemblies, has a Pop Up shop recipe book at the local SB CRC, provides a uniform shop as a service for parents and contributed significantly to social development opportunities in our community by running disco's or similar events for visiting and local school aged children.

The P&C initiatives and fundraisers have contributed to local businesses and freight companies benefitting over many years and will be ongoing for many more to come.

**Tourism:**

Not Applicable

Please list other organisations involved in this project

Shire of Shark Bay Community Assistance Grants – Application Form

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# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Name of Organisation	Project Involvement
Shark Bay Youth Group	Collaborative use of the equipment with hosting science based events and in Youth Group sessions.
Shark Bay School	Collaborative use of the equipment with the lunch time Coding and Lego Club as well as daily use by all year levels as required by integrated school based learning. Providing space within the school to store and run Lego Club in the Library. Printing any related documents/flyers.
Shark Bay CRC	Keeping the School and community informed of any Lego Club/Science events or related info through IP newsletter, social media and displaying posters on local noticeboards.

Please show evidence that your organisation has attempted to obtain or raise funds from alternative sources/activities (if applicable)

Please see attached document: Donation List

In 2019, the P&C Association requested community donations for Lego/Duplo through various local social media groups, articles in the Inscription Post and through the local school newsletter. The P&C received two donations of second hand Lego from the community.

Shark Bay School P&C have done some fundraising initiatives so far this year but have been limited due to COVID 19 guidelines. We have had a Mother's Day Stall, numerous raffles, school lunch orders, uniform shop sales, Blind Footy Tipping comp, and still receive ongoing sales of the Shark Bay Seafood Cook Book. Please find attached copies of our latest bank statements and copies of the Treasurers Reports for this school year to show proof of funds raised. We are still planning on having a Father's Day Raffle and stall in September.

We also obtained donations from local businesses for items mostly donated into P&C raffles. This year our sponsors have donated over \$1323 in cash prizes/vouchers/items. The funds raised throughout the year are generally already annual committed to insurance, affiliation fees and the contributions to the school that I have mentioned in a previous answer (class wish lists, graduation gifts etc).

**Following are the latest examples of fundraising over August 2020 (not including the school lunches).**

Agency Name	Funds Secured	Funds Raised	In-Kind Value
P&C- Sports Day Raffle	\$250	\$470	
Paver Fundraiser		\$470.36	Concreting, labor
Silent Auction		\$219.50	

If your funding application involves purchasing equipment, can the equipment be used by other community groups in the future?

Shire of Shark Bay Community Assistance Grants – Application Form

☒ Page 5 of ☐

Yes.

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

If other Community Groups such as the Seniors and CRC (school holiday program, Friendly Hub) for example, are interested in gaining access to the Lego Club equipment, there may be opportunities in the future to expand the Lego Club program to be inclusive of other community members.



NO

If **Yes**, please provide details:

EQUIPMENT	COMMUNITY USE	PROPOSED LOCATION
<i>e.g. Portable Event Marque</i>	<i>✓ Please tick for yes</i>	<i>e.g. Emergency Service Building</i>
Lego and Spike Prime Kits	✓	SB School

If you are seeking the use of equipment for your community project and/or event, please contact the Shire's Community Development Officer to discuss equipment available for community use.

## SIGNIFICANT EVENT - ONLY

If your project is a **Significant Event** will it attract additional visitors to town? If so, how many additional visitors are you planning for?

- ☐ 50-100
- ☐ 100-200
- ☐ 200-300
- ☐ Over 500

Will you be charging an entry fee to attend the event?

☐ YES

☐ NO

If Yes, how much? \_\_\_\_\_

## PROJECT BUDGET

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Please provide a budget of how the funds are to be spent and where (if any) additional funds are coming from.

## INCOME

FUNDING AGENCY	TOTAL CONTRIBUTION	CASH CONTRIBUTION	IN-KIND CONTRIBUTION (see below)
<i>Shire of Shark Bay</i>	\$3160.83	\$3160.83	
<i>Your organisation name (insert below)</i>	\$	\$	
Shark Bay School P&C Association	\$2200	\$200	Approx 40 school weeks annually x 2 hrs per week = 1 volunteer = 80 hrs x \$25 = \$2000 approx (in kind annually during a normal school year).
	\$	\$	
	\$	\$	
<b>TOTAL CASH INCOME</b>	<b>\$5360.83</b>	<b>\$3360.83</b>	<b>\$2000</b>

**In-Kind Value:** Number of volunteers x hours worked directly on Project x \$25 per hour

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

## EXPENDITURE

**These LEGO products are specialised robotics/STEM resources and can only be purchased from a special teaching resource book (Modern Teaching Aids)**

ITEM	COST	LOCAL SPEND	EXTERNAL SPEND
<i>Lego Spike Prime Expansion and Sensors Kit</i>	\$1700.88	\$	\$1700.88
<i>Lego Spike Prime</i>	\$1459.95	\$	\$1459.95
<i>Freight</i>	\$200 Approx	\$	\$200
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
<b>TOTAL</b>	<b>\$3360.83</b>		<b>\$3360.83</b>

## PART 6 – ADDITIONAL INFORMATION

Please attach a copy of the following:

- Organisation's most recent Audited Financial Statement
- Quotations for expenditure items
- Letters of support (minimum of 2)

## PART 7 – DECLARATION

*I hereby certify that I am the authorised person to sign on behalf of the organisation and that the information is correct. I have read, understand and agree to abide by the conditions set out in the Shire of Shark Bay Community Assistance Grants guidelines.*

Shire of Shark Bay Community Assistance Grants – Application Form

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## MINUTES OF THE ORDINARY COUNCIL MEETING

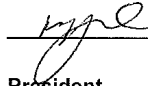
30 SEPTEMBER 2020

### PART 7 – DECLARATION

*I hereby certify that I am the authorised person to sign on behalf of the organisation and that the information is correct. I have read, understand and agree to abide by the conditions set out in the Shire of Shark Bay Community Assistance Grants guidelines.*

NAME Natalie Dul

SIGNATURE



POSITION IN ORGANISATION President

DATE 1/9/2020

30 SEPTEMBER 2020

## Shark Bay P&C – 2020 Donations

From Whom	What	Used for:
Fishing Club	4 x stubby holders 2 x fishing shirts (XS Size)	Father's Day Raffle
SB Speedway	1 x shirt (Size L) 3 x caps 2 x stubby holders 1 x beanie	Father's day Raffle and Sports Day Raffle & School Concert Raffle
Burton family	Body Shop pack Assorted giftware Party tinsel wig 2 x cushions	Mother's day Raffle School Concert Raffle
SB CRC	5 x novelty stationery items Jigsaw puzzle Marbles Shark Bay Photo (canvas)	School Concert Raffle
Shark Bay Hotel	4 x \$100 vouchers	Sports day raffle, Mother's Day Raffle, Father's Day Raffle
Denham Seaside	1 x \$200 voucher	Sports Carnival Raffle
Shark Bay Marine and Hardware	2 x \$100 vouchers	Mother's Day Raffle, Father's day Raffle
RAC Monkey Mia Dolphin Resort		School Concert raffle
Old Pearler Restaurant	2 x \$75 Vouchers	Father's day raffle, Sports carnival raffle
L'Haridon Bight Mining	\$100	Mother's Day Raffle
Surf n Dolphin	\$20 voucher	Sports Carnival Raffle
Denham Waterfront Hotel	1 x \$50 voucher	Sports Carnival Raffle
RAC Monkey Mia Resort	Unsure yet	School Concert 2021

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

teaching.com.au/product/LEG4560K

LEGO Education SPIKE Prime Expansion & Sensors Kit

Save 10%  
**\$1,700.88** (Ex GST)  
 Valued At \$1,879.88 (Ex GST)  
 \$1,879.87 (Ex GST)

Quantity: 1    
☒ In Stock

Product Code LEG4560K

**Kit components**

Component	Name	Quantity	Unit	In stock
LEGA560	LEGO Education SPIKE Prime Expansion Set	4	EACH	✓ In Stock
LEGA564	Technic Distance Sensor	2	EACH	✓ In Stock
LEGA563	Technic Medium Angular Motor	2	EACH	✓ In Stock
LEGA566	Technic Force Sensor	2	EACH	✓ In Stock
LEGA561	Technic Large Hub	2	EACH	✓ In Stock
LEGA565	Technic Color Sensor	1	EACH	✓ In Stock
LEGA562	Technic Large Angular Motor	1	EACH	✓ In Stock

**Customers who viewed this product also viewed**

LEGO Education SPIKE Prime Set of 3

Save 3%  
**\$1,459.95** (Ex GST)  
 Valued At \$1,499.95 (Ex GST)  
 \$1,499.95 (Ex GST)

Quantity: 1    
☒ In Stock

Product Code LEG4567B-3

**Kit components**

Component	Name	Quantity	Unit	In stock
LEGA567B	LEGO Education SPIKE Prime Set	3	EACH	✓ In Stock

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020



2<sup>nd</sup> September 2020

To whom it may concern,

**RE: LEGO CLUB RESOURCES  
SHARK BAY SCHOOL P & C ASSOCIATION**

I am writing this letter of support on behalf of the Shark Bay Community Resource Centre (SBCRC) as our organisation is keen to support our School's local P&C Association as they endeavor to gain more supplies through grant funding to assist with their Lego Club.

As an isolated community we look forward to any activities that might enhance the way of life in Shark Bay. Our local P&C Association developed during 2019 an afterschool Lego Club, which met weekly. Lego has proven to be a great way to relieve stress and engage in meaningful and joyful conversations. As children comment on their Lego creations, they develop important communication skills including the ability to explain ideas, describe their work, talk about the process and verbalise challenges that they had along the way.

The grant will assist to purchase supplies and resources used to assist with developing afterschool sessions. The P&C Association has identified that discussions are welcome regards other community groups utilizing their Lego Club supplies, including the Shark Bay Youth Group, Shark Bay School and even us at the SBCRC as we program activities over the school holidays. Equipment could also be used during National Science week as a Science related project if needed.

Our support has been sought, as another organisation who works closely with our community (especially the youth) through our management contract at the Recreation Centre. Our organisation has seen the value of a variety of projects and workshops including cooking, crafts, playdough sessions, lava lamp creations and so much more, so we have clearly identified this is a worthy project to support in our community.

Should you require any further clarification regards our involvement or support of the Lego Club in Shark Bay, please do not hesitate to contact myself at the SBCRC on 08 9948 1787.

Kind regards,

Katie McKay  
Customer Service Officer  
Shark Bay Community Resource Centre

30 SEPTEMBER 2020

## Shark Bay Youth Group

DENHAM WA 6537

[sharkbayyouthgroup@outlook.com](mailto:sharkbayyouthgroup@outlook.com)

0409 331 728 (Bec - Chairperson)



2<sup>nd</sup> September 2020

To Whom It May Concern:

Shark Bay Youth Group is very supportive of the Shark Bay Primary School Parents and Citizens Association Incorporated (Shark Bay P&C) and is extremely happy to write a letter of support.

The Shark Bay P&C is dedicated to providing resources that directly benefit the children in our community.

Lego is a very valuable STEAM Resource for all students from Kindergarten to Year 12. It focusing on developing skills in creativity, collaboration and critical thinking. It combines new and familiar building elements and allows for students to be extended as needed.

I therefore support Shark Bay Primary School Parents and Citizens Association Incorporated (Shark Bay P&C) application for financial assistance and hope you look favourably on their application.

Regards,

A handwritten signature in black ink, appearing to read 'Rebecca Moroney', written in a cursive style.

Rebecca Moroney  
Chairperson  
Shark Bay Youth Group Association Incorporated

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

*Johan Bakker  
43 Hartog Cr  
Denham WA 6537  
Mob: 0458255261*

Denham, 22 January 2020

Shark Bay P&C Association Inc  
Natt Dull – President  
55 Francis Rd  
Denham WA 6537

**Re: Audit January – December 2019 Shark Bay P&C Association Inc**

Dear Natt,

As requested, I have examined the financial records for the calendar year 2019 for the Shark Bay P&C Association Inc.

I have examined both incoming and outgoing receipts as well as bank statements and deposits. My conclusion is that the accounting has been done thoroughly, no discrepancies have been found. The treasurer took on board the suggestion from last year's auditor to keep a record of all direct deposits, which was very helpful.

It is in my opinion that the presented financial records represent a true and fair view of the Shark Bay P&C Association Inc financial position per the 31<sup>st</sup> of December 2019.

If you have any questions, please do not hesitate to contact me.

Warm regards,



Johan Bakker

Applicant # 3

30 SEPTEMBER 2020



**Shire of Shark Bay  
Community Assistance Grants  
APPLICATION FORM**

Please complete and return the signed application form to The Shire of Shark Bay.  
*Late submissions will not be considered.*

Applications to be addressed to: Chief Executive Officer  
Shire of Shark Bay  
PO Box 126  
Denham WA 6537

Applications can be delivered: Shire of Shark Bay  
65 Knight Terrace  
Denham WA 6537

Or

Email: cdo@sharkbay.wa.gov.au

For further information, please contact the Community Development Officer on 9948 1218

Please ensure you have read The Shire of Shark Bay Community Assistance Grants – Guidelines before completing the application form to confirm your organisation's eligibility and funding round.

Organisation Name Shark Bay Community Resource Centre

Postal Address 10 Denham Rd Denham WA 6537

Contact Person Natt Dul

Position/Title Project Officer

Telephone (Home) 08 99481 787 (Mobile) 0439938125

E-mail sharkbay@crc.net.au

**FUNDING ROUND**

Please indicate which funding round you are applying for:

- ☐ Round 1 - Community Projects
- ☒ Round 2 - Equipment and minor projects
- ☐ Significant Event Sponsorship Funding

**ORGANISATION DETAILS**

Shire of Shark Bay Community Assistance Grants – Application Form

Page 1 of 8

## MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

What is the purpose of the organisation?

The SB CRC provides the Shark Bay regional community with access to technology, information and other services, supporting community development initiatives.

How many years has your organisation been in operation? 19

How many members does your organisation have? 20 members plus 10 committee members.

**Association Constitution:** To be eligible for this grant, all Clubs and Associations must provide the Shire with a current copy of their Constitution.

Copy enclosed

☐

Copy previously provided

☒

Which of the following best describes the organisation's legal status?

	YES	NO
• Incorporated	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• GST Registered	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Australian Business Number\* (ABN):** 31964552684

Please note the Shire of Shark Bay requires applicants to have an ABN. Applicants who do not have one may be subjected to withholding tax of 48.5%. If you are unsure, please contact the Shire to discuss how to best proceed.

### FUNDING DETAILS

Project title: Community Kindy Gym Christmas Party – Bring a "Grandfriend"

**Project description:** The project we are hoping to facilitate in our local area is a Christmas and Graduation party during a Kindy Gym session at the Rec Centre as part of the Shire of Shark Bay's Community Christmas Party initiative in December. We have been fortunate to have had financial assistance from the Shire's Community Grant previously for a similar project although for this event we plan to encourage participants to invite an 'adopted grandparent' to share with them in a range of craft, activities and a morning tea suitable for children and families with younger children (aged 0-6). Providing a purposeful event such as this has the potential where young children could benefit from learning from and communicating with mature and experienced senior role models. In addition, the "Grandfriends" would possibly benefit from being in a nurturing and fun environment, with a sense of added purpose and perhaps feel less isolated from their community.

In this initiative, we hope to get support for catering purposes, Christmas gifts (including a small gift for the visiting Grandparent), graduation gifts and Christmas craft resources.

We are also seeking some new equipment for the participants, including some new resources for the younger children/babies, to enjoy various play opportunities which will in turn benefit many families frequenting the Rec Centre and Kindy Gym for years to come.

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Date(s) the project will take place: 14<sup>th</sup> December 2020

Location(s) where the project will take place: Shark Bay Rec Centre

Total project funds requested (including GST if applicable) \$1000

Has your organisation previously received funding from the Shire of Shark Bay?

☒ YES ☐ NO

If Yes,

Previous funding amount received: \$1000

Round / Year funding was received: 2019

Funded project: Kindy Gym Christmas Party

Has your organisation acquitted all previous Shire of Shark Bay funding?

☒ YES ☐ NO

If No, please outline why?

*Please Note: Your organisation is not eligible to receive new funding from the Shire of Shark Bay, until previous Shire of Shark Bay funding has been acquitted.*

## PROJECT DETAILS

What is the funding to be used for?

- ☐ Leveraging a grant from a State or Federal agency
- ☒ Purchasing goods and services (i.e. sporting equipment or materials and/or engaging a professional for the purpose of instruction)
- ☐ Infrastructure (i.e. significant construction or improvement of facilities). Please include Planning Approvals from the Shire
- ☒ Funding for a specific event or program
- ☐ Prize money.

Does the project meet the objectives of the Shire of Shark Bay Strategic Community Plan 2018-2028? Copy of the Plan can be found on the Shire's website.

- ☐ Economic A progressive, resilient and diverse economy
- ☐ Environment Help protect our unique natural and built environment
- ☒ Social A safe, welcoming and inclusive community

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Outline the project goals and how they will benefit Shark Bay.

**Social:** The SBCRC is working to ensure the cohesion of community. We are attempting to achieve this by ensuring social development opportunities are made available for families in our community. Kindy Gym, and the Adopt a Grandfriend Christmas party initiative is targeted at families of all ages and backgrounds to participate in a range of engaging activities.

The aim of such an event is to facilitate and promote the following for the Shark Bay Community:

- To give families the opportunity to socialise and connect with other parents, seniors and children in a safe environment.
- To foster creative, imaginative play in a setting which promotes positive relationships within and between families in the community.
- To bring a *Grandparent/friend* gives mature people the chance to connect with a young family and to participate in meaningful experiences with younger members in our community.

## Economic:

Local businesses, local supermarkets and possibly the Café or pubs in the town of Denham will benefit through purchases made for catering and presents for the children at the Christmas party.

## Tourism:

New families to town have joined in sessions being run at the Recreation Precinct which has enabled them to join in and meet others with a common interest. Tourists also participate regularly which is beneficial to our community. Our activities and sessions have given families an opportunity to have fun together and give children something to do in a safe environment. It is our plan to keep such positive experiences going and enhancing them through the addition of new equipment.

Please list other organisations involved in this project

Name of Organisation	Project Involvement
Borneo Exhibition Group	Provision of a Santa and Elf
SB Speedway	Provision of a Santa suit
Denham Fire and Rescue Services	One volunteer driver and use of the fire truck to transport Santa to the party
Shark Bay Shire	Provision of venue, decorations in the courts, use of facility equipment and storage.

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Please show evidence that your organisation has attempted to obtain or raise funds from alternative sources/activities (if applicable)

The Shark Bay CRC applies for a number of grants over the course of a year. All of the grants that we apply for are usually specific for a registered event or fundraisers for other organisations. Some examples include the following: Purple Bra Day (cancer foundation), Mental Health week, Purple Bench, Get Online Week for Seniors, Seniors Week.

Agency Name	Funds Secured	Funds Raised	In-Kind Value
SBCRC			Assembling, cleaning and continued maintenance of equipment. Planning, printing & advertising of Christmas party/documents.
SBCRC – Events (various organisations)	\$6173		

If your funding application involves purchasing equipment, can the equipment be used by other community groups in the future?

☒ YES ☐ NO

If Yes, please provide details:

EQUIPMENT	COMMUNITY USE	PROPOSED LOCATION
<i>e.g. Portable Event Marquee</i>	<i>√ Please tick for yes</i>	<i>e.g. Emergency Service Building</i>
Baby activity Centre	✓	Rec Centre
Rocking Horse	✓	Rec Centre
Activity Gym	✓	Rec Centre
Walker	✓	Rec Centre

If you are seeking the use of equipment for your community project and/or event, please contact the Shire's Community Development Officer to discuss equipment available for community use.

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

## SIGNIFICANT EVENT - ONLY

If your project is a **Significant Event** will it attract additional visitors to town? If so, how many additional visitors are you planning for?

- ☐ 50-100  
☐ 100-200  
☐ 200-300  
☐ Over 500

Will you be charging an entry fee to attend the event?

☐ YES

☐ NO

If Yes, how much? \_\_\_\_\_

## PROJECT BUDGET

Please provide a budget of how the funds are to be spent and where (if any) additional funds are coming from.

### INCOME

FUNDING AGENCY	TOTAL CONTRIBUTION	CASH CONTRIBUTION	IN-KIND CONTRIBUTION (see below)
<b>Shire of Shark Bay</b>	\$1000	\$1000	
<i>Your organisation name (insert below)</i>	\$	\$	
Shark Bay CRC	\$600	\$100 (Consumables)	2 x staff 10 hours @ \$25 per hour
Other Community Groups Borneo Exhibition Group	\$100	\$	2 x volunteers 2 hours @ \$25 P/H
	\$	\$	
<b>TOTAL CASH INCOME</b>	<b>\$1700</b>	<b>\$1100</b>	<b>\$600</b>

**In-Kind Value:** Number of volunteers x hours worked directly on Project x \$25 per hour

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

## EXPENDITURE

Please note the gross motor/fine motor equipment are specialised resources for young children that can only be sourced externally.

Also, as things are very hard to source online at the moment due to COVID and the freight/mail system being very unpredictable, all these expenditures will be sourced trying our best to keep within these approximates.

ITEM	COST	LOCAL SPEND	EXTERNAL SPEND
Gross motor/ fine motor Equipment: see attached quotes Activity centre	\$159.99	\$	\$159.99
Rocking horse	\$96.76		\$96.76
Activity Gym	\$99		\$99
Walker	\$68		\$68
Baby doll clothes, doll.	Approx \$60		\$60
Christmas Craft/activities	Approx \$200		\$200
Catering	Approx \$100	\$100	\$
Christmas Decorations and Gifts (eg's: santa hats, grad gifts (novelty pencil), present for a Grandfriend, bubble wands, books or balls)	Approx \$200	\$100	\$100
Printing consumables	Approx \$16.25	\$16.25	\$
	\$	\$	\$
	\$	\$	\$
<b>TOTAL</b>	<b>\$1000</b>	<b>\$216.25</b>	<b>\$783.75</b>

## PART 6 – ADDITIONAL INFORMATION

Please attach a copy of the following:

- Organisation's most recent Audited Financial Statement
- Quotations for expenditure items
- Letters of support (minimum of 2)

Shire of Shark Bay Community Assistance Grants – Application Form

Page 7 of 8

30 SEPTEMBER 2020

**PART 7 – DECLARATION**

*I hereby certify that I am the authorised person to sign on behalf of the organisation and that the information is correct. I have read, understand and agree to abide by the conditions set out in the Shire of Shark Bay Community Assistance Grants guidelines.*

NAME

Natalie Dul

SIGNATURE

ngd

POSITION IN ORGANISATION

Project Officer

DATE

4/9/20

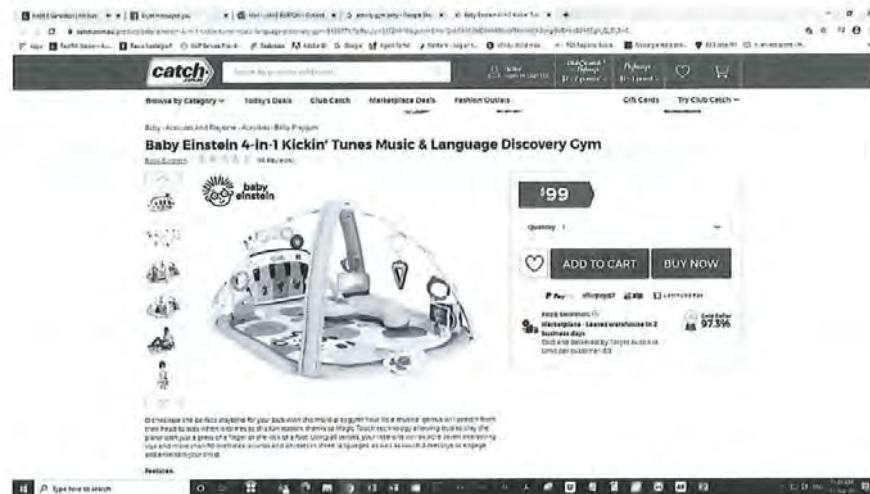
# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

## Grant quotes

Activity Gym .....	\$99 (free shipping)
Rocking horse .....	\$69.31 + 27.45 = \$96.76
Activity Centre .....	\$159.99 (free shipping)
Walker .....	\$59 + \$9 = \$68
<b>Total .....</b>	<b>\$423.75</b>

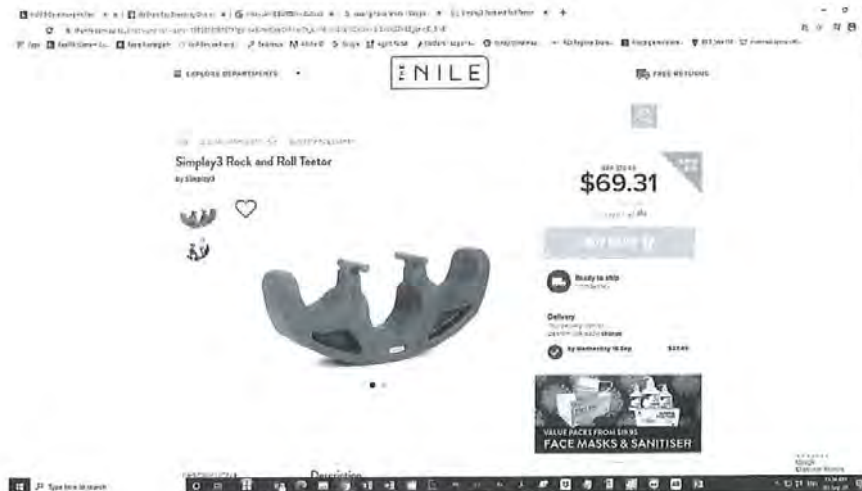
## Activity Gym



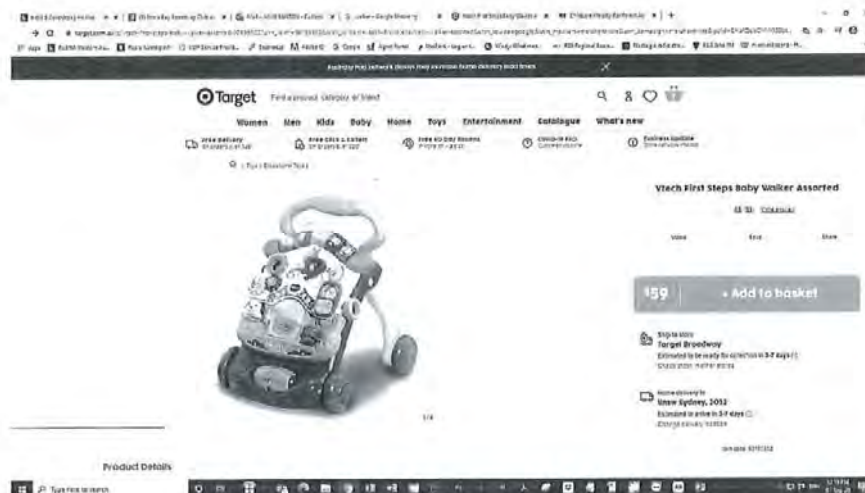
# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

## Rocking horse



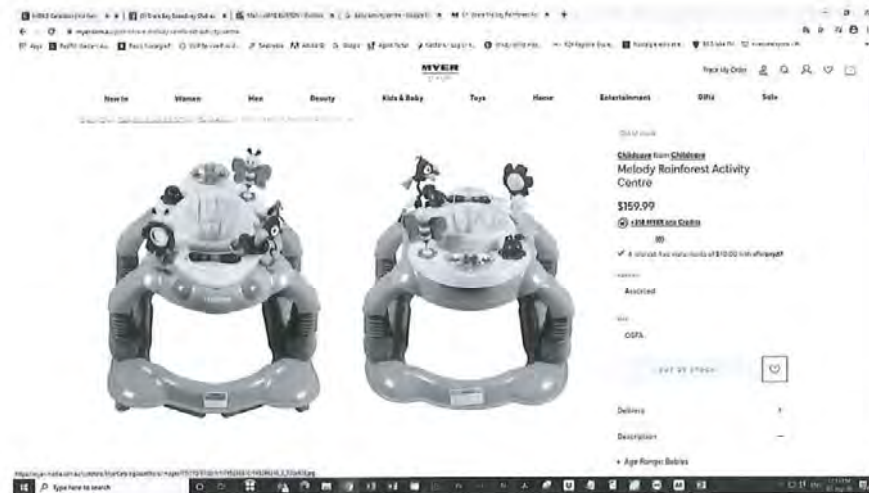
## Walker



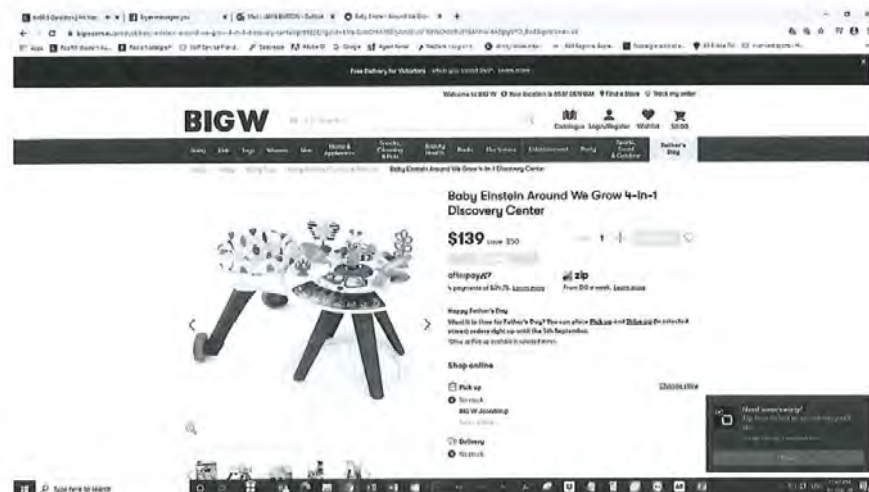
# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

## Activity Centre



OR



# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

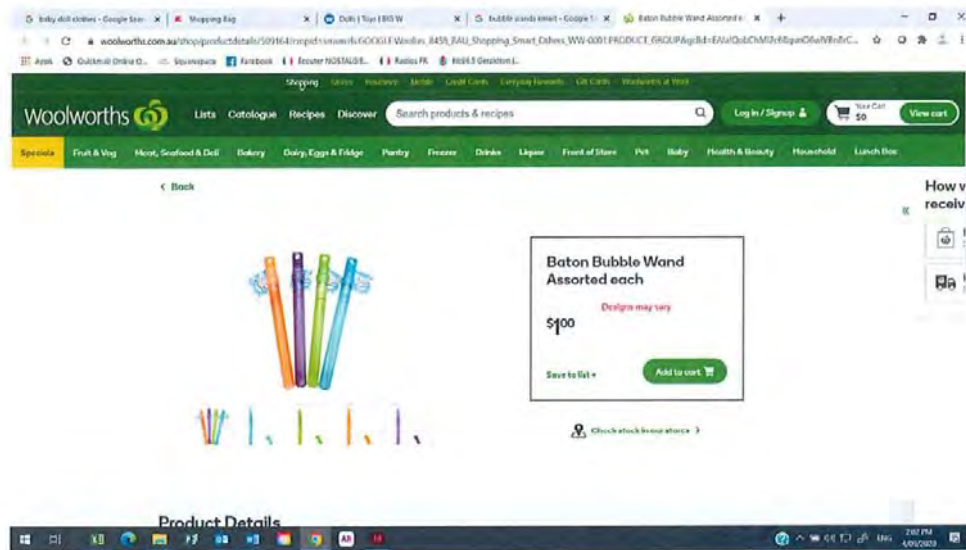
The screenshot shows the Kmart online shopping bag. At the top, it says 'Confirm your postcode' and 'Delivering to postcode 4210'. A circled note indicates '\$18.00 remote delivery in 7 - 14 days. [View our charges](#)'. The 'Your Bag' section lists three items:

Product Details	Unit Price	Quantity	Total
Doll Outfit Leopard Printed Onesie	\$5.00	1	\$5.00
Interactive Doll - Assorted	\$16.00	1	\$16.00
3 Pack Doll Outfits	\$7.50	1	\$7.50

Below the items, the subtotal is \$29.50. Remote delivery to postcode 4210 is marked as 'TBC'. A handwritten note '\$18 Freight' is added, with 'TBC' written below it. The total (incl. GST) is also marked as 'TBC'. At the bottom, there are links for 'afterpay?' and 'zip' with their respective availability conditions.

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020



## MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020



Christmas cookies (possible gift)  
- unable to price yet.

30 SEPTEMBER 2020



**BORNEO EXHIBITION GROUP**  
Est. Perth, 2003



25<sup>th</sup> August 2020

To whom it may concern,

**RE: SUPPORT LETTER FOR A SPECIAL KINDY GYM CHRISTMAS PARTY**

The Borneo Exhibition Group members are keen to support and assist in any way the CRC's Kindy Gym program with their grant application for their Kindy Gym Christmas Party (with a difference), Kindy Gym and their Adopted Grandparents Christmas Party to be held on 14<sup>th</sup> December 2020.

It is a fantastic idea, many small children and their families who reside here in Denham live along way apart from their parents/grandparents and family members. Especially during this Pandemic time with all the travel restrictions due to Covid19.

Grandparents are so important in the lives of young ones, not only do they share their love they also help by sharing their knowledge, skills and history. The children benefit from Grandparents interaction and those adoptive grandparents who will be involved, receive so much back in return. It may lead to a lifelong bonding between both people.

The children will love to have their adopted grandparent at their own Christmas Party, they can show them what they do at Kindy Gym, how they play with others and someone to hug and show what Santa and his helper "Elf" gave them as a present. The adoptive grandparents will enjoy the interaction between the age gaps and see how happy and excited they are.

We wish Shark Bay's Kindy gym best of luck with their application and hope the Shire of Shark Bay gives it a favourable outcome.

If you wish to discuss our support for this application in any way please don't hesitate to contact me on 0419 902 895.

Kind regards

Joe McLaughlin  
Borneo Exhibition Group

## MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

28 August 2020

Mrs. Claire Harrower  
4 Wear Place  
Denham WA 6537

To Whom It May Concern,

### LETTER OF SUPPORT FOR SHARK BAY CRC'S KINDY GYM GROUP

I have been attending Shark Bay CRC's Kindy Gym with my children since 2014. The weekly sessions have provided a safe and fun environment for my young children to develop early learning skills. We have always greatly appreciated the highly trained CRC staff for providing such an important service to the community.

The Kindy Gym plays a vital role in the active development of social awareness, physical abilities, and fine motor skills in children aged 0-5. It has been a joy to watch my three boys progress in their development of important skills, with the support of the CRC staff. Kindy Gym allows parents to participate in play with their child, under the guidance of trained staff, to help in their development of fundamental movement skills such as balancing, climbing, crawling, and ball skills. As a parent, it is gratifying to watch my children cultivate essential social skills at such an early stage.

Since the closing of the Kindy Gym due to COVID-19 restrictions we have sorely missed the support and engagement of weekly sessions at the Rec Centre. My children have not stopped asking when the Kindy Gym will be reopening, and I would love to bring my newest addition to the family to play as soon as it is possible to restart the Kindy Gym. Living in a small isolated community like Shark Bay means that many young families are without the support of immediate and extended family that is so valuable in raising babies and toddlers. Kindy Gym allows us parents to experience the full extent of the fantastic community spirit in this town. It also gives parents the opportunity to discuss any struggles or issues they might be experiencing with their child and brainstorm solutions to help each other.

As an Early Childhood Educator and a parent of four, I believe the time and money invested in programs such as the Shark Bay CRC's Kindy Gym have a huge benefit to the entire community. I support the application of the Kindy Gym to the Shire of Shark Bay Community Grants Program especially as the money from this grant will not only continue to support the children and parents involved in Kindy gym but will also aide in developing a friendship between our local seniors too. The seniors are a vital part of our community with such a tremendous wealth of knowledge that they can share with the parents and children.

Kind regards,



Claire Harrower

Applicant # 4

30 SEPTEMBER 2020

\*All amendments in black pen completed by Des Matthews 4/9/20\*



**Shire of Shark Bay**  
**Community Assistance Grants**  
**APPLICATION FORM**

**RECEIVED**

4 SEP 2020

SHIRE OF SHARK BAY

Please complete and return the signed application form to The Shire of Shark Bay.  
 Late submissions will not be considered.

Applications to be addressed to:

Chief Executive Officer  
 Shire of Shark Bay  
 PO Box 126  
 Denham WA 6537

Applications can be delivered:

Shire of Shark Bay  
 65 Knight Terrace  
 Denham WA 6537

Or

Email:

cdo@sharkbay.wa.gov.au

For further information, please contact the Community Development Officer on 9948 1218

Please ensure you have read The Shire of Shark Bay Community Assistance Grants – Guidelines  
 before completing the application form to confirm your organisation's eligibility and funding round.

Organisation Name Denham Dirt Karts Association (Inc)  
 Postal Address 73--75 Knight Terrace  
 Contact Person Des Matthews  
 Position/Title Treasurer  
 Telephone (Home) 0899481133 (Mobile) 0427334008  
 E-mail hrs@bigpond.com

**FUNDING ROUND**

Please indicate which funding round you are applying for:

- ☒ Round 1 - Community Projects  
☐ Round 2 - Equipment and minor projects  
☐ Significant Event Sponsorship Funding

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

## ORGANISATION DETAILS

What is the purpose of the organisation?

To fence the perimeter of the new Go Kart track, the pit area and designated aprking area. And the further development of the track surface and boundary markers

How many years has your organisation been in operation? 10 months

How many members does your organisation have? 10

**Association Constitution:** To be eligible for this grant, all Clubs and Associations must provide the Shire with a current copy of their Constitution.

Copy enclosed

☒

STD CONSTITUTION PROVIDED BY  
DEPT OF MINES, INDUSTRY REGULATION AND  
SAFETY CONSUMER PROTECTION

Copy previously provided

☐

Which of the following best describes the organisation's legal status?

	YES	NO
• Incorporated	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• GST Registered	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Australian Business Number\* (ABN): \_\_\_\_\_

Please note the Shire of Shark Bay requires applicants to have an ABN. Applicants who do not have one may be subjected to withholding tax of 48.5%. If you are unsure, please contact the Shire to discuss how to best proceed.

## FUNDING DETAILS

Project title: Perimeter Fencing

Project description:

Fence the perimeter of the leased area, the track pit area, parking area and the entrance

Date(s) the project will take place: with 2 months

Location(s) where the project will take place: Town Common

Total project funds requested (including GST if applicable) \$ 5000

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Has your organisation previously received funding from the Shire of Shark Bay?

☐ YES ☒ NO

If Yes,

Previous funding amount received: \$ \_\_\_\_\_

Round / Year funding was received: \_\_\_\_\_

Funded project: \_\_\_\_\_

Has your organisation acquitted all previous Shire of Shark Bay funding?

☐ YES ☒ NO

If No, please outline why?

*Please Note: Your organisation is not eligible to receive new funding from the Shire of Shark Bay, until previous Shire of Shark Bay funding has been acquitted.*

**PROJECT DETAILS**

**What is the funding to be used for?**

- ☒ Leveraging a grant from a State or Federal agency
- ☒ Purchasing goods and services (i.e. sporting equipment or materials and/or engaging a professional for the purpose of instruction)
- ☐ Infrastructure (i.e. significant construction or improvement of facilities). Please include Planning Approvals from the Shire
- ☐ Funding for a specific event or program
- ☐ Prize money.

**Does the project meet the objectives of the Shire of Shark Bay Strategic Community Plan 2018-2028? Copy of the Plan can be found on the Shire's website.**

- ☒ Economic      A progressive, resilient and diverse economy
- ☒ Environment      Help protect our unique natural and built environment
- ☒ Social      A safe, welcoming and inclusive community

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Outline the project goals and how they will benefit Shark Bay.

## Social:

To provide an entry level to the motor sport of all ages and to encourage young children to enjoy a sporting activity that engages their minds and also entailing physical effort.

## Economic:

Adds another potential far western activity to the social calendar and adds economic value to the community

## Tourism:

Adds a depth to activities that tourists can enjoy as a spectator activity, as well as participating in an event once the track is completed and gains a registration/certification of facilities

Please list other organisations involved in this project

Name of Organisation	Project Involvement
Horizon Power	Application of \$8000 grant (waiting approval or decline)

Please show evidence that your organisation has attempted to obtain or raise funds from alternative sources/activities (if applicable)

Agency Name	Funds Secured	Funds Raised	In-Kind Value
Horizon Power	0	0	\$10,000
HERITAGE RESORT FUNDED SHORTFALL OF CLUBS MOVIES			(\$2000 LABOUR)

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

## PROJECT BUDGET

Please provide a budget of how the funds are to be spent and where (if any) additional funds are coming from.

### INCOME

FUNDING AGENCY	TOTAL CONTRIBUTION	CASH CONTRIBUTION	IN-KIND CONTRIBUTION (see below)
Shire of Shark Bay	\$5000	\$0	5000
Your organisation name (insert below)			
Horizon Power	\$8000	\$0	5000
DENTHAM DIET KANTS	\$6730	\$	6730
	\$	\$	
	\$	\$	
TOTAL CASH INCOME	\$19730	\$	16730

**In-Kind Value:** Number of volunteers x hours worked directly on Project x \$25 per hour

### EXPENDITURE

ITEM	COST	LOCAL SPEND	EXTERNAL SPEND
Track Preparation	\$3500	\$3500	\$0
Two Tanks	\$1000	\$1000	\$0
Solar Underground Pump	\$350	\$350.00	\$0
Battery	\$180	\$180.00	\$0
Fencing Wire	\$250	\$250	\$250
Road Delineation post 30	\$450	\$450	\$0
Clearing Bobcat	\$500	\$500	\$0
Diesel	\$500	\$500	\$
ATTACHED INVOICES	\$5000	\$5000	\$
FOR FENCING	\$	\$	\$
	\$	\$	\$
TOTAL	\$6730	6730	

\$5,000

\$5,000

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

If your funding application involves purchasing equipment, can the equipment be used by other community groups in the future?

☐ YES ☒ NO

If Yes, please provide details:

EQUIPMENT	COMMUNITY USE	PROPOSED LOCATION
<i>e.g. Portable Event Marquee</i>	<i>✓ Please tick for yes</i>	<i>e.g. Emergency Service Building</i>

If you are seeking the use of equipment for your community project and/or event, please contact the Shire's Community Development Officer to discuss equipment available for community use.

## SIGNIFICANT EVENT - ONLY

If your project is a **Significant Event** will it attract additional visitors to town? If so, how many additional visitors are you planning for?

- ☐ 50-100  
☒ 100-200  
☐ 200-300  
☐ Over 500

Will you be charging an entry fee to attend the event?

☐ YES ☒ NO

If Yes, how much? \_\_\_\_\_

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

**PART 6 – ADDITIONAL INFORMATION**

Please attach a copy of the following:

- Organisation's most recent Audited Financial Statement
- Quotations for expenditure items
- Letters of support (minimum of 2)

**PART 7 – DECLARATION**

*I hereby certify that I am the authorised person to sign on behalf of the organisation and that the information is correct. I have read, understand and agree to abide by the conditions set out in the Shire of Shark Bay Community Assistance Grants guidelines.*

NAME

Des Matthews

SIGNATURE

POSITION IN ORGANISATION

Treasurer

DATE

2nd September 2020

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020



**Shark Bay Speedway Club Inc**  
PO Box 63  
Denham WA 6537  
[sharkbayspeedwayclub@outlook.com](mailto:sharkbayspeedwayclub@outlook.com)

*President: Michael Reynolds, 0419 961 819*  
*Secretary: Sue McGiveron, 0408 3077377*

1st September 2020

Shire of Shark Bay  
Knight Terrace  
Denham WA 6537

**RE: Support letter for Shark Bay Go Cart Club**

The members and committee of the Shark Bay Speedway Club would like to offer our keen support to the Shark Bay Go Cart Club in their application to secure funding for fencing their Go Cart area.

Shark Bay Speedway Club values the efforts local community groups make to provide educational, recreational and social activities for our remote community. Go Carting is a safe and great way for individuals to get into different types of motor sports. Learning to drive in a safe environment is very important not only to participants also to spectators.

We hope that once the Go Cart Club is up and running, they will be competing at our race meets and some racers may wish to race both Go Carts and Speedway cars.

Without the continued support of many volunteers, and the generosity of our local businesses and our Shire, groups like the Go Cart Club would not be established. Once the fence is built, the Go Cart Club can start racing. This will not only provide our community with visitors boosting our economy but provide a social outing that can be enjoyed to increase better health and well-being.

We look forward to the collaborative partnership between us and the Shark Bay Go Cart Club in the future.

Yours sincerely

Judy Britza  
Committee Member

30 SEPTEMBER 2020

ORIGINAL

## QUOTATION

06

10-8-20

FROM

K&amp;D Heurt Fencing

TELEPHONE NO: 0412626074

TO

Benham Dist Karts

We have pleasure in submitting the following quotation for your consideration

Supply a Total 500 metres of  
 Rural Fencing. including 2 x Sets of  
 Gates. Rural Fencing includes Steel  
 Pickets with a combination of Rabbit  
 Proofing & Syntha wire on top. Corner  
 posts & Stays will be included.

\$20 per Metre.

= \$10,000  
 + GST~~\$~~11,000

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020



To Whom it may Concern

Staff at Monkey Mia that have joined the Denham Go Kart sporting club fully support the grant application for funding of improves etc for the Go Kart Track.

Martin Grenside

Evan Moyse

Eric Morgan

John Moyes

Grant Brown

Kale Buchanan

Deklan Grenside

Andrew Robinson

Allie Hardie

Patrick Yorkston

Reid Massie

MICHELLE GALVIN M Gerle

James Louden

Ashley Cull



30 SEPTEMBER 2020

**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**

Cr Ridgley left the Council Chamber at 4.34 pm

Moved            Cr Fenny  
Seconded       Cr Smith

**Council Resolution**

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

**15.1 Proposed Outbuilding – Lot 308 (9) Leeds Court Denham  
4/0 CARRIED**

**15.1 PROPOSED OUTBUILDING – LOT 308 (9) LEEDS COURT, DENHAM**  
**P1492**

**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 Ridgley

Nature of Interest: Financial Interest as lives at 9 Leeds Court, Denham

**Officer Recommendation**

That Council:

1. Note that the original plans were advertised to the adjacent affected landowner (of 7 Leeds Court) for comment and no submission has been received.
2. Note that two options have been outlined in this report in regards to the proposed outbuilding.
3. Determine to pursue:
  - 3a Option 1 : Approve the Outbuilding  
Determine that the outbuilding meets the alternative Design Principle 5.4.3 P3 of the Residential Design Codes as 'it does not detract from the streetscape or the visual amenity of residents of neighbouring properties' and approve the Outbuilding on Lot 308 (9) Leeds Court, Denham subject to the following conditions:
    - (i) The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.
    - (ii) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.

30 SEPTEMBER 2020

- (iii) The building is only approved for non habitable purposes.
- (iv) If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.

OR

3b. Option 2 – Refuse the Outbuilding proposed on Lot 308 (9) Leeds Court, Denham for the following reasons:

- (i) The outbuilding does not meet the alternative Design Principle 5.4.3 P3 of the Residential Design Codes as the wall height will detract from the streetscape and the visual amenity of the adjacent lot to the north west.
  - (ii) The proposed outbuilding will have a detrimental impact on streetscape.
4. Note that Lot 308 Leeds Court is within a declared bushfire prone area and exempt the proposal from the requirements of State Planning Policy 3.7 (for the planning process) as:
- (i) The application is only for an outbuilding which is ancillary development;
  - (ii) The existing house was issued with a Building Permit in 2001, prior to the current higher construction standards being in place. As the house is not constructed to any higher fire standards, it is not likely that the outbuilding will increase fire risk.
  - (iii) A Bushfire Attack Level assessment is not required for lots less than 1,100m<sup>2</sup> as part of the planning process. The subject lot has an area of 1,166m<sup>2</sup> which is only marginally larger.

Moved Cr Fenny  
Seconded Cr Smith

### Council Resolution

**That Council:**

1. **Note that the original plans were advertised to the adjacent affected landowner (of 7 Leeds Court) for comment and no submission has been received.**
2. **Note that two options have been outlined in this report in regards to the proposed outbuilding.**
3. **Determine to pursue:**

3a **Option 1 : Approve the Outbuilding**

**Determine that the outbuilding meets the alternative Design Principle 5.4.3 P3 of the Residential Design Codes as ‘it does not detract from the streetscape or the visual amenity of residents of neighbouring properties’ and approve the Outbuilding on Lot 308 (9) Leeds Court, Denham subject to the following conditions:**

- (i) **The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
- (ii) **All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully**

30 SEPTEMBER 2020

contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.

- (iii) The building is only approved for non habitable purposes.
- (iv) If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.

**4/0 CARRIED**

Cr Ridgley returned to Council Chamber at 4.36 pm.

BACKGROUND

- **Zoning**

The lot is zoned 'Residential' with a flexible density code of R12.5/30 under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme'). The lot has an approximate area of 1166m<sup>2</sup> and contains an existing house, retaining walls and ancillary outbuildings.

The lot backs onto a Water Corporation reserve. The adjacent property to the west is vacant land – refer photograph over page.



Above: Location Plan

30 SEPTEMBER 2020



Above: Photograph

- ***Description of application***

An application for an outbuilding on this lot was referred to the August Council meeting.

The original outbuilding plan proposed an approximate floor area of 96m<sup>2</sup>, a wall height of 4.1 metres and ridge height of 4.78 metres.

On the 26 August 2020 Council resolved to:

1. *Note that the application is being advertised to the adjacent affected landowner (of 7 Leeds Court) for comment. Advertising closes on the 22 August 2020.*
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 application for an outbuilding on Lot 308 (No 9) Leeds Court, Denham.*
3. *Request that the applicant lodge revised plans that consider a reduced wall/ridge height and /or an increase side setback to the boundary shared with 7 Leeds Court to reduce the visual impact of the outbuilding on the adjacent vacant lot at 7 Leeds Court. ‘*

COMMENT

The applicant has lodged revised plans that increases the side western setback from 1.0 metre to 1.1 metre.

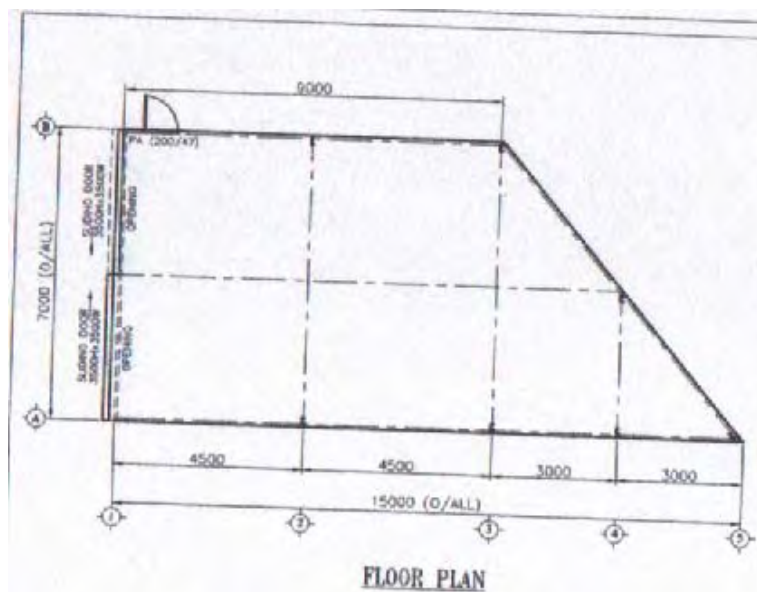
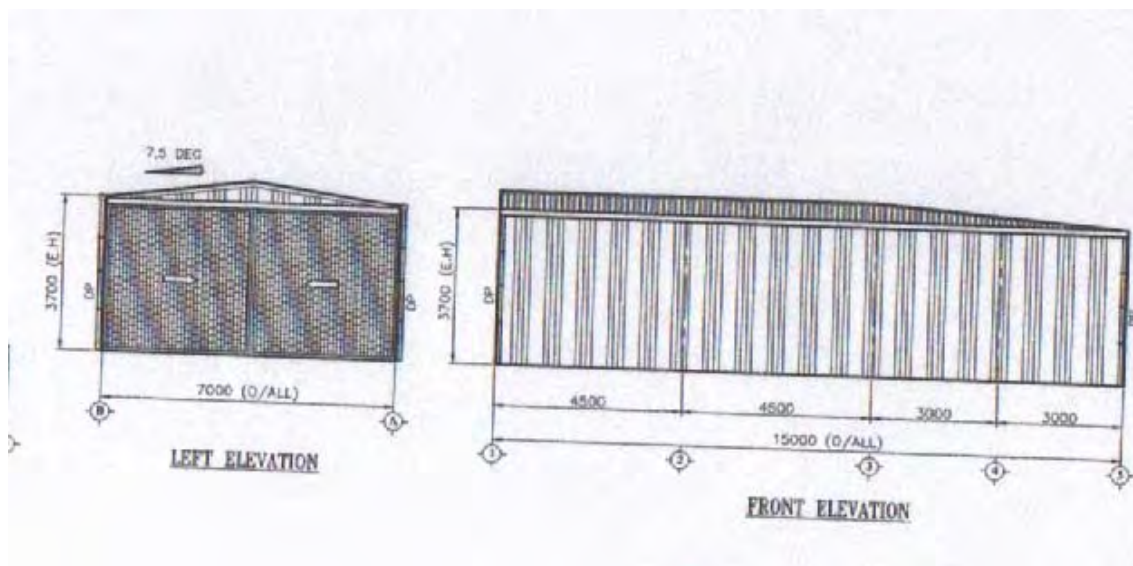
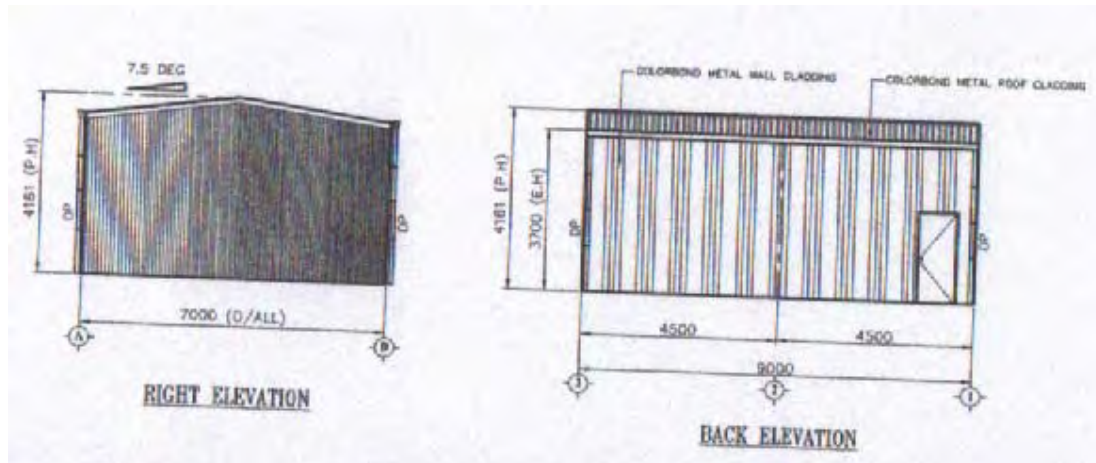
30 SEPTEMBER 2020

The height of the outbuilding is proposed to be reduced from a 4.71 metre ridge height to 4.16 metres, and the wall height of 4.1 metres is proposed to be reduced to 3.7 metres.



MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020



Note: Only a scanned plan was provided to Town Planning Innovations

30 SEPTEMBER 2020

- **Residential Design Codes**

Under the Residential Design Codes there are specific 'Deemed to Comply' requirements for outbuildings as summarised in the table below.

Clause 5.4.3 C3 'deemed to comply' criteria / Outbuildings that:	Officer Comment (Town Planning Innovations)
(i) are not attached to the building	Complies.
(ii) are non habitable	Complies.
(iii) collectively do not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Variation. A floor area of 96m <sup>2</sup> is proposed for the new outbuilding, in addition to a 54m <sup>2</sup> existing outbuilding.
(iv) do not exceed a wall height of 2.4 metres	Variation. A wall height of 3.7 metres is proposed.
(v) do not exceed a ridge height of 4.2 metres	Complies. A ridge height of 4.16 metres is proposed.
(vi) are not within the primary street setback area;	Complies.
vi) do not reduce the open space required in table 1; and	Complies. There is still adequate site open space as per table 1 of the Codes.
vii) comply with the siting and design requirements but do not need to meet the rear setbacks requirements of table 1.	Complies. A side setback of 1.1 metre is proposed.

The revised plan proposes variations to the 'Deemed to Comply' requirements therefore the Shire has to determine if the outbuilding complies with the 'Design Principle' of the Codes which is:

*"Outbuildings that do not detract from the streetscape or the visual amenity of residents of neighbouring properties".*

In considering visual impact on neighbours, it is noted that:

1. Due to the lot levels and existing house the outbuilding is likely to be partially screened from the street (when viewed front on). As the adjacent lot is vacant the side of the outbuilding will be visible.
2. The building will not have any impact to the rear as that is a Water Corporation reserve.

- **Relevant Decisions on Outbuildings**

Each streetscape has different characteristics which need to be taken into account as part of specific assessments.

Council has approved 7 outbuildings in Denham with wall heights ranging between 3.7 to 4.2 metres – refer table overpage.

MINUTES OF THE ORDINARY COUNCIL MEETING

30 SEPTEMBER 2020

Address	Wall Height	Ridge Height	Floor Area	Council meeting date
Lot 36 (5) Dirk Place Denham	4	4.6	54m <sup>2</sup>	February 2017
Lot 182 (4) Fletcher Court, Denham	4.2	4.2	88m <sup>2</sup>	Delegated authority after general report to Council in May 2015
Lot 83 (47) Hartog Crescent, Denham	4	4.611	94m <sup>2</sup>	Delegated authority after general report to Council in March 2015
Lot 185 (10) Hoult Street, Denham	2.9			April 2015
Lot 154 (7) Sunter Place Denham	3.7	4.2	88.07m <sup>2</sup>	December 2015
Lot 139 (4) Talbot Street, Denham	3.425	4.232	78m <sup>2</sup>	June 2015
Lot 210 (10) Edwards Street, Denham	3.5	4.088	36.3m <sup>2</sup>	July 2014
Lot 294 (33) Hughes Street, Denham (abuts child care centre and church)	3.6	5	90m <sup>2</sup>	September 2014
Lot 191 (Strata Lot 2 – 71A) Brockman Street, Denham	2.7	3.571	58.5m <sup>2</sup>	August 2013
Lot 200 (39) Capewell Drive, Denham (alteration and extension of existing outbuilding)	2.7-2.9	3.504	54m <sup>2</sup>	February 2013
Lot 264 (Unit 2) Mead Street, Denham	3	4.2	68m <sup>2</sup>	August 2013
Lot 85 (43) Hartog Crescent, Denham	4.5	5.029	54m <sup>2</sup>	April 2012
Lot 216 (5) Poland Road, Denham	4.1	4.95	80m <sup>2</sup>	July 2012
Lot 39 (4) Sellenger Heights, Denham (Revised plans lodged after refusal issued in February 2018)	3.45 metres to 3.845 metres	3.845 metres	77m <sup>2</sup>	February 2019
Lot 223 (10) Fry Court Denham	2.6 metres to 2.8 metres.	4.2	129m <sup>2</sup>	Delegated authority after general report to Council in March 2019
Lot 4 (145) Knight Terrace, Denham	3 metres	4.7	73.73m <sup>2</sup>	March 2020

• **OPTIONS AVAILABLE TO COUNCIL –**

**Option 1 : Approve the Outbuilding**

Council may determine that the outbuilding meets the alternative Design Principle 5.4.3 P3 of the Residential Design Codes as 'it *does not detract from the streetscape or the visual amenity of residents of neighbouring properties.*'

**Option 2 – Refuse the Outbuilding**

Irrespective of the lack of neighbours' objections it is the Council's role to:

- (a) independently assess and consider whether the outbuilding will have any negative impact on amenity or streetscape;
- (b) determine whether the outbuilding meets the Design Principle of the Codes.

Council may determine that the outbuilding does not meet the alternative Design Principle 5.4.3 P3 of the Residential Design Codes if of the view that it will detract from the streetscape or the visual amenity of the north-west neighbouring property.

• ***State Planning Policy 3.7 – Planning for Bushfire Protection***

Under the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have 'due regard' to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning Policy 3.7: Planning in Bushfire Prone Areas'.

The Shire has a mandatory obligation to consider State Planning Policy 3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

The Western Australian Planning Commission released State Planning Policy 3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. The subject lot is within the declared bushfire prone area (pink area).

Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a Bushfire Attack Level assessment.

Despite the above, the Western Australian Planning Commission also released a Planning Bulletin 111/2016 that clarifies some of the requirements under the deemed provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* and State Planning Policy 3.7.

The Planning Bulletin states that:

*'The deemed provisions exempt renovations, alterations, extensions, improvements or repair of a building, and incidental uses (including outbuildings, verandas, unenclosed swimming pools, carports, patios and storage sheds).'*

Town Planning Innovations is of the view that an exemption to State Planning Policy 3.7 should be applied given that:

- a) The application is only for an outbuilding which is ancillary development;
- b) The existing house was issued with a Building Permit in 2001, prior to the current higher construction standards being in place. As the house is not constructed to any higher fire standards, it is not likely that the outbuilding will increase fire risk.

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- c) A Bushfire Attack Level assessment is not required for lots less than 1,100m<sup>2</sup> as part of the planning process. The subject lot has an area of 1,166m<sup>2</sup> which is only marginally larger.

It is recommended that Council support an exemption from a Bushfire Attack Level as permissible as part of the planning process.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 -

Clause 61(1)(d) only exempts outbuildings from the need for planning approval where no variation to the 'deemed to comply' provisions of the Residential Design Codes are proposed.

Clause 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 4 – Explained in the body of this report.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Any decision on this application may have implications for other lots in Leeds Court in terms of the height and sizes of outbuildings.

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

24 September 2020

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The visitors in the gallery and Council Staff, Ms Wilkes and Mr Galvin left the Council Chamber at 4.37 pm

**16.0 MATTERS BEHIND CLOSED DOORS**

Moved            Cr Fenny  
Seconded       Cr Smith

**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.**

**5/0 CARRIED**

**16.1 LOT 332 (145) DAMPIER ROAD, DENHAM – COMPLIANCE WITH PLANNING CONDITIONS P1525 - ITEM HAS BEEN SUPPLIED UNDER SEPARATE COVER FOR COUNCILLORS**

**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 Ridgley  
Seconded       Cr Fenny

**Council Resolution**

**That Council consider the Town Planner's recommendation contained within the confidential report.**

**5/0 CARRIED**

Moved            Cr Ridgley  
Seconded       Cr Fenny

**Council Resolution**

**That Council:**

- 1. Authorise the Chief Executive Officer to write to the owner of Lot 332 requiring:**
  - (a) That a formal crossover be constructed within 90 days, following which the matter will be referred to the Shires solicitor, with a view of pursuing prosecution for a breach of the existing planning approval, the *Shire of Shark Bay Local Planning Scheme No 4* and *Planning and Development Act 2005*.**
- 2. Resolve not to take any action in the short to medium term in regards to landscaping conditions imposed on Lot 145 so that the issue can be**

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looked at strategically for the wider Industrial area and guidelines can be explored.

3. Authorise the Chief Executive Officer to pursue broader compliance checks systematically and gradually for lots in the Industrial area with a focus on achieving formal crossover construction.

5/0 CARRIED

Moved Cr Ridgley  
Seconded Cr Smith

**Council Resolution**

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

5/0 CARRIED

**17.0 DATE AND TIME OF NEXT MEETING**

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 28 October 2020, commencing at 3.00 pm.

**18.0 CLOSURE OF MEETING**

As there was no further business the President closed the Ordinary Council meeting at 4.46 pm.